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Contents

Federal Register

Vol. 78, No. 224

Wednesday, November 20, 2013

Separate Parts In This Issue

Reader Aids

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

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

CFR PARTS AFFECTED IN THIS ISSUE

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

1 CFR

Proposed Rules:

51 69594

3 CFR

Proclamations:

9058 69751

14 CFR

Proposed Rules:

39 (4 documents) 69594, 69595, 69597, 69600

15 CFR

748 69535

20 CFR

655 (3 documents) 69538, 69539, 69541

21 CFR

1 69543

Proposed Rules:

1 (3 documents) 69602, 69603, 69604

16 (3 documents) 69603, 69604, 69605

106 69604

110 69604

112 69605

114 69604

117 69604

120 69604

123 69604

129 69604

179 69604

211 69604

29 CFR

1910 69543

Proposed Rules:

1910 69606

32 CFR

319 (2 documents) 69550, 69551

701 69552

34 CFR

Proposed Rules:

Ch. VI 69612

38 CFR

Proposed Rules:

17 69614

39 CFR

111 69553

40 CFR

180 69562

Proposed Rules:

52 69625

80 69628

47 CFR

Proposed Rules:

73 69629

50 CFR

17 69569

679 (2 documents) 69591, 69592

Rules and Regulations

Federal Register
Vol. 78, No. 224
Wednesday, November 20, 2013

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Part 748

[Docket No. 130927853–3853–01]

RIN 0694–AF99

Amendments to Existing Validated End-User Authorizations in the People's Republic of China

AGENCY: Bureau of Industry and Security, Commerce.

ACTION: Final rule.

SUMMARY: In this rule, the Bureau of Industry and Security (BIS) amends the Export Administration Regulations (EAR) to revise existing authorizations for Validated End-Users (VEUs) Samsung China Semiconductor Co. Ltd. (Samsung China), Semiconductor Manufacturing International Corporation (SMIC), SK hynix Semiconductor (China) Ltd. (SK hynix China) and SK hynix Semiconductor (Wuxi) Ltd. (SK hynix Wuxi) (collectively ''SK hynix'') in the People's Republic of China (PRC). Specifically, BIS amends Supplement No. 7 to part 748 of the EAR to add two items and remove one item from the list of eligible items for VEU Samsung China, add a facility to the list of eligible destinations and two items to the list of eligible items for VEU SMIC, and update the addresses of the facilities used by VEU SK hynix China and VEU SK hynix Wuxi.

DATES: This rule is effective November 20, 2013.

FOR FURTHER INFORMATION CONTACT: Karen Nies-Vogel, Chair, End-User Review Committee, Bureau of Industry and Security, U.S. Department of Commerce, 14th Street & Pennsylvania Avenue NW., Washington, DC 20230; by telephone: (202) 482–5991, fax: (202) 482–3991, or email: *ERC@bis.doc.gov.*

SUPPLEMENTARY INFORMATION:

Background

Authorization Validated End-User

Validated End-Users (VEUs) are designated entities located in eligible destinations to which eligible items may be exported, reexported, or transferred (in-country) under a general authorization instead of a license. The names of the VEUs, as well as the dates they were so designated, and their respective eligible destinations and items are identified in Supplement No. 7 to part 748 of the Export Administration Regulations (EAR). Under the terms described in that supplement, VEUs may obtain eligible items without an export license from the Bureau of Industry and Security (BIS), in conformity with section 748.15 of the EAR. Eligible items vary between VEUs, but may include commodities, software, and technology, except those controlled for missile technology or crime control reasons on the Commerce Control List (CCL) (part 774 of the EAR).

VEUs are reviewed and approved by the U.S. Government in accordance with the provisions of section 748.15 and Supplement Nos. 8 and 9 to part 748 of the EAR. The End-User Review Committee (ERC), composed of representatives from the Departments of State, Defense, Energy, and Commerce, and other agencies, as appropriate, is responsible for administering the VEU program. BIS amended the EAR in a final rule published on June 19, 2007 (72 FR 33646) to create Authorization VEU.

Amendments to Existing Validated End-User Authorizations in the People's Republic of China (PRC)

Revisions to the List of ''Eligible Items (By ECCN)'' for Validated End-User Samsung China Semiconductor Co. Ltd (Samsung China)

This final rule amends Supplement No. 7 to part 748 of the EAR to add Export Control Classification Numbers (ECCNs) 2B350.i.3 and 3A233 to the list of items that may be exported, reexported or transferred (in-country) to Samsung China's facility in the PRC under Authorization VEU. BIS also removes ECCN 2B350.i.4 from Samsung China's list of approved items. BIS makes these changes pursuant to requests from Samsung China. BIS added Samsung China as a VEU in Supplement No. 7 to part 748 in a rule published in the **Federal Register** on July 10, 2013 (78 FR 41291).

Eligible Items (by ECCN) That May Be Exported, Reexported or Transferred (In-Country) to the Eligible Destination Identified Under Samsung China Semiconductor Co. Ltd.'s Validated End-User Authorization

ECCNs 1C350.c.3, 1C350.d.7, 2B230, 2B350.d.2, 2B350.g.3, 2B350.i.3, 3A233, 3B001.a.1, 3B001.b, 3B001.c, 3B001.e, 3B001.f, 3B001.h, 3C002, 3C004, 3D002, and 3E001 (limited to ''technology'' for items classified under 3C002 and 3C004 and ''technology'' for use consistent with the International Technology Roadmap for Semiconductors process for items classified under ECCNs 3B001 and 3B002).

Revisions to the List of ''Eligible Destinations'' and ''Eligible Items (By ECCN)'' for Validated End-User Semiconductor Manufacturing International Corporation (SMIC)

This final rule also amends Supplement No. 7 to part 748 of the EAR to add a facility to the list of SMIC facilities to which eligible items may be exported, reexported or transferred (in-country) using Authorization VEU, to bring the number of SMIC's VEU-authorized facilities in the PRC to a total of four. BIS also adds two ECCNs to SMIC's list of eligible items that may be sent to the four facilities. The ECCNs added in this rule to SMIC's VEU authorization are ECCNs 2B350.d.3 and 3C003. BIS makes these changes pursuant to requests from SMIC.

Additional SMIC Destination

Semiconductor Manufacturing International (Shenzhen) Corporation, Qier Road, Export Processing Zone, Pingshan New Area, Shenzhen, China 518118.

Eligible Items (by ECCN) That May Be Exported, Reexported or Transferred (In-Country) to the Eligible Destination Identified Under Semiconductor Manufacturing International Corporation Validated End-User Authorization

ECCNs 1C350.c.3, 1C350.d.7, 2B006.b.1, 2B230, 2B350.d.2, 2B350.d.3, 2B350.g.3, 2B350.i.3, 3B001.a, 3B001.b, 3B001.c, 3B001.e, 3B001.f, 3C001, 3C002, 3C003, 3C004, 5B002, and 5E002 (limited to ''technology'' according to

the General Technology Note for the ''production'' of integrated circuits controlled by ECCN 5A002 that have been classified by BIS as eligible for License Exception ENC under paragraph (b)(2) or (b)(3) of section 740.17 of the EAR, or classified by BIS as a mass market item under paragraph (b)(3) of section 748.15 of the EAR).

Change of Address Name of the Facility for Validated End-Users SK hynix Semiconductor (China) Ltd. and SK hynix Semiconductor (Wuxi) Ltd.

Finally, in this rule, BIS amends Supplement No. 7 to part 748 to make a technical change by updating the facility address names for existing VEUs SK hynix in the PRC. Although the actual location of the facilities for these VEUs has not changed, the technology park where the VEUs are located recently changed its name and this amendment reflects that change and also indicates the specific lot in which each VEU is located.

Prior Address Name for SK hynix China

Lot K7/K7–1, Export Processing Zone, Wuxi, Jiangsu, China 214028.

New Address Name for SK hynix China

Lot K7, Wuxi High-tech Zone Comprehensive Bonded Zone, Wuxi New District, Jiangsu Province, China 214028.

Prior Address Name for SK hynix Wuxi

Lot K7/K7–1, Export Processing Zone, Wuxi, Jiangsu, China 214028.

New Address Name for SK hynix Wuxi

Lot K7–1, Wuxi High-tech Zone Comprehensive Bonded Zone Wuxi New District, Jiangsu Province, China 214028.

Authorization VEU eliminates the burden on exporters and reexporters of preparing individual license applications because the export, reexport and transfer (in-country) of the eligible items specified for each VEU may be made under general authorization instead of under individual licenses. With the addition of items for Samsung China and the addition of items and a facility for SMIC, exporters and reexporters can supply items much more quickly, thus enhancing the competitiveness of both the VEU and its suppliers of U.S-origin items. In addition, the update of the facility addresses for existing VEUs SK hynix reinforces the reliability of information that facilitates legitimate trade that exporters and reexporters conduct under Authorization VEU.

Since August 21, 2001, the Export Administration Act has been in lapse and the President, through Executive Order 13222 of August 17, 2001 (3 CFR, 2001 Comp., p. 783 (2002)), as amended by Executive Order 13637 of March 8, 2013, 78 FR 16129 (March 13, 2013), and as extended most recently by the Notice of August 8, 2013, 78 FR 49107 (August 12, 2013), has continued the EAR in effect under the International Emergency Economic Powers Act. BIS continues to carry out the provisions of the Export Administration Act, as appropriate and to the extent permitted by law, pursuant to Executive Order 13222.

Rulemaking Requirements

1. Executive Orders 13563 and 12866 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. This rule has been determined to be not significant for purposes of Executive Order 12866.

2. This rule involves collections previously approved by the Office of Management and Budget (OMB) under Control Number 0694–0088, ''Multi-Purpose Application,'' which carries a burden hour estimate of 43.8 minutes to prepare and submit form BIS–748; and for recordkeeping, reporting and review requirements in connection with Authorization VEU, which carries an estimated burden of 30 minutes per submission. This rule is expected to result in a decrease in license applications submitted to BIS. Total burden hours associated with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA) and OMB Control Number 0694–0088 are not expected to increase significantly as a result of this rule.

Notwithstanding any other provisions of law, no person is required to respond to, nor 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.

3. This rule does not contain policies with Federalism implications as that term is defined under Executive Order 13132.

4. Pursuant to the Administrative Procedure Act (APA), 5 U.S.C. 553(b)(B), BIS finds good cause to waive requirements that this rule be subject to notice and the opportunity for public comment because they are unnecessary. In determining whether to grant VEU designations, a committee of U.S. Government agencies evaluates information about and commitments made by candidate companies, the nature and terms of which are set forth in 15 CFR part 748, Supplement No. 8. The criteria for evaluation by the committee are set forth in 15 CFR 748.15(a)(2).

The information, commitments, and criteria for this extensive review were all established through the notice of proposed rulemaking and public comment process (71 FR 38313 (July 6, 2006) (proposed rule), and 72 FR 33646 (June 19, 2007) (final rule)). Given the similarities between the authorizations provided under the VEU program and export licenses (as discussed further below), the publication of this information does not establish new policy. In publishing this final rule, BIS adds an eligible destination to an existing VEU, updates the address name of two others, and makes changes to the list of eligible items for VEU Samsung and VEU SMIC. These changes have been made within the established regulatory framework of the Authorization VEU program. Further, this rule does not abridge the rights of the public or eliminate the public's option to export under any of the forms of authorization set forth in the EAR.

Publication of this rule in other than final form is unnecessary because the authorizations granted in the rule are consistent with the authorizations granted to exporters for individual licenses (and amendments or revisions thereof), which do not undergo public review. In addition, as with license applications, VEU authorization applications contain confidential business information, which is necessary for the extensive review conducted by the U.S. Government in assessing such applications. This information is extensively reviewed according to the criteria for VEU authorizations, as set out in 15 CFR 748.15(a)(2). Additionally, just as the interagency reviews license applications, the authorizations granted under the VEU program involve interagency deliberation and result from review of public and non-public sources, including licensing data, and the measurement of such information against the VEU authorization criteria. Given the nature of the review, and in light of the parallels between the VEU application review process and the review of license applications, public comment on this authorization and subsequent amendments prior to

publication is unnecessary. Moreover, because, as noted above, the criteria and process for authorizing and administering VEUs were developed with public comments, allowing additional public comment on this amendment to individual VEU authorizations, which was determined according to those criteria, is unnecessary.

Section 553(d) of the APA generally provides that rules may not take effect earlier than thirty (30) days after they are published in the **Federal Register**. BIS finds good cause to waive the 30-day delay in effectiveness under 5 U.S.C. 553(d)(3) because the delay would be contrary to the public interest. BIS is simply amending the list of VEU authorizations by adding a new end user, consistent with established objectives and parameters administered and enforced by the responsible designated departmental representatives to the End-User Review Committee. Delaying this action's effectiveness could cause confusion with the new VEU status as determined by those authorized government representatives and stifle the ongoing purpose of the VEU Authorization Program. Accordingly, it is contrary to the public interest to delay this rule's effectiveness.

No other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this final rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required under the APA or by any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable. As a result, no final regulatory flexibility analysis is required and none has been prepared.

List of Subjects in 15 CFR Part 748

Administrative practice and procedure, Exports, Reporting and recordkeeping requirements.

Accordingly, part 748 of the EAR (15 CFR parts 730–774) is amended as follows:

PART 748—[AMENDED]

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

Authority: 50 U.S.C. app. 2401 *et seq.;* 50 U.S.C. 1701 *et seq.;* E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; Notice of August 8, 2013, 78 FR 49107 (August 12, 2013).

■ 2. Amend Supplement No. 7 to part 748 by:

■ a. Revising the Export Control Classification Numbers in the ''Eligible items (by ECCN)'' column for Validated End-User ''Samsung China Semiconductor Co. Ltd.'' in ''China, (People's Republic of)'';

■ b. Revising the list of facilities in the ''Eligible destination'' column and items in the ''Eligible items (by ECCN)'' column for Validated End-User Semiconductor Manufacturing International Corporation'' in ''China, (People's Republic of)''; and

■ c. Revising the address of the facility that appears in the ''Eligible destination'' column for both Validated End-Users ''SK hynix Semiconductor (China) Ltd.'' and ''SK hynix Semiconductor (Wuxi) Ltd.'' in ''China, (People's Republic of)''.

The revisions read as follows:

SUPPLEMENT NO. 7 TO PART 748—AUTHORIZATION VALIDATED END-USER (VEU): LIST OF VALIDATED END-USERS, RESPECTIVE ITEMS ELIGIBLE FOR EXPORT, REEXPORT AND TRANSFER, AND ELIGIBLE DESTINATIONS

Country	Validated end-user	Eligible items (by ECCN)	Eligible destination	**Federal Register** Citation
Nothing in this Supplement shall be deemed to supersede other provisions in the EAR, including but not limited to § 748.15(c).				
*	*	*	*	*
	Samsung China Semiconductor Co. Ltd.	1C350.c.3, 1C350.d.7, 2B230, 2B350.d.2, 2B350.g.3, 2B350.i.3, 3A233, 3B001.a.1, 3B001.b, 3B001.c, 3B001.e, 3B001.f, 3B001.h, 3C002, 3C004, 3D002, and 3E001 (limited to ''technology'' for items classified under 3C002 and 3C004 and ''technology'' for use consistent with the International Technology Roadmap for Semiconductors process for items classified under ECCNs 3B001 and 3B002).	Samsung China Semiconductor Co. Ltd., Xinglong Street, Chang'an District, Xi'an, People's Republic of China 710065.	78 FR 41291, 7/10/13. 78 FR [INSERT PAGE NUMBER], 11/20/2013.
	Semiconductor Manufacturing International Corporation.	1C350.c.3, 1C350.d.7, 2B006.b.1, 2B230, 2B350.d.2, 2B350.d.3, 2B350.g.3, 2B350.i.3, 3B001.a, 3B001.b, 3B001.c, 3B001.e, 3B001.f, 3C001, 3C002, 3C003, 3C004, 5B002, and 5E002 (limited to ''technology'' according to the General Technology Note for the ''production'' of integrated circuits controlled by ECCN 5A002 that have been classified by BIS as eligible for License Exception ENC under paragraph (b)(2) or (b)(3) of section 740.17 of the EAR, or classified by BIS as a mass market item under paragraph (b)(3) of section 748.15 of the EAR).	Semiconductor Manufacturing International (Shanghai) Corporation, 18 Zhang Jiang Rd., Pudong New Area, Shanghai, China 201203. Semiconductor Manufacturing International (Tianjin) Corporation, 19 Xing Hua Avenue, Xi Qing Economic Development Area, Tianjin, China 300385. Semiconductor Manufacturing International (Beijing) Corporation, No. 18 Wen Chang Road, Beijing Economic-Technological Development Area, Beijing, China 100176. Semiconductor Manufacturing International (Shenzhen) Corporation. Qier Road, Export Processing Zone. Pingshan New Area. Shenzhen, China 518118.	72 FR 59164, 10/19/07. 75 FR 67029, 11/1/10. 77 FR 10953, 2/24/12. 78 FR [INSERT PAGE NUMBER], 11/20/2013.

SUPPLEMENT NO. 7 TO PART 748—AUTHORIZATION VALIDATED END-USER (VEU): LIST OF VALIDATED END-USERS, RESPECTIVE ITEMS ELIGIBLE FOR EXPORT, REEXPORT AND TRANSFER, AND ELIGIBLE DESTINATIONS—Continued

Country	Validated end-user	Eligible items (by ECCN)	Eligible destination	**Federal Register** Citation
*	*	* * *	* *	*
	SK hynix Semiconductor (China) Ltd.	3B001.a, 3B001.b, 3B001.c, 3B001.e, and 3B001.f.	SK hynix Semiconductor (China) Ltd., Lot K7, Wuxi High-tech Zone, Comprehensive Bonded Zone, Wuxi New District, Jiangsu Province, China 214028.	75 FR 62462, 10/12/10. 77 FR 40258, 7/9/12. 78 FR 3319, 1/16/13. 78 FR [INSERT PAGE NUMBER], 11/20/2013.
	SK hynix Semiconductor (Wuxi) Ltd.	3B001.a, 3B001.b, 3B001.c, 3B001.e, and 3B001.f.	SK hynix Semiconductor (Wuxi) Ltd., Lot K7–1, Wuxi High-tech Zone, Comprehensive Bonded Zone, Wuxi New District, Jiangsu Province, China 214028.	75 FR 62462, 10/12/10. 77 FR 40258, 7/9/12. 78 FR 3319, 1/16/13. 78 FR [INSERT PAGE NUMBER], 11/20/2013.
*	*	* * *	* *	*

Dated: November 14, 2013.

Kevin J. Wolf,

Assistant Secretary for Export Administration.

[FR Doc. 2013–27809 Filed 11–19–13; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Part 655

RIN 1205–AB66

Attestation Process for Employers Using F–1 Students in Off-Campus Work

AGENCY: Employment and Training Administration, Department of Labor, in concurrence with the Wage and Hour Division, Department of Labor.

ACTION: Final rule; rescission of regulations.

SUMMARY: This final rule rescinds the regulations which provided rules governing employers seeking to hire F–1 foreign students as part-time workers off-campus. These subparts became obsolete after the authorizing statute and its two-year extension expired in 1996. Accordingly, the Department of Labor (the Department) is taking this action to remove regulations that no longer have force and effect.

DATES: Effective November 20, 2013.

FOR FURTHER INFORMATION CONTACT: William L. Carlson, Ph.D., Administrator, Office of Foreign Labor Certification, Room C–4312, Employment & Training Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210. Telephone number: 202–693–3010 (this is not a toll-free number). Individuals with hearing or speech impairments may access the telephone number above via TTY by calling the toll-free Federal Information Relay Service at 1–877–889–5627 (TTY/TDD). Fax: 202–693–2768.

SUPPLEMENTARY INFORMATION: Section 221 of the Immigration Act of 1990 (IMMACT) (Pub L. 101–649; 104 Stat. 4978) as amended by section 303(b)(1) of the Miscellaneous and Technical Immigration and Naturalization Amendments of 1991 (Pub. L. 102–232; 105 Stat. 1733), supplemented sections 101(a)(15)(F) of the Immigration and Nationality Act (8 U.S.C 1101(a)(15)(F)) by creating a pilot program, of limited duration. The pilot program permitted nonimmigrant foreign students to be admitted as F–1 nonimmigrant students to work off-campus if: (1) The alien had completed one academic year as an F–1 nonimmigrant and was maintaining good academic standing at the educational institution; (2) the alien would not be employed off-campus for more than 20 hours per week during the academic term; and (3) the employer provided an attestation to the Department of Labor and to the educational institution that it unsuccessfully recruited for the position for at least 60 days and would pay the higher of the actual wage at the worksite or the prevailing wage for the occupation in the area of employment. IMMACT, Sec 221(a). IMMACT established the program as a 3-year pilot to end September 30, 1994. The Immigration and Nationality Technical Corrections Act of 1994 (Pub. L. 103–416; 108 Stat. 4319) revived and extended the program through September 30, 1996. The program expired on September 30, 1996, and was never extended.

The Department implemented the F–1 visa pilot program through regulations at 20 CFR part 655 subparts J and K. *See* 56 FR 56860 (Nov. 6, 1991), as amended by 59 FR 64776 (Dec. 15, 1994), 60 FR 61210 (Nov. 29, 1995). Because of the expiration of the statutory program, these regulations are currently without force and effect and should be rescinded.

The Department has determined that it is unnecessary to publish the rescission of these regulations as a proposed rule, as generally required by the Administrative Procedure Act (''APA''), 5 U.S.C. 553(b). The statutory provisions governing the pilot program have expired, and this rule simply rescinds the implementing regulations, which no longer have force and effect. Therefore, good cause exists for dispensing with the notice and comment requirements of the APA. 5 U.S.C. 553(b)(B). For the same reasons, good cause exists to make this rule effective immediately upon publication of this rule. 5 U.S.C. 553(d)(3).

Administrative Information

A. Executive Order 12866

This final rule has been drafted and reviewed in accordance with Executive Order 12866, section 1(b), Principles of Regulation. The Department has determined that this rule is not a ''significant regulatory action'' under Executive Order 12866, section 3(f), Regulatory Planning and Review. The Department has also determined that this rule is not ''economically significant'' as defined in section 3(f)(1)

of Executive Order 12866. Therefore, the information enumerated in section 6(a)(3)(C) of the order is not required.

B. Regulatory Flexibility Act

This rescission is not a ''rule'' as defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601(2), nor is it a ''final rule'' following a notice of proposed rulemaking as defined in the RFA, 5 U.S.C. 604(a). Therefore, the RFA does not apply and the Department is not required to either certify that the rule would not have a significant economic impact on a substantial number of small entities or conduct a regulatory flexibility analysis.

C. Unfunded Mandates Reform Act of 1995

This rule will not include any Federal mandate that may result in increased expenditures by State, local, and tribal governments, in the aggregate, of $100 million or more, or in increased expenditures by the private sector of $100 million or more.

D. 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 the United States-based companies to compete with foreign based companies in domestic and export markets.

E. Executive Order 13132

The Department has reviewed this rule in accordance with E.O. 13132 regarding federalism and has determined that it does not have federalism implications. The rule does not have substantial direct effects on States, on the relationship between the States, or on the distribution of power and responsibilities among the various levels of Government as described by E.O. 13132. Therefore, the Department has determined that this rule will not have a sufficient federalism implication to warrant the preparation of a summary impact statement.

F. Executive Order 13175

This rule was reviewed under the terms of E.O. 13175 regarding Indian Tribal Governments and was determined not to have Tribal implications. The rule does not have substantial direct effects 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 a result, no Tribal summary impact statement has been prepared.

G. Assessment of Federal Regulations and Policies on Families

Section 654 of the Treasury and General Government Appropriations Act, enacted as part of the Omnibus Consolidated and Emergency Supplemental Appropriations Act of 1999 (Pub. L. 105–277, 112 Stat. 2681) requires the Department to assess the impact of this rule on family well-being. A rule that is determined to have a negative effect on families must be supported with an adequate rationale. The Department has assessed this rule and determines that it will not have a negative effect on families.

H. Executive Order 12630

This rule is not subject to E.O. 12630, Governmental Actions and Interference With Constitutionally Protected Property Rights, because it does not involve implementation of a policy with takings implications.

I. Executive Order 12988

This regulation has been drafted and reviewed in accordance with E.O. 12988, Civil Justice Reform, and will not unduly burden the Federal court system. The regulation has been written to minimize litigation and provide a clear legal standard for affected conduct, and has been reviewed carefully to eliminate drafting errors and ambiguities.

J. Plain Language

The Department drafted this rule in plain language.

K. Executive Order 13211

This rule is not subject to E.O. 13211 regarding Energy Supply. It will not have a significant adverse effect on the supply, distribution, or use of energy.

L. Paperwork Reduction Act

This rule contains no new information collection requirements for purposes of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 20 CFR Part 655

Administrative practice and procedure, Foreign workers, Employment, Employment and training, Enforcement, Forest and forest products, Fraud, Health professions, Immigration, Labor, Longshore and harbor work, Migrant workers, Nonimmigrant workers, Passports and visas, Penalties, Reporting and recordkeeping requirements, Unemployment, Wages, Working conditions.

Accordingly, for the reasons stated herein, the Department hereby amends 20 CFR part 655 as follows:

PART 655—TEMPORARY EMPLOYMENT OF FOREIGN WORKERS IN THE UNITED STATES

■ 1. The authority citation for part 655 and the authority citation for subparts J and K continue to read as follows:

Authority: Section 655.0 issued under 8 U.S.C. 1101(a)(15)(E)(iii), 1101(a)(15)(H)(i) and (ii), 8 U.S.C. 1103(a)(6), 1182(m), (n) and (t), 1184(c), (g), and (j), 1188, and 1288(c) and (d); sec. 3(c)(1), Pub. L. 101–238, 103 Stat. 2099, 2102 (8 U.S.C. 1182 note); sec. 221(a), Pub. L. 101–649, 104 Stat. 4978, 5027 (8 U.S.C. 1184 note); sec. 303(a)(8), Pub. L. 102–232, 105 Stat. 1733, 1748 (8 U.S.C. 1101 note); sec. 323(c), Pub. L. 103–206, 107 Stat. 2428; sec. 412(e), Pub. L. 105–277, 112 Stat. 2681 (8 U.S.C. 1182 note); sec. 2(d), Pub. L. 106–95, 113 Stat. 1312, 1316 (8 U.S.C. 1182 note); 29 U.S.C. 49k; Pub. L. 109–423, 120 Stat. 2900; 8 CFR 214.2(h)(4)(i); and 8 CFR 214.2(h)(6)(iii).

Subparts J and K issued under 29 U.S.C. 49 *et seq.;* and sec. 221(a), Pub. L. 101–649, 104 Stat. 4978, 5027 (8 U.S.C. 1184 note).

Subpart J—[Removed and Reserved]

■ 2. Remove and reserve subpart J, consisting of §§ 655.900 through 655.950.

Subpart K—[Removed and Reserved]

■ 3. Remove and reserve subpart K, consisting of §§ 655.1000 through 655.1060.

Signed in Washington, DC, this 17th day of October 2013.

Eric M. Seleznow,

Acting Assistant Secretary, Employment and Training Administration.

[FR Doc. 2013–27685 Filed 11–19–13; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Part 655

RIN 1205–AB67

Removal of Attestation Process for Facilities Using H–1A Registered Nurses

AGENCY: Employment and Training Administration, Department of Labor, in concurrence with the Wage and Hour Division, Department of Labor.

ACTION: Final rule; rescission of regulations.

SUMMARY: This final rule rescinds the regulations found which provided rules governing health care facilities using nonimmigrant foreign workers as registered nurses under the H–1A visa program. These subparts became obsolete after the authorizing statute and all extensions expired. Accordingly, the Department of Labor (the Department) is taking this action to remove regulations that no longer have force and effect.

DATES: Effective November 20, 2013.

FOR FURTHER INFORMATION CONTACT: William L. Carlson, Ph.D., Administrator, Office of Foreign Labor Certification, Room C–4312, Employment & Training Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210. Telephone number: 202–693–3010 (this is not a toll-free number). Individuals with hearing or speech impairments may access the telephone number above via TTY by calling the toll-free Federal Information Relay Service at 1–877–889–5627 (TTY/TDD). Fax: 202–693–2768. This notice is available through the printed **Federal Register**, and electronically at *http://www.gpo.gov/fdsys/browse/collection.action?collectionCode=FR.*

SUPPLEMENTARY INFORMATION: In 1989, Congress created an H–1A nonimmigrant classification exclusively for the temporary admission and employment of registered nurses, which permitted employers during a five-year pilot program to hire foreign nurses after filing a detailed attestation showing the steps they were taking to lower their reliance on foreign nurses. Immigration Nursing Relief Act of 1989 (INRA), Public Law 101–238, 103 Stat. 2099 (December 18, 1989), amending Sections 101(a)(15)(H)(i) and 212 of the Immigration and Nationality Act (INA), 8 U.S.C. 1101(a)(15)(H)(i)(a) and 1182(m).[1]

The H–1A nonimmigrant classification originally expired on September 1, 1995. However, on October 11, 1996, Congress enacted Public Law 104–302, 110 Stat. 3656, which extended the authorized period of stay within the United States for certain nurses in certain geographic locations in the United States experiencing a shortage of registered nurses. That legislation provided for extending the stay until September 30, 1997, of certain foreign workers who: (1) Entered the United States as H–1A nurses; (2) were within the United States on or after September 1, 1995, and who were within the United States on October 11, 1996; and (3) whose period of authorized stay had expired or would expire before September 30, 1997 but for the enactment of the legislation. Public Law 104–302 did not provide for the approval of new H–1A petitions and related solely to extensions of stay for foreign workers who were in, or had previously been given, nonimmigrant H–1A status as registered nurses. In addition, the legislation did not affect those in H–1A status whose period of authorized stay expired after September 30, 1997, and those H–1A nurses were allowed to remain in the United States until the validity of their petition expired, which could have been as late as August 31, 2000. Congress did not further extend the stays of any H–1A nurses, and following the expiration of all H–1A periods of stay, no foreign nurses on H–1A visas were employed after August 31, 2000. Furthermore, Congress has never renewed the original H–1A program, and ultimately repealed it in 1999 in Sec. 2(c) of the Nursing Relief for Disadvantaged Areas Act of 1999, Public Law 106–095, 113 Stat. 1312, 1316.

The Department implemented the H–1A program through regulations at 20 CFR part 655 Subparts D and E. See 55 FR 50500 (Dec. 6, 1990), as amended by 59 FR 874 (Jan. 6, 1994). Because of the expiration of the authorizing legislation, these regulations are without force and effect, and must be rescinded.

The Department has determined that it is unnecessary to publish the rescission of these regulations as a proposed rule, as generally required by the Administrative Procedure Act (''APA''), 5 U.S.C. 553(b). Notice to the public and provision of a public comment period for this rule is unnecessary because the enabling statute has expired, and, consequently, the regulations are now without force or effect. 5 U.S.C. 553(b)(B). Therefore, good cause exists for dispensing with the notice and comment requirements of the APA. 5 U.S.C. 553(b)(B). For the same reasons, good cause exists to make this rule effective immediately upon publication of this rule. 5 U.S.C. 553(d)(3).

Administrative Information

A. Executive Order 12866

This final rule has been drafted and reviewed in accordance with Executive Order 12866, section 1(b), Principles of Regulation. The Department has determined that this rule is not a ''significant regulatory action'' under Executive Order 12866, section 3(f), Regulatory Planning and Review. The Department has also determined that this rule is not ''economically significant'' as defined in section 3(f)(1) of Executive Order 12866. Therefore, the information enumerated in section 6(a)(3)(C) of the order is not required.

B. Regulatory Flexibility Act

This rescission is not a ''rule'' as defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601(2), nor is it a ''final rule'' following a notice of proposed rulemaking as defined in the RFA, 5 U.S.C. 604(a). Therefore, the RFA does not apply and the Department is not required to either certify that the rule would not have a significant economic impact on a substantial number of small entities or conduct a regulatory flexibility analysis.

C. Unfunded Mandates Reform Act of 1995

This rule will not include any Federal mandate that may result in increased expenditures by State, local, and tribal governments, in the aggregate, of $100 million or more, or in increased expenditures by the private sector of $100 million or more.

D. 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 the United States-based companies to compete with foreign based companies in domestic and export markets.

E. Executive Order 13132

The Department has reviewed this rule in accordance with E.O. 13132 regarding federalism and has determined that it does not have federalism implications. The rule does not have substantial direct effects on States, on the relationship between the States, or on the distribution of power and responsibilities among the various

[1] The provisions which INRA added to the INA were further amended by section 162(f) of the Immigration Act of 1990 (IMMACT), Public Law 101–649, 104 Stat. 4978 (November 29, 1990), and by section 302(e)(9) and (10) of the Miscellaneous and Technical Immigration and Naturalization Amendments of 1991 (MTINA), Public Law 102–232, 105 Stat. 1733 (December 12, 1991).

levels of Government as described by E.O. 13132. Therefore, the Department has determined that this rule will not have a sufficient federalism implication to warrant the preparation of a summary impact statement.

F. Executive Order 13175

This rule was reviewed under the terms of E.O. 13175 and determined not to have Tribal implications. The rule does not have substantial direct effects 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 a result, no Tribal summary impact statement has been prepared.

G. Assessment of Federal Regulations and Policies on Families

Section 654 of the Treasury and General Government Appropriations Act, enacted as part of the Omnibus Consolidated and Emergency Supplemental Appropriations Act of 1999 (Pub. L. 105–277, 112 Stat. 2681) requires the Department to assess the impact of this rule on family well-being. A rule that is determined to have a negative effect on families must be supported with an adequate rationale. The Department has assessed this rule and determines that it will not have a negative effect on families.

H. Executive Order 12630

This rule is not subject to E.O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights, because it does not involve implementation of a policy with takings implications.

I. Executive Order 12988

This regulation has been drafted and reviewed in accordance with E.O. 12988, Civil Justice Reform, and will not unduly burden the Federal court system. The regulation has been written to minimize litigation and provide a clear legal standard for affected conduct, and has been reviewed carefully to eliminate drafting errors and ambiguities.

J. Plain Language

The Department drafted this rule in plain language.

K. Executive Order 13211

This rule is not subject to E.O. 13211. It will not have a significant adverse effect on the supply, distribution, or use of energy.

L. Paperwork Reduction Act

This rule contains no new information collection requirements for purposes of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 20 CFR Part 655

Administrative practice and procedure, Foreign workers, Employment, Employment and training, Enforcement, Forest and forest products, Fraud, Health professions, Immigration, Labor, Longshore and harbor work, Migrant workers, Nonimmigrant workers, Passports and visas, Penalties, Reporting and recordkeeping requirements, Unemployment, Wages, Working conditions.

Accordingly, for the reasons stated herein, the Department hereby amends 20 CFR part 655 as follows:

PART 655—TEMPORARY EMPLOYMENT OF FOREIGN WORKERS IN THE UNITED STATES

■ 1. The authority citation for part 655 and the authority citation for subparts D and E continue to read as follows:

Authority: Section 655.0 issued under 8 U.S.C. 1101(a)(15)(E)(iii), 1101(a)(15)(H)(i) and (ii), 8 U.S.C. 1103(a)(6), 1182(m), (n) and (t), 1184(c), (g), and (j), 1188, and 1288(c) and (d); sec. 3(c)(1), Pub. L. 101–238, 103 Stat. 2099, 2102 (8 U.S.C. 1182 note); sec. 221(a), Pub. L. 101–649, 104 Stat. 4978, 5027 (8 U.S.C. 1184 note); sec. 303(a)(8), Pub. L. 102–232, 105 Stat. 1733, 1748 (8 U.S.C. 1101 note); sec. 323(c), Pub. L. 103–206, 107 Stat. 2428; sec. 412(e), Pub. L. 105–277, 112 Stat. 2681 (8 U.S.C. 1182 note); sec. 2(d), Pub. L. 106–95, 113 Stat. 1312, 1316 (8 U.S.C. 1182 note); 29 U.S.C. 49k; Pub. L. 109–423, 120 Stat. 2900; 8 CFR 214.2(h)(4)(i); and 8 CFR 214.2(h)(6)(iii).

* * * * *

Subparts D and E issued under 8 U.S.C. 1101(a)(15)(H)(i)(a), 1182(m), and 1184; 29 U.S.C. 49 *et seq.;* and sec. 3(c)(1), Pub. L. 101–238, 103 Stat. 2099, 2103 (8 U.S.C. 1182 note).

Subpart D—[Removed and Reserved]

■ 2. Remove and reserve subpart D, consisting of §§ 655.300 through 655.350.

Subpart E—[Removed and Reserved]

■ 3. Remove and reserve subpart E, consisting of §§ 655.400 through 655.460.

Signed at Washington, DC, this 18th day of October 2013.

Eric M. Seleznow,

Acting Assistant Secretary, Employment and Training Administration.

[FR Doc. 2013–27683 Filed 11–19–13; 8:45 am]

BILLING CODE 4510–FP–P

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Part 655

RIN 1205–AB65

Labor Certification Process for Logging Employment and Non-H–2A Agricultural Employment

AGENCY: Employment and Training Administration, Department of Labor.

ACTION: Final rule; rescission of regulations.

SUMMARY: This final rule rescinds the regulations for employers in the logging industry utilizing foreign workers. The regulations became obsolete after a rulemaking in 2010 reassigned them elsewhere in the Code of Federal Regulations. The Department of Labor (''Department'') is issuing this final rule to remove the obsolete regulations.

DATES: Effective November 20, 2013.

FOR FURTHER INFORMATION CONTACT: William L. Carlson, Ph.D., Administrator, Office of Foreign Labor Certification, Room C–4312, Employment & Training Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210. Telephone number: 202–693–3010 (this is not a toll-free number). Individuals with hearing or speech impairments may access the telephone number above via TTY by calling the toll-free Federal Information Relay Service at 1–877–889–5627 (TTY/TDD). Fax: 202–693–2768.

SUPPLEMENTARY INFORMATION: Subpart C, Labor Certification for Logging Employment and Non-H–2A Agriculture Employment, was made obsolete by the inclusion of ''logging employment'' within the definition of ''agricultural labor or services'' in the Department of Labor's final rule, Temporary Agricultural Employment of H–2A Aliens in the United States, 75 FR 6884 (Feb. 12, 2010). The effect of including ''logging employment'' within the definition of ''agricultural labor or services,'' 20 CFR 655.103(c)(4), was to include within the program requirements for temporary employment of foreign workers in agriculture (H–2A) employers seeking to temporarily employ foreign workers in logging occupations. The Department proposed the inclusion of logging employment in the H–2A program in its notice of proposed rulemaking (NPRM). 74 FR 45906 (Sept. 4, 2009). After considering comments from the public on the subject, the inclusion of logging in the

H–2A was finalized in the 2010 rule. Therefore, employers seeking to temporarily employ foreign workers in logging operations are now governed by the regulations in Subpart B applicable to H–2A agricultural work, and Subpart C no longer has force and effect and must be rescinded.

The Department has determined that it is unnecessary to publish the rescission of these regulations as a proposed rule, as generally required by the Administrative Procedure Act (''APA''), 5 U.S.C. 553(b). Notice to the public and provision of a public comment period regarding the inclusion of logging employment in the H–2A program were provided in the 2009 NPRM, and this rule simply rescinds Subpart C, which is no longer operable. Therefore, good cause exists for dispensing with the notice and comment requirements of the APA. 5 U.S.C. 553(b)(B). For the same reason, good cause exists to make this rule effective immediately upon publication of this rule. 5 U.S.C. 553(d)(3).

Administrative Information

A. Executive Order 12866

This final rule has been drafted and reviewed in accordance with Executive Order 12866, section 1(b), Principles of Regulation. The Department has determined that this rule is not a ''significant regulatory action'' under Executive Order 12866, section 3(f), Regulatory Planning and Review. The Department has also determined that this rule is not ''economically significant'' as defined in section 3(f)(1) of Executive Order 12866. Therefore, the information enumerated in section 6(a)(3)(C) of the order is not required.

B. Regulatory Flexibility Act

This rescission is not a ''rule'' as defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601(2), nor is it a ''final rule'' following a notice of proposed rulemaking as defined in the RFA, 5 U.S.C. 604(a). Therefore, the RFA does not apply and the Department is not required to either certify that the rule would not have a significant economic impact on a substantial number of small entities or conduct a regulatory flexibility analysis.

C. Unfunded Mandates Reform—Unfunded Mandates Reform Act of 1995

This rule will not include any Federal mandate that may result in increased expenditures by State, local, and tribal governments, in the aggregate, of $100 million or more, or in increased expenditures by the private sector of $100 million or more.

D. 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 the United States-based companies to compete with foreign based companies in domestic and export markets.

E. Executive Order 13132—Federalism

The Department has reviewed this rule in accordance with E.O. 13132 regarding federalism and has determined that it does not have federalism implications. The rule does not have substantial direct effects on States, on the relationship between the States, or on the distribution of power and responsibilities among the various levels of Government as described by E.O. 13132. Therefore, the Department has determined that this rule will not have a sufficient federalism implication to warrant the preparation of a summary impact statement.

F. Executive Order 13175—Indian Tribal Governments

This rule was reviewed under the terms of E.O. 13175 and determined not to have Tribal implications. The rule does not have substantial direct effects 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 a result, no Tribal summary impact statement has been prepared.

G. Assessment of Federal Regulations and Policies on Families

Section 654 of the Treasury and General Government Appropriations Act, enacted as part of the Omnibus Consolidated and Emergency Supplemental Appropriations Act of 1999 (Pub. L. 105–277, 112 Stat. 2681), requires the Department to assess the impact of this rule on family well-being. A rule that is determined to have a negative effect on families must be supported with an adequate rationale. The Department has assessed this rule and determines that it will not have a negative effect on families.

H. Executive Order 12630—Government Actions and Interference With Constitutionally Protected Property Rights

This rule is not subject to E.O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights, because it does not involve implementation of a policy with takings implications.

I. Executive Order 12988—Civil Justice

This regulation has been drafted and reviewed in accordance with E.O. 12988, Civil Justice Reform, and will not unduly burden the Federal court system. The regulation has been written to minimize litigation and provide a clear legal standard for affected conduct, and has been reviewed carefully to eliminate drafting errors and ambiguities.

J. Plain Language

The Department drafted this rule in plain language.

K. Executive Order 13211—Energy Supply

This rule is not subject to E.O. 13211. It will not have a significant adverse effect on the supply, distribution, or use of energy.

L. Paperwork Reduction Act

This rule contains no new information collection requirements for purposes of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 20 CFR Part 655

Administrative practice and procedure, Foreign workers, Employment, Employment and training, Enforcement, Forest and forest products, Fraud, Health professions, Immigration, Labor, Longshore and harbor work, Migrant workers, Nonimmigrant workers, Passports and visas, Penalties, Reporting and recordkeeping requirements, Unemployment, Wages, Working conditions.

Accordingly, for the reasons stated herein, the Department hereby amends 20 CFR part 655 as follows:

PART 655—TEMPORARY EMPLOYMENT OF FOREIGN WORKERS IN THE UNITED STATES

■ 1. The authority citation for part 655 and the authority citation for subparts A and C continue to read as follows:

Authority: Section 655.0 issued under 8 U.S.C. 1101(a)(15)(E)(iii), 1101(a)(15)(H)(i) and (ii), 8 U.S.C. 1103(a)(6), 1182(m), (n) and (t), 1184(c), (g), and (j), 1188, and 1288(c) and (d); sec. 3(c)(1), Pub. L. 101–238, 103 Stat. 2099, 2102 (8 U.S.C. 1182 note); sec. 221(a),

Pub. L. 101–649, 104 Stat. 4978, 5027 (8 U.S.C. 1184 note); sec. 303(a)(8), Pub. L. 102–232, 105 Stat. 1733, 1748 (8 U.S.C. 1101 note); sec. 323(c), Pub. L. 103–206, 107 Stat. 2428; sec. 412(e), Pub. L. 105–277, 112 Stat. 2681 (8 U.S.C. 1182 note); sec. 2(d), Pub. L. 106–95, 113 Stat. 1312, 1316 (8 U.S.C. 1182 note); 29 U.S.C. 49k; Pub. L. 109–423, 120 Stat. 2900; 8 CFR 214.2(h)(4)(i); and 8 CFR 214.2(h)(6)(iii).

Subparts A and C issued under 8 U.S.C. 1101(a)(15)(H)(ii)(b) and 1184; 29 U.S.C. 49 *et seq.;* and 8 CFR 214.2(h)(4)(i).

Subpart C—[Removed and Reserved]

■ 2. Remove and reserve subpart C, consisting of §§ 655.200 through 655.215.

Signed in Washington, DC, this 17th day of October 2013.

Eric M. Seleznow,

Acting Assistant Secretary, Employment and Training Administration.

[FR Doc. 2013–27693 Filed 11–19–13; 8:45 am]

BILLING CODE 4510–FP–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 1

[Docket No. FDA–2010–N–0560]

Amendments to General Regulations of the Food and Drug Administration; Technical Amendments

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule; technical amendments.

SUMMARY: The Food and Drug Administration (FDA or we) published a final rule in the **Federal Register** on November 30, 2010, amending certain regulations to include tobacco products, where appropriate, in light of FDA's authority to regulate these products under the Family Smoking Prevention and Tobacco Control Act (Tobacco Control Act). The final rule inadvertently deleted an authority citation and language related to the definition of ''package.'' We are restoring the inadvertent deletions and making a corresponding technical change.

DATES: This rule is effective November 20, 2013.

FOR FURTHER INFORMATION CONTACT: Felicia Billingslea, Center for Food Safety and Applied Nutrition (HFS–820), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740–3835, 240–402–2371.

SUPPLEMENTARY INFORMATION: We are making technical amendments to our regulations under 21 CFR part 1.

In the **Federal Register** of November 30, 2010 (75 FR 73951), we amended certain regulations in part 1 (21 CFR part 1), ''General Enforcement Regulations,'' in light of our authority under the Tobacco Control Act. The final rule, among other things:

- Revised the authority citation for part 1 by removing a reference to section 302 of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 332);
- Revised § 1.1(c), ''General,'' by removing the terms ''package in § 1.20 and of'', and
- Revised § 1.20, ''Presence of mandatory label information,'' by removing the terms ''package in § 1.20 and of''.

The preamble to the final rule explained that the revisions to part 1 reflected our authority over tobacco products under the Tobacco Control Act (75 FR 73951 at 73952). However, the revisions inadvertently created one inconsistency (in that other provisions in part 1 did, in fact, rely on section 302 of the FD&C Act as part of their legal authority) or created confusion over whether the definition of ''package'' was limited to the regulations in part 1 or whether it also applied to other FDA regulations.

Therefore, through this rule, we are amending part 1 as follows:

- We are restoring section 302 of the FD&C Act to the authority citation for part 1. Because the authority citation is expressed in terms of the U.S. Code, the amendment is to insert ''332'' in the list of U.S. Code sections.
- We are revising § 1.1(c) to restore the terms ''package in § 1.20 and of''.
- We are revising § 1.20 to add a cross-reference to § 1.1(c).

Publication of this document constitutes final action of these changes under the Administrative Procedure Act (5 U.S.C. 553). These amendments are merely correcting inadvertent deletions. FDA, therefore, for good cause, finds under 5 U.S.C. 553(b)(3)(B) and (d)(3) that notice and public comment are unnecessary.

List of Subjects in 21 CFR Part 1

Cosmetics, Drugs, Exports, Food labeling, Imports, Labeling, Reporting and recordkeeping requirements.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 1 is amended as follows:

PART 1—GENERAL ENFORCEMENT REGULATIONS

■ 1. The authority citation for 21 CFR part 1 is revised to read as follows:

Authority: 15 U.S.C. 1333, 1453, 1454, 1455, 4402; 19 U.S.C. 1490, 1491; 21 U.S.C. 321, 331, 332, 333, 334, 335a, 343, 350c, 350d, 352, 355, 360b, 362, 371, 374, 381, 382, 387, 387a, 387c, 393; 42 U.S.C. 216, 241, 243, 262, 264.

§ 1.1 [Amended]

■ 2. Amend § 1.1 by adding the phrase ''of *package* in § 1.20 and'' after the word ''definition'' in the first sentence of paragraph (c).

■ 3. In § 1.20, revise the introductory text to read as follows:

§ 1.20 Presence of mandatory label information.

In the regulations specified in § 1.1(c) of this chapter, the term *package* means any container or wrapping in which any food, drug, device, or cosmetic is enclosed for use in the delivery or display of such commodities to retail purchasers, but does not include:

* * * * *

Dated: November 14, 2013.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2013–27773 Filed 11–19–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. OSHA–2013–0010]

RIN 1218–AC80

Record Requirements in the Mechanical Power Presses Standard

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Direct final rule; request for comments.

SUMMARY: OSHA is making two main revisions to its Mechanical Power Presses Standard. First, OSHA is revising a provision that requires employers to develop and maintain certification records of periodic inspections performed on the presses by adding a requirement that they develop and maintain certification records of any maintenance and repairs they perform on the presses during the periodic inspections. Second, OSHA is removing the requirement from another provision that employers develop and

maintain certification records of weekly inspections and tests performed on the presses.

This rulemaking is part of the Department of Labor's initiative to reduce paperwork burden; it will remove 613,600 hours of unnecessary paperwork burden for employers, while maintaining employee protection. OSHA is publishing a companion proposal elsewhere in this issue of the **Federal Register** taking the same action.

DATES: This direct final rule will become effective on February 18, 2014 unless OSHA receives a significant adverse comment on this direct final rule or on the companion proposal by December 20, 2013. If OSHA receives adverse comment, it will publish a timely withdrawal of the direct final rule in the **Federal Register**.

Submit comments on this direct final rule (including comments to the information-collection (paperwork) determination (described under the section titled ''Procedural Determinations''), hearing requests, and other information by December 20, 2013. All submissions must bear a postmark or provide other evidence of the submission date. The following section describes the available methods for making submissions.

ADDRESSES: Submit comments, hearing requests, and other material, identified by Docket No. OSHA–2013–0010, by any of the following methods:

Electronically: Submit comments and attachments, as well as hearing requests and other information, electronically to *http://www.regulations.gov,* which is the Federal e-Rulemaking Portal. Follow the online instructions for submitting comments.[1]

Facsimile: OSHA allows facsimile transmission of comments and hearing requests that are 10 pages or fewer in length (including attachments). Send these documents to the OSHA Docket Office at (202) 693–1648. OSHA does not require hard copies of these documents. Instead of transmitting facsimile copies of attachments that supplement these documents (for example, studies, journal articles), commenters must submit these attachments to the OSHA Docket Office, Technical Data Center, Room N–2625, OSHA, U.S. Department of Labor, 200 Constitution Ave. NW., Washington, DC 20210. These attachments must identify clearly the sender's name, the date, subject, and docket number (OSHA–2013–0010) so that the Docket Office can attach them to the appropriate document.

Regular mail, express mail, hand delivery, and messenger (courier) service: Submit comments, hearing requests, and any additional material (for example, studies, journal articles) to the OSHA Docket Office, Docket No. OSHA–2013–0010 or RIN 1218–AC80, Technical Data Center, Room N–2625, OSHA, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone: (202) 693–2350. (OSHA's TTY number is (877) 889–5627.) Contact the OSHA Docket Office for information about security procedures concerning delivery of materials by express mail, hand delivery, and messenger service. The hours of operation for the OSHA Docket Office are 8:15 a.m. to 4:45 p.m., e.t.

Instructions: All submissions must include the Agency's name and the docket number (that is, OSHA–2013–0010). OSHA will place comments and other material, including any personal information, in the public docket without revision, and these materials will be available online at *http://www.regulations.gov.* Therefore, OSHA cautions commenters about submitting statements they do not want made available to the public and submitting comments that contain personal information (either about themselves or others) such as Social Security numbers, birth dates, and medical data.

OSHA requests comment on all issues related to this direct final rule. The Agency also welcomes comments on its findings that this direct final rule would have no negative economic, paperwork, or other regulatory impacts on the regulated community. This direct final rule is the companion document of a notice of proposed rulemaking published in the ''Proposed Rules'' section of this issue of the **Federal Register**. If OSHA receives no significant adverse comment on this direct final rule, the Agency will publish a **Federal Register** notice confirming the effective date of the final rule and withdrawing the companion proposed rule. The final rule may include minor editorial or technical corrections of the direct final rule. For the purpose of judicial review, OSHA considers the date that the Agency confirms the effective date of the final rule to be the date of issuance. If, however, OSHA receives significant adverse comment on the direct final rule or proposal, the Agency will publish a timely withdrawal of this direct final rule and proceed with the proposed rule, which addresses the same revisions to its Mechanical Power Presses Standard.

Docket: The electronic docket for this direct final rule established at *http://www.regulations.gov* lists most of the documents in the docket. However, some information (for example, copyrighted material) is not available publicly to read or download through this Web site. All submissions, including copyrighted material, are accessible at the OSHA Docket Office. Contact the OSHA Docket Office for assistance in locating docket submissions.

FOR FURTHER INFORMATION CONTACT:

General information and press inquiries: Mr. Frank Meilinger, OSHA Office of Communications, Room N–3609, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone: (202) 693–1999.

Technical inquiries: Mr. Todd Owen, Directorate of Standards and Guidance, Room N–3718, OSHA, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone: (202) 693–1941; fax: (202) 693–1663.

SUPPLEMENTARY INFORMATION: *Copies of this* ***Federal Register*** *notice and news releases:* Electronic copies of these documents are available at OSHA's Web page at *http://www.osha.gov.* Copies of this **Federal Register** notice also are available at *http://www.regulations.gov.*

Table of Contents

I. Direct Final Rulemaking

In direct final rulemaking, an agency publishes a direct final rule in the **Federal Register** with a statement that the rule will become effective unless the agency receives a significant adverse comment within a specified period. The agency publishes concurrently with the direct final rule a companion proposed rule. If the agency receives no significant adverse comment, the direct final rule will become effective. However, should the agency receive a timely significant adverse comment, it will withdraw the direct final rule and treat the comment as a submission to the proposed rule.

[1] The Web site *http://www.regulations.gov* refers to the docket as a ''docket folder.'' Access the electronic docket for this rulemaking by searching with the docket number (OSHA–2013–0010) or RIN (1218–AC80).

OSHA uses direct final rulemaking because it expects the rulemaking to: Be noncontroversial; provide protection to employees that is at least equivalent to the protection afforded to them by the previous standard; and impose no significant new compliance costs on employers (69 FR 68283, 68285 (Nov. 24, 2004)). OSHA used direct final rules previously to update and revise other OSHA rules (*see,* for example, 69 FR 68283 (Nov 24, 2004); 70 FR 76979 (Dec. 29, 2005); 76 FR 75782 (Dec. 5, 2011); and 77 FR 37587 (Jun. 22, 2012)).

For purposes of this direct final rule, a significant adverse comment is one that ''explains why the rule would be inappropriate, including challenges to the rule's underlying premise or approach, or why it would be ineffective or unacceptable without a change'' (*see* 60 FR 43108, 43111 (Aug. 18, 1995)). In determining whether a comment necessitates withdrawal of the direct final rule, OSHA will consider whether the comment raises an issue serious enough to warrant a substantive response in a notice-and-comment process. OSHA will not consider a comment recommending additional revisions to a rule to be a significant adverse comment unless the comment provides a reasonable explanation of why the direct final rule would be ineffective without the revisions. If OSHA receives a timely significant adverse comment, it will publish a **Federal Register** notice withdrawing the direct final rule no later than 90 days after the publication date of this current notice.

In the event OSHA withdraws this direct final rule because of significant adverse comment, it will consider all timely comments received in response to the direct final rule when it continues with the proposed rule. After carefully considering all comments to the direct final rule and the proposal, OSHA will decide whether to publish a new final rule.

II. Background

This direct final rule is revising paragraph (e)(1)(i) of OSHA's Mechanical Power Presses Standard at 29 CFR 1910.217 to require employers to perform and complete necessary maintenance and repair on the presses, and to develop and maintain certification records of these tasks. The rulemaking also removes requirements from paragraph (e)(1)(ii) of this standard to develop and maintain certification records for weekly inspections and tests performed on mechanical power presses. OSHA believes that these revisions will maintain the safety afforded to employees by the existing provisions, while substantially reducing paperwork burden hours and cost to employers.

This rulemaking is part of the Department of Labor's initiative to reduce paperwork burden hours and cost, consistent with the Paperwork Reduction Act of 1995 (PRA–95) at 44 U.S.C. 3501 *et seq.* The purpose of the PRA–95 is to minimize the Federal paperwork burden and to maximize the efficiency and usefulness of Federal information-gathering activities. OSHA also determined that the subject of this rulemaking furthers the objectives of Executive Order (EO) 13563 (76 FR 3821, Jan. 21, 2011). In this regard, EO 13563 requires that the regulatory process ''promote predictability and reduce uncertainty'' and ''identify and use the best, most innovative and least burdensome tools for achieving regulatory ends.'' To accomplish this objective, EO 13563 states, ''To facilitate the periodic review of existing significant regulations, agencies shall consider how best to promote retrospective analysis of rules that may be outmoded, ineffective, insufficient, or excessively burdensome, and to modify, streamline, expand, or repeal them in accordance with what has been learned.''

OSHA determined that the revisions made by this direct final rule are consistent with, and promote the objectives of, both PRA–95 and EO 13563. Accordingly, the revisions made by this direct final rule will result in reducing the paperwork burden for employers covered by the Mechanical Power Presses Standard. Removing the requirement to develop and maintain weekly certification records for inspections and tests will not affect an employer's obligation to inspect and ensure that mechanical power presses used in the workplace are in a safe operating condition. Revisions to paragraph (e)(1)(i) to complete necessary maintenance and repair before operating a press after a periodic inspection, and certifying this action, will ensure the safety of workers while imposing minimal paperwork burden on employers. OSHA estimates that these revisions will result in a paperwork burden reduction of 613,600 hours. Accordingly, the Agency believes the regulated community will support this effort to reduce unnecessary paperwork burden and to remove outdated certification requirements, while maintaining employee safety.

III. Summary and Explanation of Revisions to the Mechanical Power Presses Standard

This direct final rule revises paragraphs (e)(1)(i) and (e)(1)(ii) of OSHA's Mechanical Power Presses Standard at 29 CFR 1910.217. This rulemaking also reorganized the paragraphs by dividing the requirements into discrete provisions, and redrafted the provisions in plain language to make them easier to understand than the existing provisions. The first two provisions, paragraphs (e)(1)(i) and (e)(1)(ii), cover periodic and weekly tasks associated with the mechanical power-press inspection program. To further delineate the tasks covered by these two provisions, OSHA refers to the requirements of paragraph (e)(1)(i) as the ''general component of the inspection program,'' and to the requirements of paragraph (e)(1)(ii) as the ''directed component of the inspection program.'' In this regard, the requirements of paragraph (e)(1)(i), the general component of the inspection program, cover all parts of the equipment and stipulate a nonspecific interval (''periodic'') for meeting these requirements. However, the requirements of paragraph (e)(1)(ii), the directed component of the inspection program, address specific parts of the equipment and define the frequency employers must follow when inspecting and testing these parts (''at least once a week''). OSHA believes these revisions will assist the regulated community in differentiating the requirements of these provisions.

Revisions to paragraph (e)(1)(i). Paragraph (e)(1)(i) currently requires employers to inspect all parts, auxiliary equipment, and safeguards of mechanical power presses on a periodic and regular basis and to maintain certification records of these inspections. The main revision OSHA is making to this paragraph is to require that employers perform necessary maintenance or repair, or both, on presses before operating them, and maintain certification records of any maintenance and repairs performed.[2] Therefore, employers must perform, following the periodic and regular inspections, but before operating the equipment, any necessary maintenance and repair found during the inspections,

[2] The requirement for employers to perform maintenance and repair necessary for the safe operation of the entire press is implicit in the requirement in existing paragraph (e)(1)(i), which specifies that the employer's inspection program ensure that presses ''are in a safe operating condition and adjustment.'' An inspection program that found, but did not correct, unsafe conditions would not meet this existing requirement.

and maintain certification records of the maintenance and repairs performed (in addition to the inspection certification records already required).

A national consensus standard, American National Standards Institute (ANSI) B11.1–2009 (''American National Standard for Safety Requirements for Mechanical Power Presses''), has requirements that are similar to paragraph (e)(1)(i). In this regard, paragraph 9.4.1 (''Program'') of this ANSI standard requires employers to ''establish a systematic program of periodic and regular inspection of press production systems to ensure that all their parts, auxiliary equipment, and safeguarding are in safe operating condition and adjustment.'' In addition, paragraph 9.4.2 (''Documentation'') of ANSI B11.1–2009 states that the ''user shall document the press inspections are made as scheduled and that any necessary follow-up repair work has been performed.'' A nonmandatory appendix to the ANSI standard, Annex K (''Press Inspection Report, Checklist, & Maintenance Record (Informative)),'' supplements these requirements by providing a checklist detailing the parts, components, and equipment subject to inspection and maintenance.

The revisions and reorganization of paragraph (e)(1)(i), therefore, are consistent with the requirements of ANSI's B11.1 ''Safety Requirements for Mechanical Power Presses.'' Specifically, the revision to paragraph (e)(1)(i) to certify maintenance and repairs performed on mechanical power presses are similar to the requirement in the ANSI standard to ''document that press inspections are made as scheduled, and that any necessary follow-up repair work has been performed.'' Not only does this revision represent the usual and customary practice of general industry, but OSHA believes that adding an explicit requirement to perform necessary maintenance and repair will ensure that employers perform such maintenance and repair on all of the parts, auxiliary equipment, and safeguards of each press, and not just the clutch/brake mechanism, antirepeat feature, and single-stroke mechanism delineated in existing paragraph (e)(1)(ii). In addition, the revision will provide OSHA with information that replaces information removed from revised paragraph (e)(1)(ii) (*see* the following discussion of that paragraph), notably the name of the individuals who perform maintenance and repair work on the presses. This information will not only verify that the employer performed the requisite maintenance and repair on presses, but will enable the Agency, during compliance inspections, to identify and interview the individuals responsible for maintaining and repairing the presses so that it can determine whether employees are operating safe equipment. Further, if employers maintain these certification records at or near the equipment or in a nearby office, employees would be able to examine those records and determine whether mechanical power presses are safe before they operate them, which will increase employee safety. These records also will provide employers with information they can use to determine when more substantial maintenance or repairs, instead of minor maintenance and adjustment, would provide better, and more cost-effective, safety. For example, making too frequent adjustments of the pullout devices, as shown by maintenance records, can indicate the need to replace parts, such as bearings, that are causing the out-of-adjustment condition.

Revisions to paragraph (e)(1)(ii). Existing paragraph (e)(1)(ii) requires employers to conduct weekly inspections and tests on the clutch/brake mechanism, antirepeat feature, and single-stroke mechanism of each mechanical power press, and to perform any necessary maintenance and repair on the equipment before operating it. Employers also must maintain a certification record of the inspection, testing, and maintenance tasks. OSHA is making two main revisions to paragraph (e)(1)(ii). First, OSHA is revising the requirement that ''[e]ach press shall be inspected and tested no less than weekly'' to require explicitly that employees conduct these weekly inspections and tests ''on a regular basis at least once a week.'' Second, OSHA is revising this paragraph to remove the requirement that employers prepare certification records for the weekly inspections and tests;[3] however, the Agency is retaining the requirement that employers maintain certification records for the maintenance work.[4]

The certification records for the weekly inspections and tests required by existing paragraph (e)(1)(ii) serve the following functions: (i) Remind employers to inspect and test mechanical power presses; (ii) inform employees that the employer performed these tasks and that the equipment is safe to operate; and (iii) provide a record of compliance, which OSHA representatives can use to verify that the employer meets the inspection and testing requirement set forth in the standard. However, OSHA determined that certifications records for weekly inspections and tests of mechanical power presses are not necessary to achieve these functions. In making this determination, the Agency noted that the revisions to § 1910.217(e)(1)(ii) do not remove or lessen the requirement to inspect, test, maintain, and repair presses—tasks that are essential to ensuring that the equipment is functioning properly and that working conditions are safe for employees. In addition, OSHA believes that employers do not need certification records to remind them to perform weekly inspections and tests. The Agency believes that employers generally perform inspections and tests on a regular basis, for example, at the start of the first shift each Monday, and, therefore, do not need certification records to remind them to complete these tasks. In this regard, under the existing standard, employers may refer to the required records directly, use computer-generated prompts, or simply perform the tasks the same time every week.

To ensure that these tasks are part of the employer's usual and customary practice, paragraph (e)(1)(ii) as revised specifies that employers perform the inspections and tests ''on a regular basis at least once a week'' to emphasize the importance of establishing a consistent,

[3] OSHA believes that the burden to maintain certification records of maintenance tasks resulting from either the general component or the directed component will be a small fraction of the overall recordkeeping burden. First, the information-collection burden resulting from the inspections performed under the general component include not only the certification record but the time it takes to perform the inspection. Thus, the time employers take to maintain a certification record of the maintenance tasks (which does not include the time taken for the maintenance operations themselves) should be only a small fraction of the time taken for inspection records. Second, for well-maintained presses, which should result when employers follow the standard, the inspections should uncover the need to perform maintenance relatively infrequently. Accordingly, in most instances, inspections should determine that presses are operating safely and are, therefore, not in need of maintenance.

The Agency also believes that retaining the requirement that employers maintain certification records of maintenance tasks performed as a result of inspections performed under the directed component will ensure that employers do not postpone performing maintenance needs uncovered when performing inspections under the general component. In this regard, if the directed component did not require employers to maintain certification records of maintenance tasks uncovered during inspections, employers uncovering the need for maintenance during an inspection under the general component could postpone the maintenance task until the next weekly inspection when the standard would not require them to maintain a certification record.

[4] OSHA believes that employers will perform most maintenance tasks associated with mechanical power presses under paragraph (e)(1)(i), and that maintenance performed as a result of weekly inspections and tests will be infrequent.

systematic schedule for completing the tasks. OSHA believes as well that requiring completion of the tasks weekly, on a regular basis approximately the same time each week, will ensure that employers remember to inspect and test mechanical power presses.

Under the direct final rule, OSHA believes that employees confirm weekly inspections and tests by observing the performance of these tasks, since employees will know when the tasks occur, or by speaking with the individual who performed the tasks. Additionally, employees will still have the certification records for maintenance to obtain information that the employer completed this task and that the equipment is in safe operating condition.

For compliance purposes, OSHA compliance officers can use the information provided by revised paragraph (e)(1)(i) and the certification records for maintenance specified by paragraph (e)(1)(ii) to identify the individuals responsible for conducting the inspections and tests, and then interview those individuals regarding these tasks. Compliance officers also can interview employees who operate the presses and who should have firsthand knowledge regarding whether the employer is meeting the inspection and testing requirements. In addition, an examination of the equipment involved can frequently reveal whether employers are performing the required weekly inspections and tests. For example, if the clutch/brake mechanism is not working properly, OSHA can ask the press operator how long that condition existed and can check with individuals responsible for maintaining the press to determine the last time the mechanism was checked and repaired.

Finally, OSHA added a note to paragraph (e)(1)(ii) explicitly stating that inspections and tests of the three parts: (1) Conducted under the directed component of the inspection program are exempt from the certification requirements specified by paragraph (e)(1)(i)(C); and (2) conducted under the general component of the inspection program must comply with these certification requirements. The question may arise, however, regarding which component of the inspection program applies if an employer combines the inspections required by both the general and directed components of the inspection program (that is, if the employer performs a weekly inspection of the three parts required by the directed component of the inspection program as part of the periodic inspection required by the general component of the inspection program). In such cases, OSHA would treat the weekly inspection as part of the periodic inspection required by the general component of the inspection program, and the employer must comply with the certification requirements specified by paragraph (e)(1)(i)(C) (that is, the employer must maintain a certification record of the inspection, as well as each maintenance and repair task performed on the three parts).

OSHA concludes that the requirement in existing § 1910.217(e)(1)(ii) for employers to certify the weekly inspections and tests is unnecessary because other means exist to determine whether employers perform these tasks on a weekly basis, including the record requirements in revised § 1910.217(e)(1)(i). OSHA determined that mandating that weekly inspections and tests be systematic and part of an employer's regular routine, reinforced by the new language in § 1910.217(e)(1)(ii), will effectuate the purpose of these certification records.

Summary. This direct final rule revises the existing requirements of paragraph (e)(1)(i) by expressly requiring employers to perform necessary maintenance or repair, or both, on presses before operating them, and to maintain certification records of any maintenance and repairs they perform. The direct final rule also revises paragraph (e)(1)(ii) by requiring explicitly that employers conduct inspections and tests ''on a regular basis at least once a week,'' and by removing the requirements to maintain certification records of any inspections and tests they perform under this paragraph. OSHA believes that these revisions, combined with the available means that employers, employees, and the Agency can use to ensure that employers perform these tasks at the specified frequency, will fulfill the functions for certification records required by existing paragraph (e)(1)(ii). OSHA further believes that removing the certification records for weekly inspections and tests, along with the revisions to paragraph (e)(1)(i), will maintain employee safety while reducing the paperwork burden hours and cost to employers. Regarding the paperwork burden, OSHA estimates that the revisions to § 1910.217(e)(1)(i) and (e)(1)(ii) will result in a net paperwork burden reduction of 613,600 hours.

IV. Procedural Determinations

A. Legal Considerations

The purpose of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 *et seq.*) is ''to assure so far as possible every working man and woman in the nation safe and healthful working conditions and to preserve our human resources.'' 29 U.S.C. 651(b). To achieve this goal, Congress authorized the Secretary of Labor to promulgate and enforce occupational safety and health standards (29 U.S.C. 654(b), 655(b)). A safety or health standard is a standard that ''requires conditions, or the adoption or use of one or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe or healthful employment or places of employment'' (29 U.S.C. 652(8)). A standard is reasonably necessary or appropriate within the meaning of Section 652(8) when a significant risk of material harm exists in the workplace and the standard would substantially reduce or eliminate that workplace risk. (*See Industrial Union Department, AFL-CIO* v. *American Petroleum Institute,* 448 U.S. 607 (1980).) OSHA already determined that requirements for inspecting, testing, maintaining, and repairing mechanical power presses, and certifying completion of these tasks, are reasonably necessary or appropriate within the meaning of Section 652(8). (*See,* for example, 39 FR 41841, 41845 (Dec. 3, 1974); 51 FR 34552, 34553–34558 (Sep. 29, 1986).)

As explained earlier in this **Federal Register** notice, this direct final rule will not reduce the employee protections put in place by the Mechanical Power Presses Standard OSHA is revising under this rulemaking. Therefore, it is unnecessary for OSHA to determine significant risk, or the extent to which this rulemaking would reduce that risk, as typically required by *Industrial Union Department, AFL-CIO* v. *American Petroleum Institute* (448 U.S. 607 (1980)).

B. Final Economic Analysis and Regulatory Flexibility Analysis

This direct final rule is not economically significant within the context of EO 12866, or a major rule under the Unfunded Mandates Reform Act or Section 801 of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 801). In addition, this direct final rule complies with EO 13563. The rulemaking imposes no additional costs on any private-sector or public-sector entities, and does not meet any of the criteria for an economically significant or major rule specified by the EO 12866 or relevant statutes.

While this rulemaking revises paragraph (e)(1)(i) of OSHA's Mechanical Power Presses Standard at

29 CFR 1910.217 to require employers to complete necessary maintenance and repair before operating a press after a periodic inspection, and certify this action, it also removes the requirement in paragraph (e)(1)(ii) that employers maintain weekly certification records for inspections and tests (on average, for about 40 records per year for each press). Based on the resulting reduction in paperwork burden and cost to employers, OSHA determined that this rulemaking is not significant and is economically feasible to employers.

In accordance with the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* (as amended), OSHA examined the regulatory requirements of the final rule to determine whether these requirements would have a significant economic impact on a substantial number of small entities. Since no employer of any size will have additional costs, the Agency certifies that the final rule will not have a significant economic impact on a substantial number of small entities.

C. The Paperwork Reduction Act of 1995

This direct final rule revises information-collection requirements that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA–95), 44 U.S.C. *et seq.,* and OMB's regulations at 5 CFR part 1320. OMB approved the information-collection requirements (paperwork) currently contained in OSHA's Mechanical Power Presses Standard (29 CFR part 1910.217(e)(1)) under OMB Control Number 1218–0229.[5] The current Information Collection Request (ICR) expires March 30, 2014.

OSHA requests OMB to extend and revise the information-collection requirements contained in the Mechanical Power Press standard. Accordingly, OSHA is seeking an extension for employers to disclose certification records to OSHA during an inspection and requesting a revision to 29 CFR 1910.217(e)(1). The direct final rule revises paragraph (e)(1)(i) to require employers to perform and complete necessary maintenance and repair on the presses, and to develop and maintain certification records of these tasks. The direct final rule also removes requirements from paragraph (e)(1)(ii) of this standard to develop and maintain certification records for weekly inspections and tests performed on mechanical power presses.

OSHA seeks comments on the proposed extension and revision of the paperwork requirements contained in the Mechanical Power Presses Standard (29 CFR 1910.217). OSHA has a particular interest in comments on the following issues:

- Whether the proposed information-collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information-collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information-collection and information-transmission techniques.

Pursuant to 5 CFR part 1320.5(a)(iv), OSHA provides the following summary of the Mechanical Power Press Information Collection Request ICR:

1. *Title:* Standard on Mechanical Power Presses (29 CFR 1910.217(e)(1))

2. *OMB Control Number:* 1218–0229

3. *Description of collection of information requirements:* Paragraph (e)(1)(i)(C) requires employers to maintain a certification record of each inspection (other than inspections and tests required by paragraph (e)(1)(ii)), and each maintenance and repair task performed, which includes the date of the inspection, maintenance, or repair work, the signature of the person who performed the inspection, maintenance, or repair work, and the serial number, or other identifier, of the power press inspected, maintained, and repaired.

Paragraph (e)(1)(ii) requires employers to inspect and test each press no less than weekly to determine the condition of the clutch/brake mechanism, antirepeat feature, and single-stroke mechanism. Employers also must perform and complete necessary maintenance or repair, or both, before operating the press. This direct final rule will remove the requirement for employers to develop and maintain a certification record of the weekly inspections and tests, but retain the requirement to develop and maintain a certification record for maintenance work. Employers must still disclose inspection, maintenance and, or repair records to OSHA during an inspection.

4. *Affected Public:* Business or other for profit

5. *Number of Respondents:* 191,750 mechanical power presses

6. *Frequency:* On occasion

7. *Time per Response:* OSHA estimates a press operator takes 20 minutes to inspect and maintain a mechanical power press and to prepare the necessary certification(s).

8. *Estimated Total Burden Hours:* Removing weekly inspection and test records would reduce the burden to employers by 613,600 hours, from 1,373,054 to 759,454 hours.[6]

9. *Estimated Cost (Operation and Maintenance):* There are no capital costs for this collection of information requirement.

To obtain an electronic copy of the ICR requesting OMB to extend and revise the information-collection requirements contained in the Mechanical Power Presses Standard go to *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201309-1218-001.* If you need assistance, or to make inquiries or request other information, contact Theda Kenney, Directorate of Standards and Guidance, OSHA, Room N–3609, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone: (202) 693–2222.

In accordance with 5 CFR 1320.11(a), members of the public who wish to comment on the estimated reduction in burden hours and costs described in this proposed rule must send their written comments to the Office of Information and Regulatory Affairs, Attn: OSHA Desk Officer (RIN 1218–AC80), Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503. OSHA also encourages commenters to submit their comments on this paperwork determination to the rulemaking docket (Docket No. OSHA–2013–0010). For instructions on submitting comments to the rulemaking docket, *see* the sections of this **Federal Register** notice titled **DATES** and **ADDRESSES**.

[5] OSHA notes that a Federal agency cannot conduct or sponsor a collection of information unless OMB approves the collection of information under PRA–95 and the agency displays a currently valid OMB control number. The public need not respond to a collection of information requirement unless the agency displays a currently valid OMB control number. Also, notwithstanding any other provisions of law, no person shall be subject to penalty for failing to comply with a collection of information requirement if the requirement does not display a currently valid OMB control number.

[6] OSHA also is reducing the estimated total burden hours by an additional 721,363 hours to 38,091 hours. The Agency determined that it is usual and customary for employers to conduct and document periodic inspections of power presses. PRA–95 excludes usual and customary activities from the definition of the term ''burden'' (5 CFR 1320.3(b)(2)). OSHA based this determination on discussions with its field staff and a thorough review of ANSI's B11.1 ''Safety Requirements for Mechanical Power Presses.'' While OSHA identified this reduction during the rulemaking, it is not a result of the rulemaking. Therefore, the Agency did not include this reduction in determining the reporting burden associated with the revisions to the information-collection requirements specified by this proposed rulemaking.

D. Federalism

OSHA reviewed this direct final rule in accordance with the Executive Order on Federalism (EO 13132, 64 FR 43255, Aug. 10, 1999), which requires that Federal agencies, to the extent possible, refrain from limiting State policy options, consult with States prior to taking any actions that would restrict State policy options, and take such actions only when clear constitutional authority exists and the problem is national in scope. EO 13132 provides for preemption of State law only with the expressed consent of Congress. Federal agencies must limit any such preemption to the extent possible.

Under Section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 *et seq.*), Congress expressly provides that States may adopt, with Federal approval, a plan for the development and enforcement of occupational safety and health standards. States that obtain Federal approval for such a plan are referred to as ''State-Plan States.'' Occupational safety and health standards developed by State-Plan States must be at least as effective in providing safe and healthful employment and places of employment as the Federal standards (29 U.S.C. 667). Subject to these requirements, State-Plan States are free to develop and enforce under State law their own requirements for safety and health standards.

In summary, OSHA concluded that this direct final rule complies with EO 13132. In States without an OSHA-approved State Plan, any standard developed from this direct final rule would limit State policy options in the same manner as every standard promulgated by OSHA. In States with OSHA-approved State Plans, this rulemaking does not significantly limit State policy options.

E. State-Plan States

When Federal OSHA promulgates a new standard or more stringent amendment to an existing standard, the 27 States and U.S. Territories with their own OSHA-approved occupational safety and health plans must amend their standards to reflect the new standard or amendment, or show OSHA why such action is unnecessary, for example, because an existing State standard covering this area is ''at least as effective'' as the new Federal standard or amendment (29 CFR 1953.5(a)). The State standard must be at least as effective as the final Federal rule, and must be completed within 6 months of the promulgation date of the final Federal rule. When OSHA promulgates a new standard or amendment that does not impose additional or more stringent requirements than an existing standard, State-Plan States are not required to amend their standards, although the Agency may encourage them to do so.

The 21 States and 1 U.S. Territory with OSHA-approved occupational safety and health plans covering private-sector employers and State and local government employees are: Alaska, Arizona, California, Hawaii, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Nevada, New Mexico, North Carolina, Oregon, Puerto Rico, South Carolina, Tennessee, Utah, Vermont, Virginia, Washington, and Wyoming. In addition, four States and one U.S. Territory have OSHA-approved State Plans that apply to State and local government employees only: Connecticut, Illinois, New Jersey, New York, and the Virgin Islands.

OSHA believes that while the revisions to the Mechanical Power Presses Standard described in this direct final rule, taken as a whole, do not impose any more stringent requirements on employers than the existing standard, these revisions will provide employers with critical, updated information that will reduce unnecessary burden while maintaining employee protections. Nevertheless, this direct final rule does not require action under 29 CFR 1953.5(a), and State-Plan States do not need to adopt this rule or show OSHA why such action is unnecessary. However, to the extent these State-Plan States have the same standards as the OSHA standards affected by this direct final rule, OSHA encourages them to adopt the amendments.

F. Unfunded Mandates Reform Act

OSHA reviewed this direct final rule in accordance with the Unfunded Mandates Reform Act of 1995 (UMRA; 2 U.S.C. 1501 *et seq.* and Executive Order 12875 (75 FR 48130; Aug. 10, 1999)). As discussed above in Section IV.B (Final Economic Analysis and Final Regulatory Flexibility Analysis), OSHA determined that this direct final rule will not impose additional costs on any private-sector or public-sector entity. Accordingly, this direct final rule requires no additional expenditures by either private or public employers.

As noted earlier under Section IV.E (State-Plan States) of this notice, this direct final rule does not apply to State and local governments except in States that elected voluntarily to adopt a State Plan approved by the Agency. Consequently, this direct final rule does not meet the definition of a ''Federal intergovernmental mandate'' (*see* Section 421(5) of the UMRA (2 U.S.C. 658(5)). Therefore, for the purposes of the UMRA, OSHA certifies that this direct final rule does not mandate that State, local, or tribal governments adopt new, unfunded regulatory obligations, or increase expenditures by the private sector of more than $100 million in any year.

G. Consultation and Coordination With Indian Tribal Governments

OSHA reviewed this direct final rule in accordance with Executive Order 13175 (65 FR 67249 (Nov. 9, 2000)) and determined that it does not have ''tribal implications'' as defined in that order. This direct final rule does not have substantial direct effects 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.

V. Authority and Signature

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Ave. NW., Washington, DC 20210, authorized the preparation of this notice. OSHA is issuing this direct final rule under the following authorities: 29 U.S.C. 653, 655, 657; 40 U.S.C. 3701 *et seq.;* 5 U.S.C. 553; Secretary of Labor's Order No. 1–2012 (77 FR 3912; Jan. 25, 2012); and 29 CFR part 1911.

List of Subjects in 29 CFR Part 1910

Mechanical power presses, Occupational safety and health, Safety.

Signed at Washington, DC, on November 8, 2013.

David Michaels,

Assistant Secretary of Labor for Occupational Safety and Health.

Amendments to Standards

For the reasons stated earlier in this preamble, the Occupational Safety and Health Administration is amending 29 CFR part 1910 as set forth below:

PART 1910—[AMENDED]

Subpart O—[Amended]

■ 1. Revise the authority citation for subpart O of part 1910 to read as follows:

Authority: 29 U.S.C. 653, 655, 657; Secretary of Labor's Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), 5–2002 (67 FR 65008), or 1–2012 (77 FR 3912), as applicable; 20 CFR part 1911. Sections 1910.217 and 1910.219 also issued under 5 U.S.C. 553.

■ 2. Amend § 1910.217 by revising paragraph (e)(1) to read as follows:

§ 1910.217 Mechanical power presses.

* * * * *

(e) * * *

(1) *Inspection and maintenance records.* The employer shall establish and follow an inspection program having a general component and a directed component.

(i) Under the general component of the inspection program, the employer shall:

(A) Conduct periodic and regular inspections of each power press to ensure that all of its parts, auxiliary equipment, and safeguards, including the clutch/brake mechanism, antirepeat feature, and single-stroke mechanism, are in a safe operating condition and adjustment;

(B) Perform and complete necessary maintenance or repair, or both, before operating the press; and

(C) Maintain a certification record of each inspection, and each maintenance and repair task performed, under the general component of the inspection program that includes the date of the inspection, maintenance, or repair work, the signature of the person who performed the inspection, maintenance, or repair work, and the serial number, or other identifier, of the power press inspected, maintained, and repaired.

(ii) Under the directed component of the inspection program, the employer shall:

(A) Inspect and test each press on a regular basis at least once a week to determine the condition of the clutch/brake mechanism, antirepeat feature, and single-stroke mechanism;

(B) Perform and complete necessary maintenance or repair, or both, on the clutch/brake mechanism, antirepeat feature, and single-stroke mechanism before operating the press; and

(C) Maintain a certification record of each maintenance task performed under the directed component of the inspection program that includes the date of the maintenance task, the signature of the person who performed the maintenance task, and the serial number, or other identifier, of the power press maintained.

Note to paragraph (e)(1)(ii): Inspections of the clutch/brake mechanism, antirepeat feature, and single-stroke mechanism conducted under the directed component of the inspection program are exempt from the requirement to maintain certification records specified by paragraph (e)(1)(i)(C) of this section, but inspections of the clutch/brake mechanism, antirepeat feature, and single-stroke mechanism conducted under the general component of the inspection program are not exempt from this requirement.

(iii) Paragraph (e)(1)(ii) of this section does not apply to presses that comply with paragraphs (b)(13) and (14) of this section.

* * * * *

[FR Doc. 2013–27695 Filed 11–19–13; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF DEFENSE

Office of the Secretary

32 CFR Part 319

[Docket ID: DoD–2013–OS–0217]

Privacy Act; Implementation

AGENCY: Defense Intelligence Agency, DoD.

ACTION: Direct final rule with request for comments.

SUMMARY: Defense Intelligence Agency (DIA) is updating the DIA Privacy Act Program by adding the (k)(2) and (k)(5) exemptions to accurately describe the basis for exempting the records in the system of records notice LDIA 13–0001, Conflict Management Programs.

This direct final rule makes non-substantive changes to the Defense Intelligence Agency Program rules. These changes will allow the Department to add exemption rules to the DIA Privacy Program rules that will exempt applicable Department records and/or material from certain portions of the Privacy Act. This will improve the efficiency and effectiveness of DoD's program by ensuring the integrity of the security and counterintelligence records by the Defense Intelligence Agency and the Department of Defense.

This rule is being published as a direct final rule as the Department of Defense does not expect to receive any adverse comments, and so a proposed rule is unnecessary.

DATES: The rule will be effective on January 29, 2014 unless adverse comment is received by January 21, 2014. If adverse comment is received, Department of Defense will publish a timely withdrawal of the rule in the **Federal Register**.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

* Federal Rulemaking Portal: *http://www.regulations.gov*.

Follow the instructions for submitting comments.

* Mail: Federal Docket Management System Office, 4800 Mark Center Drive; East Tower, 2nd Floor, Suite 02G09, Alexandria, VA 22350–3100.

Instructions: All submissions received must include the agency name and docket number 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: Ms. Theresa Lowery at Defense Intelligence Agency, DAN 1–C, 600 MacDill Blvd., Washington, DC 20340–0001 or by phone at (202) 231–1193.

SUPPLEMENTARY INFORMATION:

Direct Final Rule and Significant Adverse Comments

DoD has determined this rulemaking meets the criteria for a direct final rule because it involves non-substantive changes dealing with DoD's management of its Privacy Programs. DoD expects no opposition to the changes and no significant adverse comments. However, if DoD receives a significant adverse comment, the Department will withdraw this direct final rule by publishing a notice in the **Federal Register**. A significant adverse comment is one that explains: (1) Why the direct final rule is inappropriate, including challenges to the rule's underlying premise or approach; or (2) why the direct final rule will be ineffective or unacceptable without a change. In determining whether a comment necessitates withdrawal of this direct final rule, DoD will consider whether it warrants a substantive response in a notice and comment process.

Executive Order 12866, ''Regulatory Planning and Review'' and Executive Order 13563, ''Improving Regulation and Regulatory Review''

It has been determined that this rule is not a significant rule. This rule does not (1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy; a sector of the economy; productivity; competition; jobs; the environment; public health or safety; or State, local, or tribal governments or communities; (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another Agency; (3) Materially alter the budgetary impact of entitlements, 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 these Executive orders.

Public Law 96–354, ''Regulatory Flexibility Act'' (5 U.S.C. Chapter 6)

This rule will not have significant economic impact on a substantial number of small entities because it is concerned only with the administration of Privacy Act systems of records within the Department of Defense. A Regulatory Flexibility Analysis is not required.

Public Law 96–511, ''Paperwork Reduction Act'' (44 U.S.C. Chapter 35)

This rule does not contain any information collection requirements subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.).

Section 202, Public Law 104–4, ''Unfunded Mandates Reform Act''

These amendments do not involve a Federal mandate that may result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of $100 million or more and that such rulemaking will not significantly or uniquely affect small governments.

Executive Order 13132, ''Federalism''

These amendments do 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. Therefore, no Federalism assessment is required.

List of Subjects in 32 CFR Part 319

Privacy.

Accordingly, 32 CFR part 319 is amended as follows:

PART 319—DEFENSE INTELLIGENCE AGENCY PRIVACY PROGRAM

■ 1. The authority citation for 32 CFR part 319 continues to read as follows:

Authority: Pub. L. 93–579, 88 Stat. 1896 (5 U.S.C. 552a).

■ 2. Section 319.13 is amended by adding paragraph (d) to read as follows:

§ 319.13 Specific exemptions.

* * * * *

(d) *System identifier and name:* LDIA 13–0001, Conflict Management Programs.

(1) *Exemptions:* Any portion of this record system which falls within the provisions of 5 U.S.C. 552a(k)(2) and (k)(5) may be exempt from the following subsections of 5 U.S.C. 552a: (c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I)

(2) *Authority:* 5 U.S.C. 552a (k)(2) and (k)(5)

(3) *Reasons:* Claiming these exemptions ensures the integrity of the conflict management process. The execution requires that information be provided in a free and open manner without fear of retribution or harassment in order to facilitate a just, thorough, and timely resolution of the complaint or inquiry. Disclosures from this system can enable individuals to conceal their wrongdoing or mislead the course of the investigation by concealing, destroying, or fabricating evidence or documents. In addition, disclosures can subject sources and witnesses to harassment or intimidation which may cause individuals to not seek redress for wrongs through available channels for fear of retribution or harassment.

Dated: November 12, 2013.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2013–27511 Filed 11–19–13; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2013–OS–0218]

32 CFR Part 319

Privacy Act; Implementation

AGENCY: Defense Intelligence Agency, DoD.

ACTION: Direct final rule with request for comments.

SUMMARY: Defense Intelligence Agency (DIA) is proposing to update the DIA Privacy Act Program by adding the (k)(2) and (k)(5) exemptions to accurately describe the basis for exempting the records in the system of records notice LDIA 10–0004 Occupational, Safety, Health, and Environmental Management Records.

This direct final rule makes non-substantive changes to the Defense Intelligence Agency Program rules. These changes will allow the Department to add exemption rules to the DIA Privacy Program rules that will exempt applicable Department records and/or material from certain portions of the Privacy Act. This will improve the efficiency and effectiveness of DoD's program by ensuring the integrity of the security and counterintelligence records by the Defense Intelligence Agency and the Department of Defense.

This rule is being published as a direct final rule as the Department of Defense does not expect to receive any adverse comments, and so a proposed rule is unnecessary.

DATES: The rule will be effective on January 29, 2014 unless adverse comment is received by January 21, 2014. If adverse comment is received, Department of Defense will publish a timely withdrawal of the rule in the **Federal Register**.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

- *Federal Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive; East Tower, 2nd Floor, Suite 02G09, Alexandria, VA 22350–3100.

Instructions: All submissions received must include the agency name and docket number 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: Ms. Theresa Lowery at Defense Intelligence Agency, DAN 1–C, 600 MacDill Blvd., Washington, DC 20340–0001 or by phone at (202) 231–1193.

SUPPLEMENTARY INFORMATION:

Direct Final Rule and Significant Adverse Comments

DoD has determined this rulemaking meets the criteria for a direct final rule because it involves non-substantive changes dealing with DoD's management of its Privacy Programs. DoD expects no opposition to the changes and no significant adverse comments. However, if DoD receives a significant adverse comment, the Department will withdraw this direct final rule by publishing a notice in the **Federal Register**. A significant adverse comment is one that explains: (1) Why the direct final rule is inappropriate, including challenges to the rule's underlying premise or approach; or (2) why the direct final rule will be ineffective or unacceptable without a change. In determining whether a comment necessitates withdrawal of this direct final rule, DoD will consider whether it warrants a substantive response in a notice and comment process.

Executive Order 12866, ''Regulatory Planning and Review'' and Executive Order 13563, ''Improving Regulation and Regulatory Review''

It has been determined that this rule is not a significant rule. This rule does not (1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy; a sector of the economy; productivity; competition; jobs; the environment; public health or safety; or State, local, or tribal governments or communities; (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another Agency; (3) Materially alter the budgetary impact of entitlements, 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 these Executive orders.

Public Law 96–354, ''Regulatory Flexibility Act'' (5 U.S.C. Chapter 6)

This rule will not have significant economic impact on a substantial number of small entities because it is concerned only with the administration of Privacy Act systems of records within the Department of Defense. A Regulatory Flexibility Analysis is not required.

Public Law 96–511, ''Paperwork Reduction Act'' (44 U.S.C. Chapter 35)

This rule does not contain any information collection requirements subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.).

Section 202, Public Law 104–4, ''Unfunded Mandates Reform Act''

These amendments do not involve a Federal mandate that may result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of $100 million or more and that such rulemaking will not significantly or uniquely affect small governments.

Executive Order 13132, ''Federalism''

These amendments do 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. Therefore, no Federalism assessment is required.

List of Subjects in 32 CFR Part 319

Privacy.

Accordingly, 32 CFR part 319 is amended as follows:

PART 319—DEFENSE INTELLIGENCE AGENCY PRIVACY PROGRAM

■ 1. The authority citation for 32 CFR part 319 continues to read as follows:

Authority: Pub. L. 93–579, 88 Stat. 1896 (5 U.S.C. 552a).

■ 2. Section 319.13 is amended by adding paragraph (m) to read as follows:

§ 319.13 Specific exemptions.

* * * * *

(m) *System identifier and name:* LDIA 10–0004 Occupational, Safety, Health, and Environmental Management Records.

(1) *Exemptions:* Any portion of this record system which falls within the provisions of 5 U.S.C. 552a(k)(2)(k)(4) and (k)(5) may be exempt from the following subsections of 5 U.S.C. 552a: (c)(3); (d)(1), (d)(2), (d)(3), (d)(4), (d)(5); (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I); (f)(1), (f)(2), (f)(2), (f)(3), (f)(4), (f)(5).

(2) *Authority:* 5 U.S.C. 552a(k)(2) and (k)(5).

(3) The reasons for asserting these exemptions are to ensure the integrity of an investigative or administrative process and to protect statistical records. The execution requires that information be provided in a free and open manner without fear of retribution or harassment in order to facilitate a just, thorough, and timely resolution during an investigation or administrative action. Disclosures from this system can enable individuals to conceal their wrongdoing or mislead the course of the investigation by concealing, destroying, or fabricating evidence or documents. In addition, disclosures can subject sources and witnesses to harassment or intimidation which may cause individuals to not to seek redress for concerns about occupational safety, health, environmental issues and accident reporting. Information is used to comply regulatory reporting requirements.

Dated: November 13, 2013.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2013–27518 Filed 11–19–13; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Navy

32 CFR Part 701

[Docket ID: USN–2013–0039]

Privacy Act; Implementation

AGENCY: Department of the Navy, DoD.

ACTION: Direct final rule with request for comments.

SUMMARY: Department of the Navy is updating the Navy Privacy Act Program by adding the (k)(5) exemption to accurately describe the basis for exempting the records in the system of records notice NM03800–1, Naval Global Maritime, Foreign, Counterterrorism and Counter Intelligence Operation Records. This direct final rule makes non-substantive changes to the Department of the Navy's Program rules. These changes will allow the Department to add exemption rules to the Department of the Navy Privacy Program rules that will exempt applicable Department records and/or material from certain portions of the Privacy Act. This will improve the efficiency and effectiveness of DoD's program by ensuring the integrity of the security and investigative material complied for law enforcement purposes by the Department of the Navy and the Department of Defense.

This rule is being published as a direct final rule as the Department of Defense does not expect to receive any adverse comments, and so a proposed rule is unnecessary.

DATES: The rule will be effective on January 29, 2014 unless adverse comment is received by January 21, 2014. If adverse comment is received, Department of the Navy will publish a timely withdrawal of the rule in the **Federal Register**.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

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

* *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive; East Tower, 2nd Floor, Suite 02G09, Alexandria, VA 22350–3100.

Instructions: All submissions received must include the agency name and docket number 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: Ms. Robin Patterson at 202–685–6546.

SUPPLEMENTARY INFORMATION:

Direct Final Rule and Significant Adverse Comments

DoD has determined this rulemaking meets the criteria for a direct final rule because it involves nonsubstantive changes dealing with DoD's management of its Privacy Programs. DoD expects no opposition to the changes and no significant adverse comments. However, if DoD receives a significant adverse comment, the Department will withdraw this direct final rule by publishing a notice in the **Federal Register**. A significant adverse comment is one that explains: (1) Why the direct final rule is inappropriate, including challenges to the rule's underlying premise or approach; or (2) why the direct final rule will be ineffective or unacceptable without a change. In determining whether a comment necessitates withdrawal of this direct final rule, DoD will consider whether it warrants a substantive response in a notice and comment process.

Executive Order 12866, ''Regulatory Planning and Review'' and Executive Order 13563, ''Improving Regulation and Regulatory Review''

It has been determined that this rule is not a significant rule. This rule does not (1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy; a sector of the economy; productivity; competition; jobs; the environment; public health or safety; or State, local, or tribal governments or communities; (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another Agency; (3) Materially alter the budgetary impact of entitlements, 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 these Executive orders.

Public Law 96–354, ''Regulatory Flexibility Act'' (5 U.S.C. Chapter 6)

This rule will not have significant economic impact on a substantial number of small entities because it is concerned only with the administration of Privacy Act systems of records within the Department of Defense. A Regulatory Flexibility Analysis is not required.

Public Law 96–511, ''Paperwork Reduction Act'' (44 U.S.C. Chapter 35)

This rule does not contain any information collection requirements subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.).

Section 202, Public Law 104–4, ''Unfunded Mandates Reform Act''

These amendments do not involve a Federal mandate that may result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of $100 million or more and that such rulemaking will not significantly or uniquely affect small governments.

Executive Order 13132, ''Federalism''

These amendments do 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. Therefore, no Federalism assessment is required.

List of Subjects in 32 CFR Part 701

Privacy.

Accordingly, 32 CFR part 701 is amended as follows:

PART 701—AVAILABILITY OF DEPARTMENT OF THE NAVY RECORDS AND PUBLICATION OF DEPARTMENT OF THE NAVY DOCUMENTS AFFECTING THE PUBLIC

■ 1. The authority citation for 32 CFR part 701 continues to read as follows:

Authority: 5 U.S.C. 552.

■ 2. In § 701.128, add paragraph (y) to read as follows:

§ 701.128 Exemptions for specific Navy record systems.

* * * * *

(y) *System identifier and name:* NM03800–1, Naval Global Maritime, Foreign, Counterterrorism and Counter Intelligence Operation Records.

(1) Exemptions: Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for federal civilian employment, military service, federal contracts, or access to classified information may be exempt pursuant to 5 U.S.C. 552a(k)(5) but only to the extent that such material would reveal the identity of a confidential source. An exemption rule for this system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b)(1), (2) and (3)(c) and (e) and is published at 32 CFR part 701.

(2) Authority: 5 U.S.C. 552a(k)(5).

(3) The reason for asserting this exemption is ensure the integrity of the security and investigative material complied for law enforcement purposes by the Department of the Navy and the Department of Defense.

Dated: November 12, 2013.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2013–27460 Filed 11–19–13; 8:45 am]

BILLING CODE 5001–06–P

POSTAL SERVICE

39 CFR Part 111

Domestic Competitive Products Pricing and Mailing Standards Changes

AGENCY: Postal Service™.

ACTION: Final rule.

SUMMARY: The Postal Service is amending its *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM®), to reflect changes to prices and mailing standards for certain competitive products.

DATES: Effective: January 26, 2014.

FOR FURTHER INFORMATION CONTACT: Margaret Choiniere (202) 268–7231 or Garry Rodriguez (202) 268–7281.

SUPPLEMENTARY INFORMATION: This final rule describes new prices and product features for competitive products, by class of mail, established by the Governors of the United States Postal Service®. New prices are available under Docket Number CP2014–5 on the Postal Regulatory Commission's (PRC) Web site at *http://www.prc.gov,* and also located on the Postal Explorer® Web site at *http://pe.usps.com.*

The Postal Service will revise *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM®), to reflect changes to prices and mailing standards for the following competitive products:

- Priority Mail Express™.
- Priority Mail®.
- First-Class Package Service™.
- Parcel Select®.
- Standard Post™.
- Extra Services.
- Return Services.
- Mailer Services.
- Recipient Services.

Competitive product prices and changes are identified by product as follows:

Priority Mail Express

Prices

Overall, Priority Mail Express prices will increase 3.0 percent. Priority Mail Express will continue to offer zoned Retail, Commercial Base™, and Commercial Plus™ pricing tiers.

Retail prices will increase an average of 3.1 percent. The price for the Retail

Flat Rate Envelope, Legal Flat Rate Envelope, and Padded Flat Rate Envelope is increasing to $19.99. The Flat Rate Box price is increasing to $44.95. This is the first price increase for the Flat Rate Box since its introduction in January 2012.

The existing Commercial Base prices offer lower prices to customers who use online and other authorized postage payment methods. Commercial Base prices will increase an average of 2.9 percent.

The existing Commercial Plus price category offers price incentives to large volume customers. Commercial Plus prices will increase an average of 0.6 percent.

Delivery and Availability Times for Priority Mail Express

The Postal Service will eliminate the 12 p.m. time for delivery of items to an addressee within the delivery area of the destination facility for Priority Mail Express Next Day and Second Day delivery. The default time for delivery of items to an addressee for Next Day and Second Day delivery will be 3:00 p.m. The Postal Service is announcing a new optional 10:30 a.m. delivery time for a fee of $5.00 for PO Box™ and street delivery service for certain origin and destination ZIP Code™ pairs.

The Postal Service will also revise the Hold For Pick Up service times for Priority Mail Express Next Day and Second Day delivery items. The current 10:00 a.m., 12:00 p.m., and 3:00 p.m., pick up times will be change to 10:30 a.m. and 3:00 p.m. There is no fee for the 10:30 a.m. pick up time.

PME Package Simplification Updates

As part of the Package Simplification efforts which began on July 28, 2013, the Postal Service continues to streamline offerings to eliminate unnecessary items. The expansion of transportation networks for expedited products and enhancements in scanning technology has resulted in no detectable difference for handling and delivery of the two primary Priority Mail Express services available today. As a result, we will update DMM language as follows: Priority Mail Express Post Office to Addressee will be referred to as simply Priority Mail Express, and Priority Mail Express Custom Designed service will be discontinued.

Additionally, the Postal Service will update the January 26, 2014, DMM to globally change Priority Mail Express Next Day Delivery and Priority Mail Express Second Day Delivery to Priority Mail Express 1-Day Delivery and Priority Mail Express 2-Day Delivery.

Priority Mail

Prices

Overall, Priority Mail prices will average a net zero percent price increase. The price increase varies by price cell and price tier.

Retail prices will average a net zero percent price increase. The Flat Rate Envelope will continue to be priced at $5.60, along with the Legal Flat Rate Envelope priced at $5.75 and Padded Flat Rate Envelope priced at $5.95. The Flat Rate Box prices will remain the same for the Small, $5.80, and Medium, $12.35, boxes. The Large Flat Rate Box will increase to $17.45 and Large APO/FPO/DPO Box will be $15.45.

Commercial Base prices offer lower prices to customers who use online and other authorized postage payment methods. Commercial Base prices will average a net zero percent price increase. Commercial Base pricing offers an average 11.0 percent discount off retail prices.

Commercial Plus price category offers attractive price incentives to large volume customers. Commercial Plus prices will average a net zero percent price increase. Commercial Plus pricing offers an average 14.3 percent discount off retail prices.

Commercial Plus Volume Threshold

For consistency, the Postal Service will reduce the Commercial Plus volume threshold of 75,000 total pieces in the previous calendar year (except Priority Mail Open and Distribute) to 50,000 total pieces in the previous calendar year (except Priority Mail Open and Distribute). The 5,000 letter-size and flat-size pieces (including Flat Rate Envelopes, but not the Padded Flat Rate Envelope) cumulative account volume threshold will remain the same.

Commercial Plus Cubic

The Postal Service will reduce the Commercial Plus cubic volume threshold from exceeding 150,000 pieces in the previous calendar year to exceeding 50,000 pieces in the previous calendar year, to make cubic pricing more accessible to a larger group of customers.

Priority Mail Open and Distribute

The Postal Service will revise DMM section 423.1.1 to clarify that only tray boxes entered at Priority Mail Commercial Plus prices are not based on weight, but are charged based on the tray box and zone to which it is sent. Tray boxes not entered at Priority Mail Commercial Plus prices are priced as Priority Mail by weight and zone.

First-Class Package Service

Prices

Overall, First-Class Package Service prices will increase 5.0 percent. The Intelligent Mail® package barcode (IMpb) will continue to provide free USPS tracking and confirmation of delivery with these parcels.

Parcel Select

Prices

Overall, Parcel Select prices will increase an average of 9.2 percent.

The average price increase for Parcel Select Destination Entry destination delivery unit (DDU) is 8.0 percent, destination sectional center facility (DSCF) is 5.6 percent, and destination network distribution center (DNDC) is 5.1 percent.

The prices for Parcel Select NDC (network distribution center) and ONDC (origin network distribution center) presorted parcels are increasing an average of 10.0 and 5.8 percent respectively. The prices for Parcel Select Nonpresort parcels are increasing an average of 5.2 percent.

The prices for Parcel Select Lightweight™ (PSLW) will increase an average of 10.1 percent. The IMpb will continue to provide free USPS tracking and confirmation of delivery with PSLW as well.

Standard Post

Overall, Standard Post prices will increase an average of 5.2 percent.

Eligibility Criteria for Standard Post

The Postal Service moved Standard Post to the competitive product listing effective January 27, 2013. This included aligning the costs with Priority Mail Zone 1 through 4, 1 through 15 pound price combinations.

To further simplify our shipping options, the Postal Service will limit the Standard Post Zone 1 through 4, 1 through 70 pound price combinations to shipments of mailable hazardous materials, live animals, or other items required by standard to be shipped by ground transportation only. Standard Post will still be available for all mailable items shipped to Zones 5 through 8 up to 70 pounds.

Extra Services

Adult Signature Service

Adult Signature Service prices are increasing. The price for Adult Signature Required is $5.20 and Adult Signature Restricted Delivery is $5.45.

Return Services

Parcel Return Service

Parcel Return Service (PRS) prices will have an overall price increase of 3.0 percent. Return Network Distribution Center (RNDC) and Return Sectional Center Facility (RSCF) prices will have no increase. Return Delivery Unit (RDU) prices will increase an average of 5.7 percent.

Parcel Return Service — Full Network (PRS — Full Network) prices will remain the same for January 2014.

The Parcel Return Service annual permit fee and annual account maintenance fee are increasing. Information on fees can be found in the Domestic Mailing Services **Federal Register** Notice.

Mailer Services

Premium Forwarding Service

The enrollment fee for Retail or online applications for Premium Forwarding Service® (PFS®), in effect since 2005, is increasing. Additionally, the fee will now vary between Retail and online requests. The enrollment fee paid at the Retail Counter is increasing to $17.00 per application. The enrollment fee paid online is being increased to $16.00 per application. The price of the weekly reshipment charge will remain at $17.00 for January 2014.

Premium Forwarding Service Commercial

The Postal Service provides this advance notice of the redesign of commercial Priority Mail Express (PME) Reshipment and Priority Mail (PM) Reshipment service offerings. Once final systems implementation is completed, anticipated for July 2014, the DMM standards will be revised accordingly. As background, the Postal Service currently offers residential and commercial customers options for reshipment of mail from one delivery location to another. For retail customers, Premium Forwarding Service® (PFS®) is available for up to one year and shipments are sent weekly. For commercial customers, PME Reshipment service (established with a USPS Corporate Account) and PM Reshipment service (established with a Merchandise Return Service (MRS) permit account) are available for a specific period of time and frequency.

Under the new commercial reshipment service, our PFS® offerings will be expanded. Premium Forwarding Service® Commercial (PFS® Commercial) will replace commercial PME Reshipment and PM Reshipment service and will be available to business customers who pay an annual enrollment fee and postage online. Customers will have the ability to determine the frequency and locations where reshipment service is desired, and will choose if the shipments will be sent by either PME or PM. Shipping containers used for PFS® Commercial will be restricted to sacks, tray boxes, and for minimal amounts of mail, Flat Rate envelopes. Additionally, customers will no longer be required to provide MRS or PME labels for reshipments or to pay daily Pickup on Demand fees where currently applicable.

Effective in July 2014, enrollment for PFS® Commercial will be available through the Business Customer Gateway at: *https://gateway.usps.com/bcg/login.htm.*

USPS Package Intercept

The USPS Package Intercept™ fee will increase 5.0 percent to $11.50 for January 2014.

USPS Package Intercept Automated Retail Requests

Currently, Retail customers may request to have their package intercepted and redirected to sender by submitting PS Form 1509, *Sender's Request for USPS Package Intercept Service* (previously *Sender's Application for Recall of Mail*). Commercial customers may request to have their package redirected to sender, to a new postal delivery address, or to a Post Office as Hold For Pickup service through the Business Customer Gateway at *https://gateway.usps.com/bcg/login.htm.*

The Postal Service will introduce an additional phase of Package Intercept service which will automate the retail requests and related payments for Package Intercept service to online at *www.usps.com.* As a result of the retail online implementation, manual requests are no longer necessary and PS Form 1509 will be retired.

Additionally, the Postal Service will revise various sections of DMM 507.5.0, Package Intercept, for clarification.

Pickup on Demand Service

The Pickup on Demand® service daily fee will remain at $20.00 for January 2014.

Pickup on Demand Service Online Enhancements

The Postal Service will retire PS Form 5541, *Pickup Service Statement—Priority Mail Express, Global Express Guaranteed, Priority Mail, or Standard Post,* as a result of online enhancements that automate the payment method for all package pickup services, including Pickup On Demand. Online options, including the request for recurring pickups through the online Package Pickup program, are located at *www.usps.com.*

Recipient Services

Post Office Box Service

The competitive Post Office Box™ service prices will increase an average of 3.5 percent within the existing price ranges previously set.

Other

New Zone 9 Added to Zone Priced Products

The Postal Service will extend zone pricing to add a ''Zone 9'' for domestic mail service products provided to the Freely Associated States (FAS). Costs associated with these destinations are unique and significant compared to other origin and destination pairs currently covered by Zone 8. The FAS are three independent countries with eight ZIP Codes included in the 969 3-Digit ZIP Code area assigned to these locations as follows:

- Republic of Palau (PW)—96939, 96940
- Federated States of Micronesia (FM)—96941, 96942, 96943, 96944
- Republic of the Marshall Islands (MH)—96960, 96970

Pricing for the remaining 5-Digit ZIP Codes in the 969 area will not be affected by this pricing change.

Palau Postage Refunds Guaranteed for Loss Only

As set forth in the terms of the Compact of Free Association between the United States Government and the government of the Republic of Palau pending ratification, Palau is added to the list of countries where guaranteed postage is not refunded other than for loss.

Noncompliant IMpb Barcode Surcharge

The Postal Service will implement a $0.20 per piece price for IMpb noncompliant pieces. The surcharge will apply to all competitive product pieces entered at commercial prices. Pieces failing to meet the January 26, 2014 standards for IMpb use and falling outside the established thresholds will be subject to this new surcharge.

Information regarding the details on the application of the surcharge can be found in the November 2013, final rule **Federal Register** notice, *New Standards to Enhance Package Visibility.*

Permit Imprint Application Fee Waiver for eVS

The Postal Service will revise the DMM to waive the permit imprint application fee for mailers using an Electronic Manifest Mailing System (eVS®).

Packaging of Live Animals

The Postal Service will revise DMM standards to clarify that USPS-produced packaging, including Flat Rate containers, is not eligible for shipping live animals.

Resources

The Postal Service provides additional resources to assist customers with this price change for competitive products. These tools include price lists, downloadable price files, and **Federal Register** Notices, which may be found on the Postal Explorer® Web site at *pe.usps.com.*

The Postal Service adopts the following changes 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 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)

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100 Retail Mail

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110 Priority Mail Express

113 Prices and Eligibility

1.0 Priority Mail Express Prices and Fees

* * * * *

[Renumber 1.6 as 1.7 and add new 1.6 as follows:]

1.6 Optional Delivery Fee

An optional fee is charged for a 10:30 a.m. request to have Priority Mail Express items delivered to an addressee within the delivery area of the destination facility where available. See Notice 123—Price List for fee.

* * * * *

4.0 Service Features of Priority Mail Express

* * * * *

4.2 Priority Mail Express Next Day Delivery

4.2.1 Availability

[Revise the first sentence of 4.2.1 as follows:]

Priority Mail Express Next Day Delivery is available at designated USPS facilities, designated Priority Mail Express collection boxes, or through Package Pickup or Pickup on Demand service, for overnight service to designated 3-digit or 5-digit destination ZIP Code delivery areas. * * *

* * * * *

4.2.4 Delivery Times

[Revise the text of 4.2.4 as follows:]

Items are delivered by 3 p.m. on the next day. If delivery is not made, the addressee is notified; a reminder notice is also left on the third day. A second delivery is attempted only upon customer request. Items may be delivered by 10:30 a.m. for a fee under 1.6.

4.2.5 Hold for Pickup

[Revise the text of 4.2.5 as follows:]

Under Hold for Pickup service, items presented under 4.2 are available for pick up by the addressee at the destination facility by 10:30 a.m. or 3 p.m. of the next day the destination office is open for retail business.

4.3 Priority Mail Express Second Day Delivery

4.3.1 Availability

[Revise the text of 4.3.1 as follows:]

Priority Mail Express Second Day Delivery is available to any 3-digit or 5-digit ZIP Code destination not listed in the Next Day Delivery directory mentioned in 4.2.2. For an additional option, see 4.3.5, *Hold for Pickup.*

* * * * *

[Renumber 4.3.4 as 4.3.5 and add new 4.3.4 as follows:]

4.3.4 Delivery Time

Items are delivered to the addressee by 3 p.m. on the second delivery day. If delivery is not made, the addressee is notified, a second notice is left on the third day, and a second delivery is attempted upon customer request. Items may be delivered by 10:30 a.m. for a fee under 1.6.

4.3.5 Hold for Pickup

[Revise the text of renumbered 4.3.5 as follows:]

Under Hold for Pickup service, items presented under 4.3 are available for pick up by the addressee at the destination facility by 10:30 a.m. or 3 p.m. of the second delivery day that the destination office is open for retail business.

4.4 Priority Mail Express Military Service (PMEMS)

* * * * *

4.4.2 Availability

[Revise the last sentence of 4.4.2 as follows:]

* * * PMEMS Open and Distribute service is available to authorized APO/FPO and DPO destinations.

[Delete 4.5 in its entirety and renumber 4.6 as 4.5.]

* * * * *

115 Mail Preparation

* * * * *

2.0 Priority Mail Express Next Day and Second Day

2.1 Mailing Label

[Revise the first sentence of 2.1 as follows:]

For each Priority Mail Express item, the mailer must complete Label 11–B or Label 11–F, Label 11–HFPU for Hold for Pickup service, or a single-ply Priority Mail Express label generated through Click-N-Ship or a USPS-approved method. * * *

2.2 Waiver of Signature

[Revise the first sentence of 2.2 as follows:]

For editions of Priority Mail Express Label 11–B or Label 11–F printed before January 2012, a mailer sending a Priority Mail Express item may instruct the USPS to deliver a Priority Mail Express Next Day Delivery or Priority Mail Express Second Day Delivery item without obtaining the signature of the addressee or the addressee's agent by checking and signing the waiver of signature on Label 11–B or Label 11–F, or indicating waiver of signature is requested on single-ply commercial label. * * *

2.3 Signature Required

[Revise the last sentence of 2.3 as follows:]

* * * A mailer must select signature service for Priority Mail Express COD,

or Priority Mail Express with additional insurance.

* * * * *

150 Standard Post

153 Prices and Eligibility

1.0 Standard Post Prices and Fees

1.1 Price Eligibility

Standard Post prices are calculated based on the zone to which the parcel is addressed and the weight of the parcel. Standard Post prices are available as follows:

[Renumber items 1.1a and 1.1b as 1.1c and 1.1d and add new items 1.1a and 1.1b as follows:]

a. Except for items mailed under 1.1b, Standard Post prices are only available for mailable items sent to Zones 5 through 8.

b. Standard Post prices are available for items sent to Zones 1 through 8 that contain mailable hazardous materials or live animals eligible to be shipped by surface transportation, or for items required by standard to be shipped by surface transportation only.

* * * * *

2.0 Basic Eligibility Standards for Standard Post

2.1 Definition of Standard Post

[Revise the text of 2.1 as follows:]

Standard Post has a maximum weight limit of 70 pounds per parcel and is available only through retail channels.

* * * * *

3.0 Content Standards

[Delete the heading 3.1 General Content Standards and move the text under 3.0. Revise the text of 3.0 as follows:]

Standard Post mail consists of mailable matter that is neither mailed or required to be mailed as First-Class Mail nor entered as Periodicals (except as permitted under 3.1a and 3.1b or permitted or required under 707.7.9). The general public (other than publishers or registered news agents) may mail copies of Periodicals publications at Standard Post prices. Attachments or enclosures (also see 4.0) of Periodicals sample copies may be mailed under the following conditions:

a. Sample copies of authorized and pending Periodicals publications may be enclosed or attached with merchandise sent at Standard Post prices.

b. Postage at Standard Post prices is based on the combined weight of the host piece and the sample copies enclosed.

[Delete current 3.2, Attachments or Enclosures of Periodicals Sample Copies, in its entirety.]

* * * * *

200 Commercial Letters and Cards

* * * * *

210 Priority Mail Express

213 Prices and Eligibility

1.0 Prices and Fees

1.1 Prices Charged per Piece

[Revise the text of 1.1 by deleting the last sentence.]

* * * * *

[Renumber 1.7 and 1.8 as 1.8 and 1.9. Add new 1.7 as follows:]

1.7 Optional Delivery Fee

An optional fee is charged for a 10:30 a.m. request to have Priority Mail Express items delivered to an addressee within the delivery area of the destination facility where available. See Notice 123—Price List for fee.

* * * * *

[Delete renumbered 1.9, Delivery Stop, in its entirety.]

* * * * *

4.0 Service Features of Priority Mail Express

* * * * *

4.2 Priority Mail Express Next Day Delivery

4.2.1 Availability

[Revise the text of 4.2.1 as follows:]

Priority Mail Express Next Day Delivery is available via designated USPS facilities, designated Priority Mail Express collection boxes, or Pickup on Demand service, for overnight service to designated destination 3-digit ZIP Code delivery areas. For an additional option, see 4.2.5.

* * * * *

[Renumber 4.2.4 as 4.2.5 and add new 4.2.4 as follows:]

4.2.4 Delivery Times

Except for items endorsed ''Guaranteed by End of Day'' per an approved customer agreement, items are delivered to an addressee within the delivery area of the destination facility by 3 p.m. on the next day. If delivery is not made, the addressee is notified, a second notice is left on the third day, and a second delivery is attempted upon customer request. Items may be delivered by 10:30 a.m. for a fee under 1.7.

4.2.5 Hold for Pickup

[Revise the text of renumbered 4.2.5 as follows:]

Under Hold for Pickup service, items presented under 4.2 are available for pick up by the addressee at the destination facility by 10:30 a.m. or 3 p.m. of the next day the destination office is open for retail business.

4.3 Priority Mail Express Second Day Delivery

4.3.1 Availability

[Revise the text of 4.3.1 as follows:]

Priority Mail Express Second Day Delivery is available to any destination not listed in the Next Day Delivery directory mentioned in 4.2.2. For an additional option, see 4.3.5.

* * * * *

[Renumber 4.3.4 as 4.3.5 and add new 4.3.4 as follows:]

4.3.4 Delivery Times

Except for items endorsed ''Guaranteed by End of Day'' per an approved customer agreement, items are delivered to an addressee within the delivery area of the destination facility by 3 p.m. on the second delivery day. If delivery is not made, the addressee is notified, a second notice is left on the third day, and a second delivery is attempted upon customer request. Items may be delivered by 10:30 a.m. for a fee under 1.7.

4.3.5 Hold for Pickup

[Revise the text of renumbered 4.3.5 as follows:]

Under Hold for Pickup service, items presented under 4.3 are available for pick up by the addressee at the destination facility by 10:30 a.m. or 3 p.m. of the second delivery day the destination office is open for retail business.

* * * * *

[Delete 4.4, Priority Mail Express Custom Designed, in its entirety and renumber 4.5 and 4.6 as 4.4 and 4.5.]

* * * * *

4.4 Priority Mail Express Military Service (PMEMS)

* * * * *

4.4.2 Availability

[Revise the second sentence of renumbered 4.4.2 as follows:]

* * * PMEMS Open and Distribute service is available to authorized APO/FPO destinations.

4.5 Open and Distribute

[Revise the text of renumbered 4.5 as follows:]

Priority Mail Express Next Day Delivery and Priority Mail Express Second Day Delivery may be used to expedite movement of any other class of

mail from one domestic USPS facility to another by Priority Mail Express Open and Distribute subject to the standards in 705.18.0.

* * * * *

215 Mail Preparation

* * * * *

2.0 Priority Mail Express Next Day and Second Day

2.1 Mailing Label

[Revise the first sentence of 2.1 as follows:]

For each Priority Mail Express item, the mailer must complete Label 11–B or Label 11–F, Label 11–HFPU for Hold for Pickup service, or a single-ply Priority Mail Express label generated through Click-N-Ship or a USPS-approved method. * * *

2.2 Waiver of Signature

[Revise the first sentence of 2.2 as follows:]

For editions of Priority Mail Express Label 11–B or Label 11–F printed before January 2012, a mailer sending a Priority Mail Express item may instruct the USPS to deliver a Priority Mail Express Next Day Delivery or Priority Mail Express Second Day Delivery item without obtaining the signature of the addressee or the addressee's agent by checking and signing the waiver of signature on Label 11–B or Label 11–F, or indicating waiver of signature is requested on single-ply commercial label. * * *

* * * * *

[Delete 3.0, Priority Mail Express Custom Designed, in its entirety and renumber 4.0 as 3.0.]

* * * * *

3.0 Firm Mailing Book

Form 3877 is available at no cost to any mailer who mails an average of three or more Priority Mail Express items at one time, following these instructions:

[Revise renumbered item 3.0a as follows:]

a. The mailer must prepare Priority Mail Express Next Day Delivery or Second Day Delivery items as described above and present the completed form with the items to be mailed.

* * * * *

216 Enter and Deposit

* * * * *

[Delete 2.0, Priority Mail Express Custom Designed, in its entirety and renumber 3.0 and 4.0 as 2.0 and 3.0.]

* * * * *

220 Priority Mail

223 Prices and Eligibility

1.0 Prices and Fees

* * * * *

1.3 Commercial Plus Prices

1.3.1 Basic Eligibility

[Revise the second sentence in the introductory text of 1.3.1 as follows:]

* * * Commercial Plus prices are available to Priority Mail (including Critical Mail) customers who qualify for Commercial Base prices and whose cumulative account volume exceeds a combined total of 5,000 letter-size and flat-size pieces (including Flat Rate Envelopes, but not the Padded Flat Rate Envelope) or 50,000 total pieces (see 423) in the previous calendar year (except Priority Mail Open and Distribute) and who have a customer commitment agreement with USPS (New Priority Mail customers see 1.3.2), and are:

* * * * *

300 Commercial Flats

* * * * *

310 Priority Mail Express

313 Prices and Eligibility

1.0 Prices and Fees

1.1 Prices Charged per Piece

[Revise the text of 1.1 by deleting the last sentence.]

* * * * *

[Renumber 1.7 and 1.8 as 1.8 and 1.9. Add new 1.7 as follows:]

1.7 Optional Delivery Fee

An optional fee is charged for a 10:30 a.m. request to have Priority Mail Express items delivered to an addressee within the delivery area of the destination facility where available. See Notice 123—Price List for fee.

* * * * *

[Delete renumbered 1.9, Delivery Stop, in its entirety.]

* * * * *

4.0 Service Features of Priority Mail Express

* * * * *

4.2 Priority Mail Express Next Day Delivery

4.2.1 Availability

[Revise the text of 4.2.1 as follows:]

Priority Mail Express Next Day Delivery is available via designated USPS facilities, designated Priority Mail Express collection boxes, or Pickup on Demand service, for overnight service to designated destination 3-digit ZIP Code delivery areas. For an additional option, see 4.2.5.

* * * * *

[Renumber 4.2.4 as 4.2.5 and add new 4.2.4 as follows:]

4.2.4 Delivery Times

Except for items endorsed ''Guaranteed by End of Day'' per an approved customer agreement, items are delivered to an addressee within the delivery area of the destination facility by 3 p.m. on the next day. If delivery is not made, the addressee is notified, a second notice is left on the third day, and a second delivery is attempted upon customer request. Items may be delivered by 10:30 a.m. for a fee under 1.7.

4.2.5 Hold for Pickup

[Revise the text of renumbered 4.2.5 as follows:]

Under Hold for Pickup service, items presented under 4.2 are available for pick up by the addressee at the destination facility by 10:30 a.m. or 3 p.m. of the next day the destination office is open for retail business.

4.3 Priority Mail Express Second Day Delivery

4.3.1 Availability

[Revise the text of 4.3.1 as follows:]

Priority Mail Express Second Day Delivery is available to any destination not listed in the Next Day Delivery directory mentioned in 4.2.2. For an additional option, see 4.3.5.

* * * * *

[Renumber 4.3.4 as 4.3.5 and add new 4.3.4 as follows:]

4.3.4 Delivery Times

Except for items endorsed ''Guaranteed by End of Day'' per an approved customer agreement, items are delivered to an addressee within the delivery area of the destination facility by 3 p.m. on the second delivery day. If delivery is not made, the addressee is notified, a second notice is left on the third day, and a second delivery is attempted upon customer request. Items may be delivered by 10:30 a.m. for a fee under 1.7.

4.3.5 Hold for Pick Up

[Revise the text of renumbered 4.3.5 as follows:]

Under Hold for Pickup service, items presented under 4.3 are available for pick up by the addressee at the destination facility by 10:30 a.m. or 3 p.m. of the second delivery day the destination office is open for retail business.

* * * * *

[Delete 4.4, Priority Mail Express Custom Designed, in its entirety and renumber 4.5 and 4.6 as 4.4 and 4.5.]

* * * * *

4.4 Priority Mail Express Military Service (PMEMS)

* * * * *

4.4.2 Availability

[Revise the second sentence of renumbered 4.4.2 as follows:]

* * * PMEMS Open and Distribute service is available to authorized APO/FPO destinations.

4.5 Open and Distribute

[Revise the text of renumbered 4.5 as follows:]

Priority Mail Express Next Day Delivery and Priority Mail Express Second Day Delivery may be used to expedite movement of any other class of mail from one domestic USPS facility to another by Priority Mail Express Open and Distribute subject to the standards in 705.18.0.

* * * * *

315 Mail Preparation

* * * * *

2.0 Priority Mail Express Next Day and Second Day

2.1 Mailing Label

[Revise the first sentence of 2.1 as follows:]

For each Priority Mail Express item, the mailer must complete Label 11–B or Label 11–F, Label 11–HFPU for Hold for Pickup service, or a single-ply Priority Mail Express label generated through Click-N-Ship or a USPS-approved method. * * *

2.2 Waiver of Signature

[Revise the first sentence of 2.2 as follows:]

For editions of Priority Mail Express Label 11–B or Label 11–F printed before January 2012, a mailer sending a Priority Mail Express item may instruct the USPS to deliver a Priority Mail Express Next Day Delivery or Priority Mail Express Second Day Delivery item without obtaining the signature of the addressee or the addressee's agent by checking and signing the waiver of signature on Label 11–B or Label 11–F, or indicating waiver of signature is requested on single-ply commercial label. * * *

* * * * *

[Delete 3.0, Priority Mail Express Custom Designed, in its entirety and renumber 4.0 as 3.0.]

* * * * *

3.0 Firm Mailing Book

Form 3877 is available at no cost to any mailer who mails an average of three or more Priority Mail Express items at one time, following these instructions:

[Revise renumbered item 3.0a as follows:]

a. The mailer must prepare Priority Mail Express Next Day Delivery or Second Day Delivery items as described above and present the completed form with the items to be mailed.

* * * * *

316 Enter and Deposit

* * * * *

[Delete 2.0, Priority Mail Express Custom Designed, in its entirety and renumber 3.0 and 4.0 as 2.0 and 3.0.]

* * * * *

320 Priority Mail

323 Prices and Eligibility

1.0 Prices and Fees

* * * * *

1.3 Commercial Plus Prices

1.3.1 Basic Eligibility

[Revise the second sentence in the introductory text of 1.3.1 as follows:]

* * * Commercial Plus prices are available to Priority Mail (including Critical Mail) customers who qualify for Commercial Base prices and whose cumulative account volume exceeds a combined total of 5,000 letter-size and flat-size pieces (including Flat Rate Envelopes, but not the Padded Flat Rate Envelope) or 50,000 total pieces (see 423) in the previous calendar year (except Priority Mail Open and Distribute) and who have a customer commitment agreement with USPS (New Priority Mail customers see 1.3.2), and are:

* * * * *

400 Commercial Parcels

* * * * *

410 Priority Mail Express

413 Prices and Eligibility

1.0 Prices and Fees

1.1 Prices Charged per Piece

[Revise the text of 1.1 by deleting the last sentence.]

* * * * *

[Renumber 1.7 through 1.9 as 1.8 through 1.10. Add new 1.7 as follows:]

1.7 Optional Delivery Fee

An optional fee is charged for a 10:30 a.m. request to have Priority Mail Express items delivered to an addressee within the delivery area of the destination facility where available. See Notice 123—Price List for fee.

* * * * *

[Delete renumbered 1.9, Delivery Stop, and renumber 1.10 as 1.9.]

* * * * *

4.0 Service Features of Priority Mail Express

* * * * *

4.2 Priority Mail Express Next Day Delivery

4.2.1 Availability

[Revise the text of 4.2.1 as follows:]

Priority Mail Express Next Day Delivery is available via designated USPS facilities, designated Priority Mail Express collection boxes, or through Package Pickup or Pickup on Demand service, for overnight service to designated destination 3-digit ZIP Code delivery areas. For an additional option, see 4.2.5.

* * * * *

[Renumber 4.2.4 as 4.2.5 and add new 4.2.4 as follows:]

4.2.4 Delivery Times

Except for items endorsed ''Guaranteed by End of Day'' per an approved customer agreement, items are delivered to an addressee within the delivery area of the destination facility by 3 p.m. on the next day. If delivery is not made, the addressee is notified, a second notice is left on the third day, and a second delivery is attempted upon customer request. Items may be delivered by 10:30 a.m. for a fee under 1.7.

4.2.5 Hold for Pickup

[Revise the text of renumbered 4.2.5 as follows:]

Under Hold for Pickup service, items presented under 4.2 are available for pick up by the addressee at the destination facility by 10:30 a.m. or 3 p.m. of the next day the destination office is open for retail business.

4.3 Priority Mail Express Second Day Delivery

4.3.1 Availability

[Revise the text of 4.3.1 as follows:]

Priority Mail Express Second Day Delivery is available to any destination not listed in the Next Day Delivery directory mentioned in 4.2.2. For an additional option, see 4.3.5.

* * * * *

[Renumber 4.3.4 as 4.3.5 and add new 4.3.4 as follows:]

4.3.4 Delivery Times

Except for items endorsed ''Guaranteed by End of Day'' per an

approved customer agreement, items are delivered to an addressee within the delivery area of the destination facility by 3 p.m. on the second delivery day. If delivery is not made, the addressee is notified, a second notice is left on the third day, and a second delivery is attempted upon customer request. Items may be delivered by 10:30 a.m. for a fee under 1.7.

4.3.5 Hold for Pickup

[Revise the text of renumbered 4.3.5 as follows:]

Under Hold for Pickup service, items presented under 4.3 are available for pick up by the addressee at the destination facility by 10:30 a.m. or 3 p.m. of the second delivery day the destination office is open for retail business.

* * * * *

[Delete 4.4, Priority Mail Express Custom Designed, in its entirety and renumber 4.5 and 4.6 as 4.4 and 4.5.]

* * * * *

4.4 Priority Mail Express Military Service (PMEMS)

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4.4.2 Availability

[Revise the second sentence of renumbered 4.4.2 as follows:]

* * * PMEMS Open and Distribute service is available to authorized APO/FPO destinations.

4.5 Open and Distribute

[Revise the text of renumbered 4.5 as follows:]

Priority Mail Express Next Day Delivery and Priority Mail Express Second Day Delivery may be used to expedite movement of any other class of mail from one domestic USPS facility to another by Priority Mail Express Open and Distribute subject to the standards in 705.18.0.

* * * * *

415 Mail Preparation

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2.0 Priority Mail Express Next Day and Second Day

2.1 Mailing Label

[Revise the first sentence of 2.1 as follows:]

For each Priority Mail Express item, the mailer must complete Label 11–B or Label 11–F, Label 11–HFPU for Hold for Pickup service, or a single-ply Priority Mail Express label generated through Click-N-Ship or a USPS-approved method. * * *

2.2 Waiver of Signature

[Revise the first sentence of 2.2 as follows:]

For editions of Priority Mail Express Label 11–B or Label 11–F printed before January 2012, a mailer sending a Priority Mail Express item may instruct the USPS to deliver a Priority Mail Express Next Day Delivery or Priority Mail Express Second Day Delivery item without obtaining the signature of the addressee or the addressee's agent by checking and signing the waiver of signature on Label 11–B or Label 11–F, or indicating waiver of signature is requested on single-ply commercial label. * * *

* * * * *

[Delete 3.0, Priority Mail Express Custom Designed, in its entirety and renumber 4.0 as 3.0.]

* * * * *

3.0 Firm Mailing Book

Form 3877 is available at no cost to any mailer who mails an average of three or more Priority Mail Express items at one time, following these instructions:

[Revise renumbered item 3.0a as follows:]

a. The mailer must prepare Priority Mail Express Next Day Delivery or Second Day Delivery items as described above and present the completed form with the items to be mailed.

* * * * *

416 Enter and Deposit

* * * * *

[Delete 2.0, Priority Mail Express Custom Designed, in its entirety and renumber 3.0 and 4.0 as 2.0 and 3.0.]

* * * * *

420 Priority Mail

423 Prices and Eligibility

1.0 Prices and Fees

1.1 Price Application

The following price applications apply:

* * * * *

[Revise item 1.1g as follows:]

g. Priority Mail Open and Distribute tray boxes mailed at Commercial Plus prices are not based on weight but are charged based on the tray box and zone to which it is sent.

* * * * *

1.3 Commercial Plus Prices

[Revise the heading of 1.3.1 as follows:]

1.3.1 Basic Eligibility

[Revise the introductory text of 1.3.1 as follows:]

Commercial Plus prices are available to Priority Mail (including Critical Mail) customers who qualify for Commercial Base prices and whose cumulative account volume exceeds a combined total of 5,000 letter-size and flat-size pieces (including Flat Rate Envelopes, but not the Padded Flat Rate Envelope) or 50,000 total pieces in the previous calendar year (except Priority Mail Open and Distribute) and who have a customer commitment agreement with USPS (New Priority Mail customers see 1.3.2), and are:

* * * * *

1.4 Commercial Plus Cubic

1.4.1 Commercial Plus Cubic Eligibility

[Revise the first sentence of 1.4.1 as follows:]

Commercial Plus cubic prices are generally available to Priority Mail customers whose account volumes exceeded 50,000 pieces in the previous calendar year and have a customer commitment agreement with the USPS. New Priority Mail customers see 1.4.5.

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500 Additional Mailing Services

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505 Return Services

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3.0 Merchandise Return Service

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507 Mailer Services

1.0 Treatment of Mail

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1.3 Directory Service

USPS letter carrier offices give directory service to the types of mail listed below that have an insufficient address or cannot be delivered at the address given (the USPS does not compile a directory of any kind):

* * * * *

[Revise item 1.3g as follows:]

g. Priority Mail Express Next Day Service.

* * * * *

5.0 Package Intercept

5.1 Description of Service

* * * * *

5.1.2 Eligibility

[Revise the text of 5.1.2 as follows:]

Package Intercept service is available for any Priority Mail Express, Priority Mail, First-Class Mail, First-Class Package Service, Parcel Select, Standard

Post, and Bound Printed Matter, Media Mail, or Library Mail mailpieces with a tracking barcode, addressed to, from, or between domestic destinations (608.2.0) that do not bear a customs declarations label, and measuring not more than 108 inches in length and girth combined, except as noted in 5.1.2.

5.1.3 Ineligible

[Revise the introductory text of 5.1.3 as follows:

Package Intercept is not available for:

* * * * *

[Revise item 5.1.3b as follows:]

b. Mailpieces sent to or from APO/FPO/DPO destinations (703.2).

* * * * *

[Revise item 5.1.3e as follows:]

e. Mailpieces that do not contain a tracking or extra services barcode.

5.2 Postage and Fees

[Revise the text of 5.2 as follows:]

Customers must pay a nonrefundable per-piece fee to initiate the USPS process of attempting to intercept the mailpiece. Intercepted Priority Mail Express, Priority Mail and First-Class Mail pieces being redirected to the sender are not relabeled or subject to additional postage. Intercepted Parcel Select, Standard Post, Bound Printed Matter, Media Mail or Library Mail pieces that are redirected to the sender, and all intercepted mailpieces that are redirected to a new delivery address or a Post Office as Hold For Pickup (508.7), are relabeled and handled as a new Priority Mail piece. The new Priority Mail piece is charged at Priority Mail Commercial Based prices from the location where intercepted to the new destination based on the dimensions, weight, and zone of the piece *or the flat rate price if applicable.* Postage and fee payments are as follows:

a. For retail customers, the Package Intercept fee may be paid by credit or debit card at *www.usps.com.* Payment of any applicable postage and fees will be collected from the recipient as postage due upon delivery.

b. For commercial customers, payment of the Package Intercept fee and any applicable postage and fees must be processed through the mailer's Centralized Account Payment System (CAPS) account.

5.3 Adding Extra Services

[Revise the introductory text of 5.3 as follows:]

Commercial customers who register and file their request through the Business Customer Gateway may add, and pay additional postage for, extra services on the new Priority Mail piece being redirected to a new address or a Post Office for Hold For Pickup, at the time of their online intercept request. Retail customers who file their request through usps.com may add extra services at the time of their online request which will be charged as postage due at the time of delivery. The relabeled item will be assigned a new Intelligent Mail package barcode (IMpb) applicable to the extra service purchased. All available USPS scans for the extra service will be available to the customer at no charge. Extra services may not be added to items being redirected to the sender. Only the following extra services may be added:

* * * * *

5.4 Registered Mail

[Revise the second sentence of 5.4 as follows:]

* * * Customers requesting to intercept Registered Mail must write on the receipt ''Withdrawn'' and sign and surrender the receipt to the Post Office.

5.5 Request for Intercept

[Revise the first and second sentences of 5.5 as follows:]

Retail customers may register and file a request to have their package intercepted at *www.usps.com.* Commercial customers may register and file a request at *https://gateway.usps.com/bcg/login.htm.* * * *

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7.0 Pickup on Demand Service

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600 Basic Standards for All Mailing Services

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601 Mailability

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9.0 Perishables

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9.3 Live Animals

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9.3.10 Packaging

[Revise 9.3.10 by adding a new last sentence as follows:]

* * * USPS-produced packaging, including Flat Rate containers, is not eligible for shipping live animals.

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604 Postage Payment Methods

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5.0 Permit Imprint (Indicia)

5.1 General Standards

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5.1.5 Application Fee

[Revise the text of 5.1.5 as follows:]

Except for eVS mailers under 705.2, the application fee is required. See Notice 123—Price List.

* * * * *

9.0 Exchanges and Refunds

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9.2 Postage and Fees Refunds

9.2.1 General Standards

A refund for postage and fees may be made:

* * * * *

[Add new item 9.2.1e as follows:

e. Under 9.5 for Priority Mail Express postage and Sunday/holiday premium and 10:30 a.m. delivery fees refunds.

* * * * *

[Revise the heading of 9.5 as follows:]

9.5 Priority Mail Express Postage and Fees Refunds

* * * * *

9.5.1 Priority Mail Express Next Day and Second Day Delivery

[Revise the text of 9.5.1 as follows:]

For Priority Mail Express Next Day and Second Day Delivery, the USPS refunds the postage and Sunday or holiday premium fee and/or the 10:30 a.m. delivery fee for an item not available for customer pickup at destination or for which delivery to the addressee was not attempted, subject to the standards for this service, unless the delay was caused by one of the situations in 9.5.6.

* * * * *

9.5.5 Refunds Not Given

[Revise the introductory text of 9.5.5 as follows:]

A postage refund will not be given if the guaranteed service was not provided due to any of the following circumstances:

* * * * *

[Revise the text of renumbered item 9.5.5i as follows:]

i. The postage refund was other than for loss, and the Priority Mail Express piece was destined to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Republic of the Marshall Islands, or the Federated States of Micronesia (see 608.2.4.1 for ZIP Codes).

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700 Special Standards

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703 Nonprofit Standard Mail and Other Unique Eligibility

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2.0 Oversea Military Mail

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2.6 Priority Mail Express Military Service (PMEMS)

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[Revise the heading and text of 2.6.6 as follows:]

2.6.6 To APO/FPO and DPO Destinations

Under PMEMS, items mailed to APO/FPO and DPO destinations (from the United States) are available for delivery at the destination APO/FPO or DPO Post Office by 3 p.m. on the designated delivery day unless the designated delivery day is a weekend or holiday; in such cases, the item is available for delivery on the next business day.

[Revise the heading and text of 2.6.7 as follows:]

2.6.7 From APO/FPO and DPO Destinations

Under PMEMS, items mailed from APO/FPO and DPO locations (going to the United States) are delivered to an addressee within the delivery area of the destination Post Office by 3 p.m. on the designated delivery day.

2.6.8 Mailing Label

[Revise the first sentence of 2.6.8 as follows:]

For each PMEMS item, the mailer must complete mailing Label 11–B or Label 11–F. * * *

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705 Advanced Preparation and Special Postage Payment Systems

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2.0 Manifest Mailing System

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2.4 Authorization

2.4.1 Application

[Revise the text of 2.4.1 as follows:]

The mailer must submit an MMS application and supporting documentation as specified on the application to the postmaster of each Post Office where mailings will be deposited and under the publications as follows:

a. Publication 401, *Guide to the Manifest Mailing System,* contains an application to mail using an MMS.

b. Publication 205, *Electronic Verification System Technical Guide,* provides the eVS application procedures for mailers. Customers using an Electronic Manifesting Solution for Parcels must also establish a user account and mailer agreement with USPS in the Business Customer Gateway at *https://gateway.usps.com.*

* * * * *

2.6 Priority Mail Express Manifesting Agreements

* * * * *

2.6.2 What May Be Manifested

[Revise the first sentence of 2.6.2 as follows:]

PMEM may be used to pay postage for Priority Mail Express and Priority Mail Express Military Service to qualifying APO/FPO and DPO addresses. * * *

* * * * *

2.8 Applications, Agreement Renewals, Modifications, Suspensions, and Cancellations

* * * The application for PMEM must be accompanied by the following:

[Revise item 2.8.1b as follows:]

b. A copy of Form 5639 showing that a USPS Corporate Account has been established.

* * * * *

18.0 Priority Mail Express Open and Distribute and Priority Mail Open and Distribute

18.1 Prices and Fees

18.1.1 Basis of Price

The basis of price for Priority Mail Express and Priority Mail Open and Distribute is as follows:

[Revise the first sentence of item 18.1.1a as follows:]

a. Priority Mail Express postage is based on the zone and weight of the contents of the Open and Distribute shipment. * * *

* * * * *

[Revise the first sentence of item 18.1.1c as follows:]

c. Except as provided above, Priority Mail postage is based on the zone and weight of the contents of the Open and Distribute shipment.

* * * * *

[Delete 19.0, Express Mail Reshipment Service, in its entirety. Renumber 705.20 through 705.26 as 705.19 through 705.25.]

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708 Technical Specifications

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10.0 Postal Zones

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10.4 Specific Zones

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10.4.2 Nonlocal Zone

Nonlocal zones are defined as:

* * * * *

[Add new item 10.4.2i as follows:]

h. Zone 9 includes the destinations listed in DMM 608.2.2 (Republic of Palau, Federated States of Micronesia, and Republic of the Marshall Islands).

* * * * *

Index and Appendices

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Forms Glossary

[Delete the following forms:]

PS Form 1509, *Sender's Application for Recall of Mail*

PS Form 5541, *Pickup Service Statement—PME, GXG, PM, or Standard Post*

PS Form 5625, *Priority Mail Express Custom Designed Service Receipt*

PS Form 5637, *USPS Corporate Account/Custom Designed Agreement*

* * * * *

We will publish an appropriate amendment to 39 CFR part 111 to reflect these changes.

Stanley F. Mires,

Attorney, Legal Policy and Legislative Advice.

[FR Doc. 2013–27728 Filed 11–19–13; 8:45 am]

BILLING CODE 7710–12–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2012–0899; FRL–9902–44]

Fenpropathrin; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances for residues of fenpropathrin in or on multiple commodities which are identified and discussed later in this document. This regulation additionally removes several permanent tolerances as they will be superseded by the tolerances established by this document. Interregional Research Project Number 4 (IR–4) requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective November 20, 2013. Objections and requests for hearings must be received on or before January 21, 2014, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID)

number EPA–HQ–OPP–2012–0899, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), EPA West Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Lois Rossi, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 305–7090; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

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

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Printing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.* To access the OPPTS test guidelines referenced in this document electronically, please go to *http://www.epa.gov/ocspp* and select ''Test Methods and Guidelines.''

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2012–0899 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before January 21, 2014. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2012–0899, 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 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.*

II. Summary of Petitioned-For Tolerances

In the **Federal Register** of February 15, 2013 (78 FR 11126) (FRL–9378–4), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 2E8107) by IR–4,500 College Rd. East, Suite 201W., Princeton, NJ 08540. The petition requested that 40 CFR 180.466 be amended by establishing tolerances for residues of the insecticide fenpropathrin, alpha-cyano-3-phenoxybenzyl 2,2,3,3-tetramethylcyclopropanecarboxylate, in or on barley, grain at 0.04 parts per million (ppm); barley, hay at 3.0 ppm; barley, straw at 2.0 ppm; berry, low-growing, subgroup 13–07G at 2.0 ppm; bushberry subgroup 13–07B at 3.0 ppm; fruit, citrus, group 10–10 at 2.0 ppm; fruit, pome, group 11–10 at 5.0 ppm; fruit, small vine climbing, except fuzzy kiwifruit, subgroup 13–07F at 5.0 ppm; and vegetable, fruiting, group 8–10 at 1.0 ppm. The petition additionally requested the removal of the following established tolerances in 40 CFR 180.466 for fenpropathrin as they will be superseded by new tolerances, if established: Fruit, citrus, group 10; fruit, pome, group 11; bushberry subgroup 13B; grape; juneberry; salal; strawberry; and vegetable, fruiting, group 8.

That document referenced a summary of the petition prepared on behalf of IR–4 by Valent USA Corporation, the registrant, which is available in the docket, *http://www.regulations.gov.* There were no comments received in response to the notice of filing.

Based upon review of the data supporting the petition, EPA has determined that the established tolerance for lingonberry will also be removed. The reason for this change is explained in Unit IV.C

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for fenpropathrin including exposure resulting from the

tolerances established by this action. EPA's assessment of exposures and risks associated with fenpropathrin follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

Fenpropathrin is a member of the pyrethroid class of insecticides. Pyrethroids have historically been classified into two groups, Type I and Type II, based on chemical structure and toxicological effects. Type I pyrethroids, which lack an alpha-cyano moiety, induce in rats a syndrome consisting of aggressive sparring, altered sensitivity to external stimuli, hyperthermia, and fine tremor progressing to whole-body tremor and prostration (T-syndrome). Type II pyrethroids, which contain an alpha-cyano moiety, produce in rats a syndrome that includes pawing, burrowing, salivation, hypothermia, and coarse tremors leading to choreoathetosis (CS-syndrome). Fenpropathrin is a mixed-type pyrethroid because the biochemical responses and resulting clinical signs of neurotoxicity are intermediate between those of Type I and Type II pyrethroids. The adverse outcome pathway shared by pyrethroids involves the ability to interact with voltage-gated sodium channels in the central and peripheral nervous systems, leading to changes in neuron firing and, ultimately, neurotoxicity.

Fenpropathrin exhibits high acute toxicity via the oral and dermal routes but low toxicity via the inhalation route of exposure. Fenpropathrin is a mild eye irritant, but does not cause dermal irritation or skin sensitization. Toxicological effects characteristic of pyrethroids were seen in most of the experimental toxicology studies including the acute, subchronic, and developmental neurotoxicity studies, subchronic studies in the rat and dog, the chronic carcinogenicity study in the rat, the developmental studies in the rat and rabbit, and in the 3-generation reproduction study in rats. Tremors were the most common indication of neurotoxicity; however, ataxia, increased sensitivity (e.g., heightened response) to external stimuli, convulsions, and increased auditory startle response were also observed.

In developmental toxicity studies in rats and rabbits, maternal toxicity included neurological effects such as ataxia, sensitivity to external stimuli, tremors in the rat, and flicking of forepaws in the rabbit. Developmental effects were limited to incomplete or asymmetrical ossification of sternebrae at the maternally toxic dose in the rat. There were no developmental effects in the rabbit. In a 3-generation reproduction study in the rat, maternal and offspring effects were observed at the mid- and high-dose. At the high dose, maternal effects included increased deaths and clinical signs of toxicity (tremors, muscle twitches, and increased sensitivity) during lactation. Pup deaths were noted at this level. At the mid-dose, minimal signs of treatment-related effects were observed for both adults and pups, reducing concern for quantitative or qualitative sensitivity. There were no indications of immunotoxicity in any of the guideline studies, including the immunotoxicity study in rats.

There was no evidence of carcinogenicity in either the rat or mouse long-term dietary studies, nor was there any mutagenic activity in bacteria or cultured mammalian cells. Fenpropathrin has been classified as ''not likely to be carcinogenic to humans.'' Specific information on the studies received and the nature of the adverse effects caused by fenpropathrin as well as the toxicological points of departure (POD) derived from the BMDL (statistical lower confidence limit on the dose at the benchmark dose) from the toxicity studies can be found at *http://www.regulations.gov* in document ''Fenpropathrin. Human Health Risk Assessment for the Proposed Section 3 Registration on Barley and the Request to Update Several Existing Crop Groups with Revised Crop Grouping Definitions'' starting at p. 12, in docket ID number EPA–HQ–OPP–2012–0899.

B. Toxicological Points of Departure/ Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological POD and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. For fenopropathrin, the PODs are developed based on a careful analysis of the doses in each toxicological study; a benchmark dose analysis was conducted to derive the BMDL. Uncertainty/safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *http://www.epa.gov/pesticides/factsheets/riskassess.htm.*

A summary of the toxicological endpoints for fenpropathrin used for human risk assessment is discussed in Unit III.B. of the final rule published in the **Federal Register** of November 28, 2012 (77 FR 70902) (FRL–9366–1).

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to fenpropathrin, EPA considered exposure under the petitioned-for tolerances as well as all existing fenpropathrin tolerances in 40 CFR 180.466. EPA assessed dietary exposures from fenpropathrin in food as follows:

i. *Acute exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a 1-day or single exposure. Such effects were identified for fenpropathrin. In estimating acute dietary exposure, EPA used food consumption information from the United States Department of Agriculture (USDA) 2003–2008 National Health and Nutrition Examination Survey, What We Eat in America, (NHANES/WWEIA). As to residue levels in food, EPA utilized percent crop treated (PCT) estimates and tolerance level residues, distributions of field trial values, and distributions of Pesticide Data Program (PDP) monitoring data.

Residue distributions were used for the commodities that made the most significant contributions to the risk estimates (i.e., the ''risk drivers''). Monitoring data were used for risk drivers when they were available; however, field trial data were used for the remaining risk drivers. Distributions of monitoring data values were used for the following risk drivers: Apple juice, apples, blackberries, blueberries, broccoli, cauliflower, Chinese mustard cabbage, grape juice, grapes, huckleberries, oranges, pears, raspberries, squash, strawberries, tangerines, and watermelon. Monitoring

data from the years 2007 through 2010, inclusive, were used. Broccoli PDP data were translated to Chinese mustard cabbage and cauliflower. Orange PDP data were translated to tangerines. Blueberry PDP data were translated to blackberries, huckleberries, and raspberries. Finally, strawberry PDP data were translated to cranberries. Distributions of field trial data were used for apricot juice, apricots, Brussels sprouts, cabbage, cherries, cherry juice, Chinese napa cabbage, cucumbers, grapefruit, grapefruit juice, guava, mango, mango juice, nectarines, olives, papaya, papaya juice, passion fruit, passion fruit juice, peach juice, peaches, plums, prune plum juice, prune plums, tomato juice, and tomatoes. For most processed commodities, DEEM (Dietary Exposure Evaluation Model) default processing factors were used for those commodities for which they were available. In some cases, empirical processing factors were used.

ii. *Chronic exposure.* Based on the data summarized in Unit III.A., there is no increase in hazard from repeated exposures to fenpropathrin; the acute dietary exposure assessment is protective for chronic dietary exposures because acute exposure levels are higher than chronic exposure levels. Accordingly, a dietary exposure assessment for the purpose of assessing chronic dietary risk was not conducted.

iii. *Cancer.* Based on the data summarized in Unit III.A., EPA has concluded that fenpropathrin does not pose a cancer risk to humans. Therefore, a dietary exposure assessment for the purpose of assessing cancer risk is unnecessary.

iv. *Anticipated residue and PCT information.* Section 408(b)(2)(E) of FFDCA authorizes EPA to use available data and information on the anticipated residue levels of pesticide residues in food and the actual levels of pesticide residues that have been measured in food. If EPA relies on such information, EPA must require pursuant to FFDCA section 408(f)(1) that data be provided 5 years after the tolerance is established, modified, or left in effect, demonstrating that the levels in food are not above the levels anticipated. For the present action, EPA will issue such data call-ins as are required by FFDCA section 408(b)(2)(E) and authorized under FFDCA section 408(f)(1). Data will be required to be submitted no later than 5 years from the date of issuance of these tolerances.

Section 408(b)(2)(F) of FFDCA states that the Agency may use data on the actual percent of food treated for assessing dietary risk only if:

- Condition a: The data used are reliable and provide a valid basis to show what percentage of the food derived from such crop is likely to contain the pesticide residue.
- Condition b: The exposure estimate does not underestimate exposure for any significant subpopulation group.
- Condition c: Data are available on pesticide use and food consumption in a particular area, the exposure estimate does not understate exposure for the population in such area.

In addition, the Agency must provide for periodic evaluation of any estimates used. To provide for the periodic evaluation of the estimate of PCT as required by FFDCA section 408(b)(2)(F), EPA may require registrants to submit data on PCT.

The Agency estimated the PCT for existing uses as follows: Apples, 15%; apricots 2.5%; blueberries, 2.5%; broccoli, 2.5%; Brussels sprouts, 10%; cabbage, 2.5%; cauliflower, 2.5%; cherries, 5%; cotton, 2.5%; cucumbers, 2.5%; grapefruit, 35%; grapes, 10%; nectarines, 2.5%; oranges, 35%; peaches, 2.5%; pears, 10%; plums, 2.5%; prune plums, 2.5%; squash, 2.5%; strawberries, 50%; tangerines, 15%; tomatoes, 10%; and watermelons, 2.5%.

In most cases, EPA uses available data from United States Department of Agriculture/National Agricultural Statistics Service (USDA/NASS), proprietary market surveys, and the National Pesticide Use Database for the chemical/crop combination for the most recent 6–7 years. EPA uses an average PCT for chronic dietary risk analysis. The average PCT figure for each existing use is derived by combining available public and private market survey data for that use, averaging across all observations, and rounding to the nearest 5%, except for those situations in which the average PCT is less than one. In those cases, 1% is used as the average PCT and 2.5% is used as the maximum PCT. EPA uses a maximum PCT for acute dietary risk analysis. The maximum PCT figure is the highest observed maximum value reported within the recent 6 years of available public and private market survey data for the existing use and rounded up to the nearest multiple of 5%.

The Agency believes that the three conditions discussed in Unit III.C.1.iv. have been met. With respect to Condition a, PCT estimates are derived from Federal and private market survey data, which are reliable and have a valid basis. The Agency is reasonably certain that the percentage of the food treated is not likely to be an underestimation. As to Conditions b and c, regional consumption information and consumption information for significant subpopulations is taken into account through EPA's computer-based model for evaluating the exposure of significant subpopulations including several regional groups. Use of this consumption information in EPA's risk assessment process ensures that EPA's exposure estimate does not understate exposure for any significant subpopulation group and allows the Agency to be reasonably certain that no regional population is exposed to residue levels higher than those estimated by the Agency. Other than the data available through national food consumption surveys, EPA does not have available reliable information on the regional consumption of food to which fenpropathrin may be applied in a particular area.

2. *Dietary exposure from drinking water.* The Agency used screening level water exposure models in the dietary exposure analysis and risk assessment for fenpropathrin in drinking water. These simulation models take into account data on the physical, chemical, and fate/transport characteristics of fenpropathrin. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at *http://www.epa.gov/oppefed1/models/water/index.htm.*

Based on the First Index Reservoir Screening Tool (FIRST), Screening Concentration in Ground Water (SCI–GROW) models, the estimated drinking water concentrations (EDWCs) of fenpropathrin for acute exposures are estimated to be 10.3 parts per billion (ppb) for surface water and 0.005 ppb for ground water.

Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model. For acute dietary risk assessment, the water concentration value of 10.3 ppb was used to assess the contribution to drinking water.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (e.g., for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets). Fenpropathrin is not registered for any specific use patterns that would result in residential exposure.

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular

pesticide's residues and ''other substances that have a common mechanism of toxicity.''

The Agency is required to consider the cumulative risks of chemicals sharing a common mechanism of toxicity. The Agency has determined that the pyrethroids and pyrethrins, including fenpropathrin, share a common mechanism of toxicity. The members of this group share the ability to interact with voltage-gated sodium channels, ultimately leading to neurotoxicity. The cumulative risk assessment for the pyrethroids/pyrethrins was published in the **Federal Register** of November 9, 2011 (76 FR 69726) (FRL 8888–9), and is available at *http://www.regulations.gov* in docket ID number EPA–HQ–OPP–2011–0746. Further information about the determination that pyrethroids and pyrethrins share a common mechanism of toxicity may be found in document ID number EPA–HQ–OPP–2008–0489–0006.

Fenpropathrin was included in the cumulative risk assessment for pyrethrins and pyrethroids. The proposed new uses of fenpropathrin will not significantly impact the cumulative assessment because, in the cumulative assessment, residential exposure was the greatest contributor to the total exposure. As there are no new residential uses for the fenpropathrin, the proposed new uses will have no impact on the residential component of the cumulative risk estimates.

Dietary exposures make a minor contribution to total pyrethroid exposure. The dietary exposure assessment performed in support of the pyrethroid cumulative was much more highly refined than that performed for the single chemical. The dietary exposure assessment for the single chemical included conservative assumptions, using field trial data for many commodities, including the proposed new uses with the assumption of 100 PCT, and the most sensitive apical endpoint in the fenpropathrin hazard database was selected to derive the POD. Additionally, the POD selected for fenpropathrin is specific to the fenpropathrin, whereas the POD selected for the cumulative assessment was based on common mechanism of action data that are appropriate for all 20 pyrethroids included in the cumulative assessment.

For information regarding EPA's efforts to evaluate the risk of exposure to pyrethroids, refer to *http://www.epa.gov/oppsrrd1/reevaluation/pyrethroids-pyrethrins.html.*

D. Safety Factor for Infants and Children

1. *In general.* Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the Food Quality Protection Act Safety Factor (FQPA SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional SF when reliable data available to EPA support the choice of a different factor.

2. *Prenatal and postnatal sensitivity.* The fenpropathrin toxicity database includes developmental toxicity studies in the rat and rabbit, a 3-generation reproduction study in the rat, and a developmental neurotoxicity (DNT) study in rats. There was no evidence of increased qualitative or quantitative susceptibility noted in any of these studies. This lack of susceptibility is consistent with the results of the guideline pre- and postnatal testing for other pyrethroid pesticides.

High-dose LD_{50} studies (studies assessing what dose results in lethality to 50% of the tested population) in the scientific literature indicate that pyrethroids can result in increased quantitative sensitivity in the young, specifically in the form of neurotoxicity. Examination of pharmacokinetic and pharmacodynamic data indicates that the sensitivity observed at high doses is related to pyrethroid age-dependent pharmacokinetics—the activity of enzymes associated with the metabolism of pyrethroids. With otherwise equivalent administered doses for adults and juveniles, predictive pharmacokinetic models indicate that the differential adult-juvenile pharmacokinetics will result in a 3X greater dose at the target organ in juveniles compared to adults. No evidence of increased quantitative or qualitative susceptibility was seen in the pyrethroid scientific literature related to pharmacodynamics (the effect of pyrethroids at the target tissue) with regard to differences between juveniles and adults. Specifically, there are *in vitro* pharmacodynamic data and *in vivo* data indicating similar responses between adult and juvenile rats at low doses and data indicating that the rat is a conservative model compared to the human based on species-specific pharmacodynamics of homologous sodium channel isoforms in rats and humans.

3. *Conclusion.* EPA is reducing the FQPA SF to 3X for infants and children less than 6 years of age. For the general population, including children greater than 6 years of age, EPA is reducing the FQPA SF to 1X. The decisions regarding the FQPA SFs being used are based on the following considerations:

i. While the database is considered to be complete with respect to the guideline toxicity studies for fenpropathrin, EPA lacks additional data to fully characterize the potential for juvenile sensitivity to neurotoxic effects of pyrethroids. In light of the literature studies indicating a possibility of increased sensitivity in juvenile rats at high doses, EPA identified a need, and requested proposals for, additional non-guideline studies to evaluate the potential for sensitivity in juvenile rats. A group of pyrethroid registrants is currently conducting those studies. Pending the results of those studies, however, the available toxicity studies for fenpropathrin can be used to characterize toxic effects including potential developmental and reproductive toxicity, immunotoxicity, and neurotoxicity. Acceptable developmental toxicity studies in rats and rabbits, reproduction studies in rats, neurotoxicity studies (acute, subchronic, and developmental) in rats, and immunotoxicity studies in rats are available. In addition, a route-specific dermal toxicity study is available, and the inhalation study has been waived.

ii. After reviewing the extensive body of data and peer-reviewed literature on pyrethroids, the Agency has reached a number of conclusions regarding fetal and juvenile sensitivity for pyrethroids, including the following:

- Based on an evaluation of over 70 guideline toxicity studies for 24 pyrethroids submitted to the Agency, including prenatal developmental toxicity studies in rats and rabbits, and pre- and postnatal multi-generation reproduction toxicity studies and DNTs in rats in support of pyrethroid registrations, there is no evidence that pyrethroids directly impact developing fetuses. None of the studies show any indications of fetal toxicity at doses that do not cause maternal toxicity.
- Increased susceptibility was seen in offspring animals in the DNT study with the pyrethroid zeta-cypermethrin (decreased pup body weights) and DNT and reproduction studies with another pyrethroid beta-cyfluthrin (decreased body weights and tremors). However, the reductions in body weight and the other non-specific effects occur at

higher doses than neurotoxicity, the effect of concern for pyrethroids. The available developmental and reproduction guideline studies in rats with zeta-cypermethrin did not show increased sensitivity in the young to neurotoxic effects. Overall, findings of increased sensitivity in juvenile animals in pyrethroid studies are rare. Therefore, the residual concern for the postnatal effects is reduced.

• High-dose LD_{50} studies (studies assessing what dose results in lethality to 50% of the tested population) in the scientific literature indicate that pyrethroids can result in increased quantitative sensitivity to juvenile animals. Examination of pharmacokinetic and pharmacodynamic data indicates that the sensitivity observed at high doses is related to pyrethroid age-dependent pharmacokinetics—the activity of enzymes associated with the metabolism of pyrethroids. Furthermore, a rat physiologically-based pharmacokinetic (PBPK) model predicts a 3-fold increase of pyrethroid concentration in juvenile brain compared to adults at high doses.

• *In vitro* pharmacodynamic data and *in vivo* data indicate that adult and juvenile rats have similar responses to pyrethroids at low doses and therefore juvenile sensitivity is not expected at relevant environmental exposures. Further, data also show that the rat is a conservative model compared to the human based on species-specific pharmacodynamics of homologous sodium channel isoforms.

iii. There are no residual uncertainties identified in the exposure databases. Although the acute dietary exposure estimates are refined, as described in Unit III.C.1.i., the exposure estimates will not underestimate risk for the established and proposed uses of fenpropathrin. The residue levels used are based on distributions of residues from field trial data, monitoring data reflecting actual residues found in the food supply, and tolerance-level residues for several commodities; the use of estimated PCT information; and, when appropriate, processing factors measured in processing studies or default high-end factors representing the maximum concentration of residue into a processed commodity. EPA made conservative (protective) assumptions in the ground and surface water modeling used to assess exposure to fenpropathrin in drinking water. These assessments will not underestimate the exposure and risks posed by fenpropathrin.

Taking all of this information into account, EPA has reduced the FQPA SF for women of child-bearing age because there is no evidence in the over 70 guideline toxicity studies submitted to the Agency that pyrethroids directly impact developing fetuses. Additionally, none of the studies show any indications of fetal toxicity at doses that do not cause maternal toxicity. Because there remains some uncertainty as to juvenile sensitivity due to the findings in the high-dose LD_{50} studies, EPA is retaining a 3X FQPA SF for infants and children less than 6 years of age. By age 6, the metabolic system is expected to be at or near adult levels thus reducing concerns for potential age-dependant sensitivity related to pharmacokinetics; therefore for children over 6, 1X is appropriate. Although EPA is seeking additional data to further characterize the potential neurotoxicity for pyrethroids, EPA has reliable data that show that reducing the FQPA SF to 3X will protect the safety of infants and children less than 6 years old. These data include:

a. Data from developmental, reproductive, and DNT guideline studies with fenpropathrin that show no sensitivity.

b. Data showing that the potential sensitivity at high doses is likely due to pharmacokinetics.

c. A rat PBPK model predicting a 3-fold increase of pyrethroid concentration in juvenile brain compared to adults at high doses due to age-dependent pharmacokinetics.

d. Data indicating that the rat is a conservative model compared to the human based on species-specific pharmacodynamics of homologous sodium channel isoforms.

For several reasons, EPA concludes these data show that a 3X factor is protective of the safety of infants and children less than 6 years of age. First, it is likely that the extensive guideline studies with pyrethroids, which indicate that increased sensitivity in juvenile animals in pyrethroid studies is rare, better characterize the potential sensitivity of juvenile animals than the LD_{50} studies. The high doses that produced juvenile sensitivity in the literature studies are well above normal dietary or residential exposure levels of pyrethroids to juveniles and lower levels of exposure anticipated from dietary and residential uses are not expected to overwhelm the juvenile's ability to metabolize pyrethroids, as occurred with the high doses used in the literature studies. The fact that a greater sensitivity to the neurotoxicity of pyrethroids is not found in guideline studies following *in utero* exposures (based on 76 studies for 24 pyrethroids) supports this conclusion, despite the relatively high doses used in the studies. Second, *in vitro* data indicate similar pharmacodynamic response to pyrethroids between juvenile and adult rats. Finally, as indicated, pharmacokinetic modeling only predicts a 3X difference between juveniles and adults. Therefore, the FQPA SF of 3X is protective of potential juvenile sensitivity.

Further information about the reevaluation of the FQPA SF for pyrethroids may be found in document ID number EPA–HQ–OPP–2011–0746–0011.

E. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure estimates to the acute PAD (aPAD) and chronic PAD (cPAD). For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure. Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists.

1. *Acute risk.* Using the exposure assumptions discussed in this unit for acute exposure, the acute dietary exposure from food and water to fenpropathrin will occupy 93% of the aPAD for children 1–2 years old, the population group receiving the greatest exposure from the dietary assessment for infants and children less than 6 years old; and 20% of the aPAD for children 6 to 12 years old, the population group receiving the greatest exposure from the dietary assessment for the general population other than children less than 6 years old.

2. *Chronic risk.* Based on the data summarized in Unit III.A., there is no increase in hazard with increasing dose duration. Therefore, the acute aggregate assessment is protective of potential chronic aggregate exposures.

3. *Short-term risk.* Short-term aggregate exposure takes into account short-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). A short-term adverse effect was identified; however, fenpropathrin is not registered for any use patterns that would result in short-term residential exposure. Short-term risk is assessed based on short-term residential exposure plus chronic dietary exposure. Because there is no short-term residential exposure and acute dietary exposure has already been assessed under the appropriately protective aPAD (which is at least as

protective as the POD used to assess short-term risk), no further assessment of short-term risk is necessary, and EPA relies on the acute dietary risk assessment for evaluating short-term risk for fenpropathrin.

4. *Intermediate-term risk.* Intermediate-term aggregate exposure takes into account intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level). Because no intermediate-term adverse effect was identified, fenpropathrin is not expected to pose an intermediate-term risk.

5. *Aggregate cancer risk for U.S. population.* Based on the lack of evidence of carcinogenicity in two adequate rodent carcinogenicity studies, fenpropathrin is not expected to pose a cancer risk to humans.

6. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population or to infants and children from aggregate exposure to fenpropathrin residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology utilizing gas chromatography with electron capture detector (GC/ECD), Residue Method Numbers RM–22–4 (plants) and RM–22A–1 (animals), is available to enforce the tolerance expression.

The method may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; email address: *residuemethods@epa.gov.*

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international maximum residue limits (MRLs) established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

Codex has established MRLs for tomatoes, sweet peppers, dried chili peppers, eggplant, grapes, and pome fruits. The MRLs for tomatoes, sweet peppers, grapes, and pome fruits are harmonized with the U.S. tolerances for the corresponding crop groups or subgroups. Codex MRLs for dried chili peppers (10 ppm) and eggplant (0.2 ppm) cannot be harmonized with the U.S. tolerance for the fruiting vegetable crop group (1.0 ppm), of which those commodities are a part. The Codex MRL for eggplant is lower than the recommended corresponding U.S. tolerance. Because the permitted domestic use on eggplant in accordance with the approved pesticide label results in residue levels higher than the Codex MRLs, the U.S. tolerance cannot be harmonized (lowered) since doing so would result in residues in excess of the approved tolerance in spite of use consistent with label directions. Concerning dried chili peppers, EPA, under its Residue Chemistry Test Guidelines (OPPTS 860.1000), does not set tolerances for dried chili peppers. Rather, residues on dried chili peppers would be covered under tolerances for non-bell peppers, which, for this chemical, are captured by the fruiting vegetable crop group tolerance. Under that U.S. tolerance, residues of fenpropathrin on dried chili peppers would be covered up to 1.0 ppm; residues in excess of that level would only be covered if EPA established a separate tolerance for them. At this time, however, EPA does not have data to support establishing a tolerance for dried chili peppers at 10 ppm.

C. Revisions to Petitioned-For Tolerances

Based on the data submitted with the petition, EPA is also removing the established tolerance for lingonberry. The Agency is removing this tolerance because it will be superseded by the new tolerance for bushberry subgroup 13–07B, established by this document. The removal does not substantively affect whether residues of fenpropathrin may be present on lingonberry. The new bushberry subgroup 13–07B tolerance is at the same level as the lingonberry tolerance being removed—3.0 ppm.

V. Conclusion

Therefore, tolerances are established for residues of fenpropathrin, alpha-cyano-3-phenoxybenzyl 2,2,3,3-tetramethylcyclopropanecarboxylate, in or on barley, grain at 0.04 ppm; barley, hay at 3.0 ppm; barley, straw at 2.0 ppm; berry, low-growing, subgroup 13–07G at 2.0 ppm; bushberry subgroup 13–07B at 3.0 ppm; fruit, citrus, group 10–10 at 2.0 ppm; fruit, pome, group 11–10 at 5.0 ppm; fruit, small vine climbing, except fuzzy kiwifruit, subgroup 13–07F at 5.0 ppm; and vegetable, fruiting, group 8–10 at 1.0 ppm. Additionally, this document removes the established tolerances of fenpropathrin in or on fruit, citrus, group 10; fruit, pome, group 11; bushberry subgroup 13B; grape; juneberry; lingonberry; salal; strawberry; and vegetable, fruiting, group 8.

VI. Statutory and Executive Order Reviews

This final rule establishes tolerances under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this final rule has been exempted from review under Executive Order 12866, this final rule is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children From Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerances in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This final rule directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal

governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian Tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination With Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this final rule. In addition, this final rule does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA) (15 U.S.C. 272 note).

VII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), 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**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: November 7, 2013.

Daniel J. Rosenblatt,

Acting Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.466:

■ a. Remove the entries for ''Bushberry subgroup 13B,'' ''Fruit, citrus, group 10,'' ''Fruit, pome, group 11,'' ''Grape,'' ''Juneberry,'' ''Lingonberry,'' ''Salal,'' ''Strawberry,'' and ''Vegetable, fruiting, group 8'' from the table in paragraph (a).

■ b. Add alphabetically the following entries to the table in paragraph (a).

The amendments read as follows:

§ 180.466 Fenpropathrin; tolerances for residues.

(a) * * *

Commodity	Parts per million
* * * * *	
Barley, grain	0.04
Barley, hay	3.0
Barley, straw	2.0
Berry, low growing, subgroup 13–07G	2.0
* * * * *	
Bushberry subgroup 13–07B	3.0
* * * * *	
Fruit, citrus, group 10–10	2.0
Fruit, pome, group 11–10	5.0
Fruit, small vine climbing, except fuzzy kiwifruit, subgroup 13–07F	5.0
* * * * *	
Vegetable, fruiting, group 8–10	1.0
* * * * *	

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[FR Doc. 2013–27680 Filed 11–19–13; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–R2–ES–2013–0005: 4500030113]

RIN 1018–AZ28

Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Jemez Mountains Salamander

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: We, the U.S. Fish and Wildlife Service, designate critical habitat for the Jemez Mountains salamander (*Plethodon neomexicanus*) under the Endangered Species Act of 1973 (Act), as amended. In total, we are designating as critical habitat for this species approximately 90,716 acres (36,711 hectares) in Los Alamos, Rio Arriba, and Sandoval Counties, New Mexico. The effect of this regulation is to conserve the Jemez Mountains salamander's habitat under the Act.

DATES: This rule is effective on December 20, 2013.

ADDRESSES: This final rule is available on the Internet at *http://www.fws.gov/southwest/es/NewMexico/index.cfm* and at *http://www.regulations.gov* at Docket No. FWS–R2–ES–2013–0005. Comments and materials we received, as well as supporting documentation used in preparing this final rule, are available for public inspection, by appointment, during normal business hours, at the U.S. Fish and Wildlife Service, New Mexico Ecological Services Field Office, 2105 Osuna NE., Albuquerque, NM 87113; telephone 505–346–2525; or facsimile 505–346–2542.

The coordinates or plot points or both from which the maps are generated are included in the administrative record for this critical habitat designation and are available at *http://www.fws.gov/southwest/es/NewMexico/index.cfm,* at *http://www.regulations.gov* at Docket No. FWS–R2–ES–2013–0005, and at the New Mexico Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**). Any additional tools or supporting information that we developed for this critical habitat designation are also available at the Fish and Wildlife Service Web site and Field Office set out above, and may also be included in the preamble of this rule or at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Wally Murphy, Field Supervisor, U.S. Fish and Wildlife Service, New Mexico Ecological Services Field Office, 2105 Osuna NE., Albuquerque, NM 87113; by telephone 505–346–2525; or by facsimile 505–346–2542. If you use a telecommunications device for the deaf (TDD), call the Federal Information Relay Service (FIRS) at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Executive Summary

Why we need to publish a rule. Under the Endangered Species Act (Act), any species that is determined to be an endangered or threatened species requires critical habitat to be designated, to the maximum extent prudent and determinable. Designations and revisions of critical habitat can only be completed by issuing a rule.

We listed the Jemez Mountains salamander as an endangered species on September 10, 2013 (78 FR 55599). This is a final rule to designate critical habitat for the Jemez Mountains salamander. Section 4(b)(2) of the Act states that the Secretary shall designate critical habitat on the basis of the best available scientific data after taking into consideration the economic impact, national security impact, and any other relevant impact of specifying any particular area as critical habitat.

The critical habitat areas we are designating in this rule constitute our

current best assessment of the areas that meet the definition of critical habitat for the Jemez Mountains salamander. We are designating as critical habitat for the species approximately 90,716 acres (36,711 hectares) in Los Alamos, Rio Arriba, and Sandoval Counties, New Mexico.

We have prepared economic and environmental analyses of the designation of critical habitat. In order to consider economic impacts, we have prepared an analysis of the economic impacts of the critical habitat designation and related factors. We also prepared an environmental analysis of the designation of critical habitat in order to evaluate whether there would be any significant environmental impacts as a result of the critical habitat designation. We announced the availability of the draft economic analysis and the draft environmental assessment in the **Federal Register** on February 12, 2013 (78 FR 9876), allowing the public to provide comments on our analyses. We have incorporated the comments and have completed the final economic analysis and final environmental analysis for this final designation.

Peer review and public comment. We sought comments from seven independent specialists to ensure that our designation is based on scientifically sound data and analyses. We obtained opinions from three of the seven knowledgeable individuals with scientific expertise to review our technical assumptions and analysis, and to determine whether or not we had used the best available scientific information. These peer reviewers generally concurred with our methods and conclusions, and they provided additional information, clarifications, and suggestions to improve this final rule. Information we received from peer review is incorporated in this final revised designation. We also considered all comments and information we received from the public during the comment period.

Previous Federal Actions

These actions are described in the Previous Federal Actions section of the final listing rule published on September 10, 2013 (78 FR 55599).

Background

The Jemez Mountains salamander is restricted to the Jemez Mountains in northern New Mexico, in Los Alamos, Rio Arriba, and Sandoval Counties, around the rim of the collapsed caldera (large volcanic crater), with some occurrences on topographic features (e.g., resurgent domes) on the interior of the caldera. The majority of salamander habitat is located on federally managed lands, including the U.S. Forest Service (USFS), the National Park Service (Bandelier National Monument), Valles Caldera National Preserve, and Los Alamos National Laboratory, with some habitat located on tribal land and private lands (New Mexico Endemic Salamander Team 2000, p. 1). The Valles Caldera National Preserve is located within the valley of the extinct volcanic crater itself and is part of the National Forest System (owned by the U.S. Department of Agriculture), but run by a nine-member Board of Trustees, some of whom are not USFS employees.

For additional background information on the biology, taxonomy, distribution, and habitat of the Jemez Mountains salamander, see the Background section of the final listing rule published on September 10, 2013 (78 FR 55599).

Summary of Comments and Recommendations

We requested written comments from the public on the proposed designation of critical habitat for the Jemez Mountains salamander during two comment periods. The first comment period associated with the publication of the proposed rule (77 FR 56482) opened on September 12, 2012, and closed on November 13, 2012. We also requested comments on the proposed critical habitat designation and associated draft economic analysis and draft environmental assessment during a comment period that opened February 12, 2013, and closed on March 14, 2013 (78 FR 9876). We also contacted appropriate Federal and State agencies, scientific experts and organizations, and other interested parties and invited them to comment on the proposal. A newspaper notice inviting general public comment was published in the Los Alamos Monitor. We did not receive any requests for a public hearing.

During the first comment period, we received nine comment letters addressing the proposed listing of the Jemez Mountains salamander and the proposed critical habitat designation. During the second comment period, we received 11 comment letters addressing the proposed listing of the Jemez Mountains salamander, the proposed critical habitat designation, the draft economic analysis, or the draft environmental assessment. All substantive information related to the proposed critical habitat designation that was provided during comment periods has either been incorporated directly into this final determination or is addressed below. Comments we received are grouped into general issues specifically relating to the proposed critical habitat designation for the Jemez Mountains salamander, and are addressed in the following summary and incorporated into the final rule as appropriate.

Peer Review

In accordance with our peer review policy published on July 1, 1994 (59 FR 34270), we solicited expert opinions from seven knowledgeable individuals with scientific expertise that included familiarity with the species, the geographic region in which the species occurs, and conservation biology principles. We received responses from three of the peer reviewers.

We reviewed all comments we received from the peer reviewers for substantive issues and new information regarding critical habitat for the Jemez Mountains salamander. All three peer reviewers agreed that the information presented in the proposed rule to list the Jemez Mountains salamander with critical habitat is scientifically sound and well researched; agreed that the assumptions, analyses, and conclusions are well reasoned; and generally agreed that the information is well formulated and that the risks or threats to the species have been appropriately evaluated. The peer reviewers provided clarifications and suggestions to improve the final rules to list the Jemez Mountains salamander as endangered and to designate critical habitat. Peer reviewer comments specifically regarding the designation of critical habitat are addressed in the following summary and incorporated into the final rule as appropriate.

Peer Reviewer Comments

(1) *Comment:* Two peer reviewers thought we should not have removed isolated historical data points (i.e., survey locations). One peer reviewer noted that there did seem to be sufficient area for the conservation of the species, and the other peer reviewer thought the isolated historical point data should be included, especially for areas in the northeast portion of the Valles Caldera National Preserve if large numbers of salamanders were previously reported.

Our Response: We removed isolated historical data points from our analysis only in occasional instances when the areas at and around such isolated data points have not been visited for approximately 20 years or more. The survey data for these areas are insufficient to determine whether the areas are occupied. We are not aware of any area where large numbers of

salamanders have ever been observed that is outside of the critical habitat boundaries designated in this final rule.

(2) *Comment:* One peer reviewer commented that solid stands of Ponderosa pine (*Pinus ponderosa*) are not optimal salamander habitat, and few, if any, salamanders are likely to occur here due to the drier conditions, suggesting that the primary constituent element of certain tree species alone or in combination should not include Ponderosa pine alone.

Our Response: Based on the biological and physiological needs of the species, pure stands of Ponderosa pine may not be the most favorable type of habitat and do not represent the majority of habitat; however, the species does occur in pure stands of Ponderosa pine.

The primary constituent elements essential to the conservation of the species (such as space, food, cover, and protected habitat) include tree canopy cover greater than 50 percent, elevation between 6,988 to 11,254 feet (ft) (2,130 to 3,430 meters (m)), coniferous logs, and underground habitat (more detailed description of these features are in the *Primary Constituent Elements for the Jemez Mountains Salamander* section of this final rule). The pure stands of Ponderosa pine contain at least one of the primary constituent elements for the Jemez Mountains salamander. Consequently, the Service designated critical habitat in stands of pure Ponderosa pine in both units (e.g., west of Seven Springs in Unit 1, and at American Springs and adjacent to the Rio Cebolla in Unit 2).

(3) *Comment:* One peer reviewer commented on the statement in the proposed critical habitat rule, ''There does not seem to be any areas in occupied salamander habitat that are protected from disturbance'' (77 FR 56504; September 12, 2012) and suggested that Redondo Peak, the highest point where salamanders are found, might be protected from disturbance.

Our Response: Redondo Peak does receive some protection at this time because the Valles Caldera Trust manages for its ecological and scenic values, and also protects its significant cultural, religious, and historic values. The Valles Caldera Preservation Act (16 U.S.C. 698v *et seq.*) prohibits motorized access as well as any construction of roads, structures, or facilities on Redondo Peak above 10,000 ft (3,048 m). While Redondo Peak is afforded some protection from new actions that would disturb habitat, it still experiences impacts to habitat from past silvicultural practices, alterations in vegetation composition and fire regimes, existing roads, and climate change. The *Background* section under Critical Habitat below in this final rule provides additional information.

(4) *Comment:* Two peer reviewers and some commenters thought additional information regarding our understanding of the subsurface rock and soil components of salamander habitat should be included in the habitat section.

Our Response: Subsurface geology and loose rocky soil structure may be an important attribute of salamander habitat (Degenhardt *et al.* 1996, p. 28). However, the composition of this belowground habitat has not been fully investigated, although soils comprised of pumice or tuft generally are not suitable. The salamander's belowground habitat appears to be deep, fractured, subterranean igneous rock in areas with high soil moisture (New Mexico Endemic Salamander Team 2000, p. 2). Everett (2003) reported that the salamander occurred in areas where soil texture was composed of 56 percent sandy clay loam, 36 percent clay loam, 6 percent sandy loam, and 2 percent silty clay loam (p. 28); the overall soil bulk density ranged from 0.2 to 0.98 ounces per cubic inch (oz per in^3) (0.3 to 1.7 grams per cubic centimeter (g per cm^3) (p. 28); and average soil moisture ranged from 4.85 to 59.7 percent (p. 28). Sites with salamanders had a soil pH of 6.6 (± 0.08), and sites without salamanders had a soil pH of 6.2 (± 0.06) (Ramotnik 1988, pp. 24–25). We have updated the relevant sections of this final rule to better describe our current understanding of subsurface rock and soil components where the Jemez Mountains salamander occurs. We have clarified the language in relevant sections of this final rule. We are not aware of any reliable information that is currently available to us on these topics that was not considered in this designation process.

Comments From the U.S. Forest Service

(5) *Comment:* It is questionable whether the data used in the proposed rule are sufficient for the Service to determine critical habitat and primary constituent elements.

Our Response: It is often the case that biological information may be lacking for rare species; however, we reviewed all available information and incorporated it into this final rule. Section 4(a)(3) of the Act (16 U.S.C. 1531 *et seq.*), and its implementing regulations (50 CFR 424.12), require that, to the maximum extent prudent and determinable, the Secretary designate critical habitat at the time the species is determined to be an endangered or threatened species. Our regulations at 50 CFR 424.12(a)(2) state that critical habitat is not determinable when one or both of the following situations exist: (1) Information sufficient to perform required analyses of the impacts of the designation is lacking, or (2) the biological needs of the species are not sufficiently well known to permit identification of an area as critical habitat. When critical habitat is not determinable, the Act provides for an additional year to publish a critical habitat designation (16 U.S.C. 1533(b)(6)(C)(ii)). We reviewed the best available scientific information pertaining to the biological needs of the species and habitat characteristics where this species is located. We sought comments from independent peer reviewers to ensure that our designation is based on scientifically sound data, assumptions, and analysis. We also solicited information from the general public, nongovernmental conservation organizations, State and Federal agencies that are familiar with the species and their habitats, academic institutions, and groups and individuals that might have information that would contribute to an update of our knowledge of the species as well as the activities and natural processes that might be contributing to the decline of the species. We conclude that the designation of critical habitat is determinable for the Jemez Mountains salamander.

(6) *Comment:* Practical ways to measure primary constituent elements should be defined, and the scale at which primary constituent elements are measured on the landscape should be specified. It is virtually impossible for the USFS to plan for a specific range in canopy cover or plan a thinning or prescribed fire project with canopy cover as an objective. Forests of the Jemez Mountains are dynamic in nature, consisting of mixed severity fire regimes in moist mixed conifer up to spruce-fir forests that likely ranged from moderately closed canopy to closed and also resulted in patches within stands with open canopy following stand-replacement fires.

Our Response: The Service is not requiring the USFS to plan for a specific range in canopy cover or plan a thinning or prescribed fire project with canopy cover as an objective. Rather, we are evaluating whether the affected critical habitat would continue to serve its intended conservation role for the species. Determining effects to critical habitat will be determined through section 7 consultation with the Service. These consultations will take place within the context of dynamic forests in

need of restoration. We anticipate consultations with the USFS analyzing the primary constituent element of ''moderate to high tree canopy cover, typically 50 to 100 percent canopy closure, that provides shade and maintains moisture and high relative humidity at the ground surface'' for the Jemez Mountains salamander will be similar to consultations with the USFS analyzing the primary constituent element of ''A shade canopy created by the tree branches covering 40 percent or more of the ground'' for the Mexican spotted owl (*Strix occidentalis lucida*), particularly where the ranges of the species overlap.

(7) *Comment:* The primary constituent element of canopy cover needs to be defined as a range rather than a specific number and possibly by forest type.

Our Response: In this final rule, we have clarified the primary constituent element concerning canopy cover is a range. The range for tree canopy is defined in this final rule as moderate to high tree canopy cover, typically 50 to 100 percent canopy closure, that provides shade and maintains moisture and high relative humidity at the ground surface.

(8) *Comment:* High canopy cover is likely to decrease the amount of moisture reaching the soil surface through sublimation (transformation from a solid to a gas without becoming a liquid) of snow from the tree canopy (Storck *et al.* 2002), further impacting moisture regimes for salamanders.

Our Response: The relationship between seasonal precipitation, canopy cover, vegetation type, tree density, geology, soil type, and soil moisture is complex and not well-studied in the Jemez Mountains. Everett (2003, p. 24) characterized Jemez Mountains salamander's habitat as having an average canopy cover of 76 percent, with a range between 58 to 94 percent, and average soil moisture between 4.85 and 59.7 percent (p. 28). When Jemez Mountains salamanders have been observed above ground during the day, they are primarily found in high moisture retreats (such as under and inside decaying logs and stumps, and under rocks and bark) (Everett 2003, p. 24) with high overstory canopy cover.

Soil moisture conditions can vary spatially between the ground under tree canopy and the ground without tree canopy, as a result of the interrelated processes among soil evaporation, leaf interception, runoff generation and redistribution, and plant water use (Breshears *et al.* 1998, p. 1015). Relative to the ground without tree canopy, the ground beneath the canopy receives reduced precipitation input due to the interception of the precipitation from leaves. This also influences soil evaporation rates (Breshears *et al.* 1998, p. 1010). In a study measuring spatial variations in soil evaporation caused by tree shading for a water-limited pine forest in Israel, the authors report that the spatial variability in soil evaporation correlated with solar radiation, which was up to 92 percent higher in exposed compared to shaded sites, and with water content, which was higher in exposed areas during the wetting season, but higher in the shaded areas during the drying season (Raz-Yaseef and Yakir 2010, p. 454). This study highlights the importance of shade and soil moisture conservation, and generally supports the findings of Breshears *et al.* (entire).

Without specific studies measuring these processes in salamander habitat, we are not able to determine how the changes in vegetation composition and structure may have altered soil moisture, evaporation, and temperature processes, but we do understand that vegetation structure can directly influence hydrological processes that are correlated to solar radiation, precipitation, and seasonality, as well as other abiotic factors, such as soil type, slope, and topography. Furthermore, these complex interactions should be considered when forest restoration treatments that alter canopy cover are conducted in salamander habitat.

(9) *Comment:* Consultations could result in modifications, which result in delays to projects that would reduce the threat of high-intensity wildfire, thereby causing significant impacts to human health and safety.

Our Response: Under no circumstances should a Service representative obstruct an emergency response decision made by the action agency where human life is at stake. In any future consultation for the salamander, the Service does not intend or expect to recommend measures that will increase the threat of high-intensity wildfire. Both public and private entities may experience incremental time delays for projects and other activities due to requirements associated with the need to re-initiate the section 7 consultation process or compliance with other laws triggered by the designation. To the extent that delays result from the designation, they are considered indirect, incremental impacts of the designation.

(10) *Comment:* Several commenters stated that more scientific information is needed to accurately define the primary constituent elements, that the primary constituent elements are overly broad and are not appropriate, and the the Service has not looked at all the scientific data available on the ecology of the Jemez Mountains.

Our Response: Section 4(b)(2) of the Act states, ''The Secretary shall designate critical habitat, and make revisions thereto, under subsection (a)(3) on the basis of the best scientific data available.'' We considered the best scientific information available to us at this time, as required by the Act. This designation is based upon the known body of information on the biology of the Jemez Mountains salamander and its most closely related species, as well as effects from land-use practices on their continued existence. All three peer reviewers confirmed that the information contained within this rule is scientifically sound; based on a combination of reasonable facts, assumptions, and conclusions; and well considered. We are not aware of any reliable information that is currently available to us that was not considered in this designation process. This final determination constitutes our best assessment of areas needed for the conservation of the species. Much remains to be learned about this species. Should credible, new information become available that contradicts this designation, we will reevaluate our analysis and, if appropriate, propose to modify this critical habitat designation, depending on available funding and staffing. We must make this determination on the basis of the best information available at this time, and we may not delay our decision until more information about the species and its habitat are available (see *Southwest Center for Biological Diversity* v. *Babbitt,* 215 F.3d 58 (D.C. Cir. 2000)).

(11) *Comment:* Several commenters stated that the primary constituent elements and critical habitat for the salamander are contrary to managing fire-resilient forests, are contrary to restoring forests to a sustainable fire regime condition class, or are a significant contribution to fuel loading and risk of catastrophic fire. Designation and management of critical habitat will place an additional burden on land management agencies, further inhibiting their ability to prevent or suppress large-scale, stand-replacing wildfire, one of the greatest threats to the salamander and its habitat. Some of the primary constituent elements are based on current conditions, not historical conditions. Management for the salamander should be done in a manner to improve fire resiliency and with a goal of moving habitat toward old growth characteristics where feasible, taking into consideration ecological conditions such as slope, aspect, soil

productivity, and recognizing that forests are dynamic where climate, fire, and disease are drivers. The citation used for canopy cover is based on current and unsustainable forest conditions. Application of survey requirements for salamanders across the described range of above 6,900 ft (2,103 m) would effectively prevent management from occurring at any scale that would influence landscape-level wildfire.

Our Response: We understand fire-resilient forests to be forests that are able to survive wildfires relatively intact, or with less severe ecological damage than would occur in non-resilient forests. The Service recognizes that salamander habitat has undergone change resulting from historical grazing practices and effective fire suppression, most often resulting in shifts in vegetation composition and structure and increased risk of large-scale, stand-replacing wildfire. While we do not have a full understanding of how these particular alterations affect the salamander (potentially further drying habitat through increased water demand or increased density of trees, or, alternatively, potentially increasing habitat moisture from a higher canopy cover), we do know that the changes in the vegetative component of salamander habitat have greatly increased the risk of large-scale, stand-replacing wildfire.

In the proposed rule and this final rule, the Service identifies reducing fuels to minimize the risk of severe wildfire in a manner that considers the salamander's biological requirements as a special management activity that could ameliorate threats to the species. We note that fires are a natural part of the fire-adapted ecosystem in which the salamander has evolved. This may include prescribed fire and thinning treatments, restoration of the frequency and spatial extent of such disturbances as regeneration treatments, and implementation of prescribed natural fire management plans where feasible. We consider use of such treatments to be compatible with the ecosystem management of habitat mosaics and the best way to reduce the threats of catastrophic wildfire. The maintenance of primary constituent elements, moist microhabitat conditions, and attributes of a mixed severity fire regime (a mosaic of differing fire intensities) over a portion of the landscape and in areas that support salamanders is important to the recovery of the salamander, and critical habitat designation does not preclude the proactive treatments necessary to reduce the risk of catastrophic fire or proactively managing forests to restore them to old growth conditions, nor are there survey requirements associated with this designation.

The loss of salamander habitat by catastrophic fire is counter to the intended benefits of critical habitat designation. Furthermore, we expect that some activities may be considered to be of benefit to salamander habitat and, therefore, would not be expected to adversely modify critical habitat or place an additional burden on land management agencies. In addition, critical habitat does not preclude adaptive management or the incorporation of new information on the interaction between natural disturbance events and forest ecology. We continue to support sound ecosystem management and the maintenance of biodiversity, and we will fully support land management agencies in addressing the management of fire to protect and enhance natural resources under their stewardship.

During a multi-agency, multi-stakeholder collaborative meeting in 2010, to discuss salamander conservation and forest management, attendants recognized the importance of allowing fire to return to southwestern forests, and the Jemez Mountains, in particular. There was agreement that focusing restoration treatments on south-facing slopes that have converted to xeric mixed conifer over the past 100 years would break up the continuity of excessive fuels across the landscape and would be a good starting place to reduce the risk of large-scale wildfires in the Jemez Mountains. It was agreed upon that there would be short-term negative impacts to the salamander and its habitat on south-facing slopes, but that the approach overall was beneficial to the conservation of the species and its habitat over its entire range (Jemez Mountains Salamander Adaptive Planning Workshop 2010, pp. 8–11).

(12) *Comment:* The USFS stated that using only the decision criterion of administrative costs associated with expanded consultation fails to include the full range of costs when projects are delayed or changed. The USFS suggests that the Service should also calculate the costs associated with the reasonable and prudent alternatives that could result from consultation, such as relocation of projects outside salamander habitat or monitoring for salamanders before activities occur.

Our Response: As stated in the executive summary of the final economic analysis, the Service anticipates that in cases where an action is found to adversely modify critical habitat for the salamander, the action would also be found to jeopardize the species (IEc 2013, p. ES–4). That is, actions which the Service is likely to recommend avoiding adverse modification are the same as those to avoid jeopardy. Thus, the incremental impacts of the critical habitat designation for the salamander appear unlikely to include additional conservation actions or project modifications. As a result, the economic analysis focused on quantifying the incremental impacts associated with the administrative effort of addressing potential adverse modification of critical habitat in the context of section 7 consultations.

Comments Received From the U.S. Forest Service on the Draft Environmental Assessment

(13) *Comment:* The draft environmental assessment should describe the effects that large areas (such as the area currently proposed as critical habitat) of closed canopy may have to the salamander under current fire conditions.

Our Response: We understand that the forests of the Jemez Mountains are dynamic, and we are not suggesting that the entire area of critical habitat consists of uniformly closed canopy throughout the two units of critical habitat. Furthermore, the designation of critical habitat does not require the creation of primary constituent elements where they do not currently exist. The proposed rule included the Service's analysis of the relationship of forest canopy to Jemez Mountains salamander habitat and fire conditions, concluding, ''Therefore, forest composition and structure conversions resulting in increased canopy cover and denser understory pose threats to the salamander now and are likely to continue in the future'' (77 FR 56489; September 12, 2012).

(14) *Comment:* The draft environmental assessment first states it will analyze effects on physical, biological, and socioeconomic resources, but its analysis then states it only focuses on consultation impacts.

Our Response: Section 3.1.1 of the final environmental assessment, ''Methodology,'' explains why the proposed action is not expected to produce effects to physical and biological resources environments, and why the analysis focuses on the impacts of expanding jeopardy consultations to include adverse modification (Mangi Environmental Group 2013, pp. 20–23).

(15) *Comment:* The draft environmental assessment states that effects from designating critical habitat would be minor, but presents no evidence. The USFS would argue that

not being able to implement a project, such as the Southwest Jemez Mountains Collaborative Forest Landscape Restoration Project, to its full extent is likely to result in a high-intensity wildfire with associated costs to society and natural resources.

Our Response: As stated in the final environmental assessment, we may use habitat as a proxy for species presence in future consultations, because the life history and behavior of salamanders make them difficult to survey or detect (Mangi Environmental Group 2013, pp. 21–22). Therefore, consultation outcomes that affect the Southwest Jemez Mountains Collaborative Forest Landscape Restoration Project would be the same whether or not critical habitat is designated, and the impacts of concern here are not attributable to the designation of critical habitat.

(16) *Comment:* The environmental assessment should analyze the benefits of exclusion of critical habitat according to section 4(b)(2) of the Act.

Our Response: Section 4(b)(2) of the Act states that the Secretary shall designate and make revisions to critical habitat on the basis of the best available scientific data after taking into consideration the economic impact, national security impact, and any other relevant impact of specifying any particular area as critical habitat. The Secretary may exclude an area from critical habitat if she determines that the benefits of such exclusion outweigh the benefits of specifying such area as part of the critical habitat, unless she determines, based on the best scientific data available, that the failure to designate such area as critical habitat will result in the extinction of the species. In making that determination, the statute on its face, as well as the legislative history, are clear that the Secretary has broad discretion regarding which factor(s) to use and how much weight to give to any factor. We did not identify any areas for exclusion that were appropriate for consideration under section 4(b)(2) of the Act; therefore there were no exclusions to evaluate in the environmental assessment.

(17) *Comment:* The draft environmental assessment lists contradictory recommendations to avoid destruction or adverse modification of critical habitat and to avoid jeopardy.

Our Response: No consultations have yet been conducted for the Jemez Mountains salamander, so the potential outcomes and modifications presented in the environmental assessment represent a range of possible outcomes. The type of project, the timing of the project, and the duration of the project, in addition to other factors, will be evaluated during any future consultations and will determine the specific outcomes or recommended modifications. In most cases, we expect that the same agencies and types of projects will go through the section 7 consultation process with or without critical habitat, and we anticipate that recommended actions in a section 7 consultation will be same to avoid adverse modification and jeopardy.

(18) *Comment:* Cumulative effects analysis in the draft environmental assessment needs to: (a) Identify spatial and temporal bounds, (b) include cumulative effects for other foreseeable listings, (c) total all consultation costs within the proposed area, and (d) clarify what cumulative effects are being considered.

Our Response: The spatial bounds for cumulative analysis are the boundaries of proposed critical habitat. While it is possible that certain activities requiring consultation could occur outside of critical habitat, there is none currently foreseeable. Also, it was beyond the purview of the environmental assessment to speculate on the prudency or actual boundaries of a critical habitat designation for candidate species. In addition, total consultation costs are given in the analysis of socioeconomic impacts as approximately $260,000 (IEc 2013, p. ES–4). Mention of this figure has been added to the cumulative impacts analysis of socioeconomic effects in the final environmental assessment (Mangi Environmental Group 2013, p. 63). For clarity, the following section in ''Methodology'' is repeated in the ''Cumulative Effects''section of the final environmental assessment: ''In the case of the salamander, the Service expects that the same agencies and types of projects would go through the section 7 consultation process with or without critical habitat, and that the same number of projects would likely undergo consultation with critical habitat as without. Therefore, the analysis of impacts to resources and activities focuses on the impacts of expanding jeopardy consultations to include analysis of adverse modification.''

(19) *Comment:* The only costs listed in the environmental assessment are for the Socioeconomics and Development sections.

Our Response: In our economic analysis, the Service estimates the present value of all incremental impacts to be approximately $264,000 over 20 years, assuming a 7 percent discount rate. These incremental costs are administrative costs resulting from the consideration of adverse modification in section 7 consultations regarding fire management ($120,000), road maintenance ($71,000), and other Federal and State land management activities, such as noxious weed control, recreational management, livestock grazing, and the operation of the Seven Springs Fish Hatchery ($73,000) (IEc 2012). The components of total consultation costs are now itemized in the final environmental assessment (Mangi Environmental Group 2013, pp. 59–60).

(20) *Comment:* The map on page 16 of the draft environmental assessment should show where salamanders are found, and overlay the essential, survey, and peripheral zones.

Our Response: The map on page 16 of the environmental assessment displays the proposed critical habitat units. Overlaying the habitat management zones, as described in the multi-agency Salamander Conservation Plan (NMEST 2000), does not aid in evaluating the environmental impacts of critical habitat designation. The coordinates or plot points or both from which the maps for designated critical habitat are generated are included in the administrative record for this critical habitat designation and are available at *http://www.fws.gov/southwest/es/NewMexico/index.cfm,* at *http://www.regulations.gov* at Docket No. FWS–R2–ES–2013–0005, and at the New Mexico Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**). Any additional tools or supporting information that we developed for this critical habitat designation will also be available on the Service's Web sites and at New Mexico Ecological Services Field Office.

(21) *Comment:* In the draft environmental assessment, the Service projects a number of consultations within the ''Land Use'' section, but for no other resources.

Our Response: Projected numbers of consultations have been added to the relevant sections of the final environmental assessment: 20 formal consultations for fire management, 6 for travel and recreation, 4 for noxious weed management, 2 for the Seven Springs Fish Hatchery, and 5 for road projects (Mangi Environmental Group 2013, p. 32).

(22) *Comment:* There is a contradiction in the draft environmental assessment statement that, ''As human development and recreation increase in the Jemez Mountains the presence of Wild Urban Interfaces (WUIs) could increase within and around proposed critical habitat.''

Our Response: Page 45 the draft environmental assessment stated, ''Projects that increase human disturbances in remote locations like residential development, construction of roads and trails in recreational areas, and road clearing and maintenance activities, could adversely affect the species and its habitat,'' which is consistent with the statement to which the commenter refers (Mangi Environmental Group 2013, pp. 45). However, we are unaware of any major construction projects planned within the proposed critical habitat. Beyond this, the commenter's concern is not clear, but we have replaced the word ''as'' in the statement on p. 39 to ''if,'' to clarify that such increases are not inevitable (Mangi Environmental Group 2013, p. 39).

(23) *Comment:* Explain the acronyms EMP and EST in Table 3.5 of the draft environmental assessment.

Our Response: The acronyms refer to the number of employees (EMP) and establishments (EST) in each industry type. This has been clarified in the ''Table Heading'' of the final environmental assessment (Mangi Environmental Group 2013, p. 52).

(24) *Comment:* Clarify whether Table 3.7 on page 54 of the draft environmental assessment applies to areas of the Santa Fe National Forest within proposed habitat, or to the whole National Forest, and if the latter, explain why it is relevant to this analysis.

Our Response: The numbers represent visitors to the whole National Forest, and are provided as overall context for the analysis.

Comments From the State

We received comments from the New Mexico Department of Agriculture regarding the proposal to designate critical habitat for the Jemez Mountains salamander, which are addressed below.

(25) *Comment:* The Service should address the Jemez Mountains salamander as a watershed health issue rather than a single species habitat preservation issue, and the designation of critical habitat will be counter-productive to solving the problem of poor watershed health in the Jemez Mountains. The USFS commented that the need to designate critical habitat is not supported by evidence.

Our Response: The Service is required to designate critical habitat concurrently with listing a species. See our response to comment 5, above, for an explanation of critical habitat designation requirements under the Act. Designating critical habitat for the Jemez Mountains salamander does not preclude forest restoration or management practices, including but not limited to prescribed fire and thinning treatments, restoration of the frequency and spatial extent of such natural disturbances, and implementation of prescribed natural fire management plans where feasible. We consider use of such treatments to be compatible with the ecosystem management of habitat mosaics and the best way to reduce the threats of catastrophic wildfire to Jemez Mountains salamander habitat and provide protection for the species. In addition, critical habitat designation for the Jemez Mountains salamander does not preclude adaptive management or the incorporation of new information on the interaction between natural disturbance events and forest ecology. We continue to support sound ecosystem management and the maintenance of biodiversity, and we will fully support land management agencies in addressing the management of fire to protect and enhance natural resources under their stewardship.

(26) *Comment:* The efforts of private landowners and Soil and Water Conservation Districts (SWCDs) to prevent catastrophic wildfire and rehabilitate after wildfire are not considered. The New Mexico Department of Agriculture indicated that private landowners and SWCDs are thinning defensible spaces, implementing sustainable grazing practices, and implementing water development actions.

Our Response: We recognize that private landowners and SWCDs are contributing to rehabilitation in burned areas by, among other things, seeding and controlling erosion. We know that private landowners and SWCDS are some of the numerous partners that are working with the Southwest Jemez Mountains Collaborative Forest Landscape Restoration Project. However, we do not know the extent of these actions nor their impact to the Jemez Mountains salamander or its habitat at this time.

(27) *Comment:* The Service should partner with ongoing efforts, such as the Southwest Jemez Mountains Collaborative Forest Landscape Restoration Project, to effectively improve the watershed health of the Jemez Mountains and thus benefit the salamander.

Our Response: We agree that strong partnerships and collaborations are essential for the restoration and conservation of our natural resources. The Service appreciates the ongoing efforts and collaborations with its existing partners, including members of the Southwest Jemez Mountains Collaborative Forest Landscape Restoration Project. We have attended, and continue to attend, planning and monitoring meetings, and we provide technical support for the Southwest Jemez Mountains Collaborative Forest Landscape Restoration Project. In addition, we look forward to establishing new partnerships to forward conservation.

Comments From the New Mexico Department of Agriculture on the Draft Environmental Assessment and Economic Analysis

(28) *Comment:* The designation of critical habitat could limit access to project sites with the effect of increasing associated costs or preventing access entirely, resulting in limited or cancelled watershed restoration work.

Our Response: The designation of critical habitat does not prevent access to any land, whether private, tribal, State or Federal. Critical habitat receives protection under section 7 of the Act through the requirement that Federal agencies ensure, in consultation with the Service, that any action they authorize, fund, or carry out is not likely to result in the destruction or adverse modification of critical habitat. The designation of critical habitat does not affect land ownership or establish a refuge, wilderness, reserve, preserve, or other conservation area. Such designation does not allow the government or public to access private lands. Such designation does not require implementation of restoration, recovery, or enhancement measures by non-Federal landowners. Where a landowner requests Federal agency funding or authorization for an action that may affect a listed species or critical habitat, the consultation requirements of section 7(a)(2) of the Act apply, but even in the event of a destruction or adverse modification finding, the obligation of the Federal action agency and the landowner is not to restore or recover the species, but to implement reasonable and prudent alternatives to avoid destruction or adverse modification of critical habitat. The final environmental analysis lists potential project modifications that could be recommended to avoid adverse modification (Mangi Environmental Group 2013, pp. 42–43). This analysis includes looking at the limitations on the timing and route of access to a forest or fuels management project.

(29) *Comment:* The designation of critical habitat could limit access, and ranching activity would be negatively affected.

Our Response: See our response to comment 28, above. In section 1.8.1, Livestock Grazing, of the final

environmental analysis, the following sentence has been revised from, ''Impacts may include small-scale habitat modification, such as livestock trail establishment or soil compaction, or direct effects, such as trampling'' To, ''Impacts may include small-scale habitat modification, such as livestock trail establishment or soil compaction; limitations on access to grazing allotments by livestock managers through road closures or decommissioning; or direct effects, such as trampling'' (Mangi Environmental Group 2013, pp. 12–13).

(30) *Comment:* Listing of the salamander and designation of critical habitat may further slow progress of the Southwest Jemez Mountains Collaborative Forest Landscape Restoration Project by adding another level of bureaucracy and taking federal funding away from on-the-ground watershed restoration work to use for regulatory compliance associated with the Act.

Our Response: Section 3.3.1 of the final economic analysis has been revised to discuss this concern (IEc 2013, p. 3–6). The analysis quantifies estimated additional administrative costs of critical habitat for the Jemez Mountaians salamander to be approximately $23,000 annually across all agencies. As stated in the executive summary of the economic analysis, the Service anticipates that in cases where an action is found to adversely modify critical habitat for the salamander, the action would also be found to jeopardize the species. That is, actions which the Service is likely to recommend to avoid adverse modification are the same as those to avoid jeopardy. Thus, the incremental impacts of the critical habitat designation for the salamander appear unlikely to include additional conservation actions or project modifications. As a result, this analysis focuses on quantifying the incremental impacts associated with the administrative effort of addressing potential adverse modification of critical habitat in the context of section 7 consultations. We recognize that there may be additional administrative costs associated with this critical habitat designation, but we do not think that these costs will have a significant negative impact on the Southwest Jemez Mountains Collaborative Forest Landscape Restoration Project.

Comments From Santa Clara Pueblo

(31) *Comment:* The Service indicated in the proposed rule that salvage logging and timber harvesting could adversely affect the salamander's habitat because these activities, among other things, compact soils or increase the risk of warming the soil moisture. In response, the Santa Clara Pueblo commented that, rather than decreasing soil moisture, responsible timber harvesting can actually increase available soil moisture because transpiration of the vegetation is decreased and more soil moisture becomes available for residual plant growth and for the salamander.

Our Response: We agree with these statements, and believe that how actions such as timber harvesting occur could result in adverse, beneficial, or both impacts to the salamander and its habitat.

(32) *Comment:* The Santa Clara Pueblo stated that it is in discussions with the USFS regarding co-management stewardship activities in some National Forest Service lands pursuant to the Tribal Forest Protection Act (25 U.S.C. 3101 *et seq.*); some of the proposed Tribal Forest Protection Act project lands are located within the areas proposed by the Service as critical habitat for the salamander. The Santa Clara Pueblo notes that the draft economic analysis does not consider economic impacts that the Santa Clara Pueblo would incur if fire management activities are curtailed due to the designation of critical habitat and if, as a result, additional stand replacement fires starting or burning through the Santa Fe National Forest and Valles Caldera National Preserve lands could jump onto unburned or replanted Santa Clara Pueblo lands. They cite, in particular, areas in Unit 1, known as the Upper Santa Clara Creek watershed, the Antlers and Cerro Toledo, as being of concern. They note that the Las Conchas fire severely burned 16,000 acres in Santa Clara Creek Canyon, their spiritual sanctuary.

Our Response: The following material has been added to section 1.8.1 in the final environmental assessment (Mangi Environmental Group 2013, p. 13) under a new header ''Tribal Resources'': ''There are no tribal lands within the critical habitat designation. However, the designation includes lands within the Santa Fe National Forest and Valles Caldera National Preserve that are adjacent to the Santa Clara Pueblo (Pueblo). Much of these adjacent areas were severely burned during the Las Conchas Fire of 2011. These lands include culturally important areas for the Pueblo and have unhealthy, unburned forest conditions that make them a continued, immediate threat to catastrophic wildfire spreading onto Pueblo lands (Santa Clara Pueblo 2013). Therefore, the Pueblo has entered in discussions with the USFS, pursuant to the Tribal Forest Protection Act, to co-manage stewardship projects on these lands, including hazardous fuels reduction and ensuring there are proper fuel breaks to protect remnant unburned areas on Pueblo lands from fires coming off National Forest lands. Consultations with Santa Fe National Forest on fire management activities proposed on Pueblo-adjacent lands pursuant to the Tribal Forest Protection Act will be conducted in accordance with the Service's responsibilities as outlined in Secretarial Order 3206, which states (Appendix, section 3(C)(3)(c), ''When the Services enter info formal consultations with agencies not in the Departments of the Interior or Commerce, on a proposed action which may affect tribal rights or tribal trust resources, the Services shall notify the affected Indian tribe(s) and encourage the action agency to invite the affected tribe(s) and the BIA [Bureau of Indian Affairs] to participate in the consultation process'' (Service 1997).'' Section 3.3 of the economic analysis has been modified to reflect Pueblo concerns, including potential impacts on tribal economic and cultural activities associated with changes to planned fire management activities. This section assumes that Tribal Forest Protection Act activities will be included in the USFS consultations forecasted to occur every 10 years. The economic analysis has included Santa Clara Pueblo Tribal Forest Protection Act activities under chapter 3, Fire Management under Baseline Conservation Efforts (IEc, April 22, 2013, p. 3–7).

(33) *Comment:* Santa Clara Pueblo stated that the primary constituent elements could affect fire protection, forest, and ecological restoration management measures for projects associated with the Tribal Forest Protection Act.

Our Response: See our responses to comments 11 and 25, above.

Public Comments

(34) *Comment:* Jemez Mountains salamanders have been found in areas without canopy or with a canopy other than mixed conifer. The emphasis placed on some of the primary constituent elements and not others are based on the relative ease or difficulty of finding salamanders in habitat with those elements.

Our Response: Primary constituent elements are those specific elements of the physical or biological features that provide for a species' life-history processes and are essential to the conservation of the species. See our response to comment 5, above, for an

explanation of critical habitat designation requirements under the Act.

While the Jemez Mountains salamander can be found in areas outside forested areas and outside coniferous forest in particular, when active above ground, the Jemez Mountains salamander is more commonly found within forested areas under decaying logs, rocks, bark, or moss mats, or inside decaying logs and stumps. Jemez Mountains salamanders are generally found in association with decaying coniferous logs, particularly Douglas fir, considerably more often than deciduous logs, likely due to the differences in physical features (e.g., coniferous logs have blocky pieces with more cracks and spaces than deciduous logs) (Ramotnik 1988, p. 53). See the *Criteria Used To Identify Critical Habitat* section of this final rule for a complete description of the information used to designate critical habitat.

Our initial step in identifying critical habitat was to determine the physical or biological habitat features essential to the conservation of the species. The Service has identified four primary constituent elements sufficient to support the life-history processes and which are essential to the conservation of the species. We then identified the geographic areas that are occupied by the Jemez Mountains salamander and that contain one or more of the physical or biological features. We are designating two critical habitat units based on sufficient elements of the physical or biological features being present to support the Jemez Mountains salamander's life processes. Some portions of the units contain all of the identified elements of physical or biological features and support multiple life processes. Some portions of units contain only some elements of the physical or biological features necessary to support the Jemez Mountains salamander's particular use of that habitat. The Service did not place emphasis on one primary constituent element over another.

(35) *Comment:* The proposed rule cited the influence of soil pH in salamander habitat, but ignores it as a primary constituent element.

Our Response: Soil pH may be an important variable in salamander habitat; however, data concerning soil pH in Jemez Mountains salamander habitat are limited to nine sites (four logged and five unlogged), seven of which are in relatively close proximity to each other in one drainage on the west side of the Jemez Mountains (Ramotnik 1988, p. 40). Ramotnik (1988, p. 41) reported a significant difference in pH between the logged areas and the unlogged areas where salamanders were found, but it is not known if salamanders were present prior to logging. Consequently, we do not believe these data are sufficient to extrapolate across the range of the species and do not conclude that pH within a certain range is a primary constituent element for the salamander.

(36) *Comment:* Preference of salamander habitat use on steep slopes as reported in Ramotnik (1988) has been dismissed.

Our Response: Additional survey information since Ramotnik (1988) indicates that salamanders use habitat on all slopes. Further, Everett (2003) reported that the salamander occurred on all slope aspects (p. 21) (the average slope ranged from 4 to 40.5 degrees (p. 24)).

(37) *Comment:* No evidence is presented that time above ground is necessary for the salamander's life cycle, but most of the primary constituent elements of critical habitat have to do with above ground components of mixed conifer forests.

Our Response: Please see our responses to comments 4, 10, and 34. Additionally, above ground surface activity during wet surface conditions is a characteristic of the natural history of the Jemez Mountains salamander. Stomach contents consist primarily of above-ground and ground-dwelling invertebrates. Further, plethodontid salamanders store fat reserves in their tails for energetic use when foraging opportunities are reduced or do not exist (e.g., underground). Consequently, we conclude that one purpose for above ground activity is to feed. Additionally, based on reproductive studies, this species mates in July and August, which coincides with the above-ground activity period. We, therefore, conclude that time above ground is necessary for foraging and mating. See the *Criteria Used To Identify Critical Habitat* section of this final rule for a complete description of the information used to designate critical habitat.

(38) *Comment:* One commenter stated that the draft economic analysis should include a section explaining the benefits of having critical habitat for the Jemez Mountains salamander. The commenter also stated that itemized costs would be beneficial to the analysis.

Our Response: Chapter 6 of the draft economic analysis discussed benefits of the designation. Chapters 3–5 and Appendix B present detailed information and assumptions used to develop estimates of the anticipated incremental costs of the designation.

Changes From the Previously Proposed Critical Habitat Designation

In this final critical habitat designation, we are finalizing the minor changes that were proposed in the reopening of the public comment period that published on February 12, 2013 (78 FR 9876). At that time, we amended the PCEs that we proposed in our September 12, 2012 proposed rule (77 FR 56482) to provide additional clarification to the PCEs concerning tree canopy cover and ground surface in forest areas (PCEs 1 and 3a). The overall intent of the proposed PCEs did not change. Additionally, we revised the size of the two proposed critical habitat units from our September 12, 2012, rule, based on recently finalized map data that were still in draft form during our initial analysis. The updated map data resulted in minor changes in size and ownership in both proposed units. There was a slight reduction in the overall area proposed, with some reduction of private lands and addition of a small parcel of State lands. In the September 12, 2012 (77 FR 56482) proposed rule, we proposed a total of approximately 90,789 ac (36,741 ha) in two units. Based on new map data, we updated the approximate area and land ownership of both proposed critical habitat units; the updated information is in Table 2 below. The total Federal critical habitat consists of 56,897 ac (23,025 ha) of U.S. Forest Service lands, 23,745 ac (9,609 ha) of Valles Caldera National Preserve lands, and 7,198 ac (2913 ha) of National Park Service lands. When we used the updated map information, we identified a 73-ac (30-ha) parcel owned by New Mexico Department of Game and Fish in the Western Jemez Mountains Unit. Based on these revisions, we proposed and are now finalizing a total of approximately 90,716 ac (36,711 ha) in two critical habitat units, which is 73 ac (30 ha) less than what we proposed our September 12, 2012 proposed rule (77 FR 56482). Such a small change in the acreage does not affect the accuracy of the maps published in the September 12, 2012 (77 FR 56482) proposed rule. Finally, in the Proposed Regulation Promulgation section of our September 12, 2012 (77 FR 56482), proposed rule we erroneously presented the map as an index map. We have corrected this error in this final rule by presenting the map as the map of Unit 1 and Unit 2.

Critical Habitat

Background

Critical habitat is defined in section 3 of the Act as:

(1) The specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the Act, on which are found those physical or biological features

(a) Essential to the conservation of the species, and

(b) Which may require special management considerations or protection; and

(2) Specific areas outside the geographical area occupied by the species at the time it is listed, upon a determination that such areas are essential for the conservation of the species.

Conservation, as defined under section 3 of the Act, means to use and the use of all methods and procedures that are necessary to bring an endangered or threatened species to the point at which the measures provided pursuant to the Act are no longer necessary. Such methods and procedures include, but are not limited to, all activities associated with scientific resources management such as research, census, law enforcement, habitat acquisition and maintenance, propagation, live trapping, and transplantation, and, in the extraordinary case where population pressures within a given ecosystem cannot be otherwise relieved, may include regulated taking.

Critical habitat receives protection under section 7 of the Act through the requirement that Federal agencies ensure, in consultation with the Service, that any action they authorize, fund, or carry out is not likely to result in the destruction or adverse modification of critical habitat. The designation of critical habitat does not affect land ownership or establish a refuge, wilderness, reserve, preserve, or other conservation area. Such designation does not allow the government or public to access private lands. Such designation does not require implementation of restoration, recovery, or enhancement measures by non-Federal landowners. Where a landowner requests Federal agency funding or authorization for an action that may affect a listed species or critical habitat, the consultation requirements of section 7(a)(2) of the Act would apply, but even in the event of a destruction or adverse modification finding, the obligation of the Federal action agency and the landowner is not to restore or recover the species, but to implement reasonable and prudent alternatives to avoid destruction or adverse modification of critical habitat.

Under the first prong of the Act's definition of critical habitat, areas within the geographical area occupied by the species at the time it was listed, are included in a critical habitat designation if they contain physical or biological features (1) which are essential to the conservation of the species and (2) which may require special management considerations or protection. For these areas, critical habitat designations identify, to the extent known using the best scientific and commercial data available, those physical or biological features that are essential to the conservation of the species (such as space, food, cover, and protected habitat). In identifying those physical or biological features within an area, we focus on the principal biological or physical constituent elements (primary constituent elements such as roost sites, nesting grounds, seasonal wetlands, water quality, tide, soil type) that are essential to the conservation of the species. Primary constituent elements are those specific elements of the physical or biological features that provide for a species' life-history processes and are essential to the conservation of the species.

Under the second prong of the Act's definition of critical habitat, we can designate critical habitat in areas outside the geographical area occupied by the species at the time it is listed, upon a determination that such areas are essential for the conservation of the species. For example, an area currently occupied by the species but that was not occupied at the time of listing may be essential to the conservation of the species and may be included in the critical habitat designation. We designate critical habitat in areas outside the geographical area occupied by a species only when a designation limited to its range would be inadequate to ensure the conservation of the species.

Section 4 of the Act requires that we designate critical habitat on the basis of the best scientific and commercial data available. Further, our Policy on Information Standards Under the Endangered Species Act (published in the **Federal Register** on July 1, 1994 (59 FR 34271)), the Information Quality Act (section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Pub. L. 106–554; H.R. 5658)), and our associated Information Quality Guidelines provide criteria, establish procedures, and provide guidance to ensure that our decisions are based on the best scientific data available. They require our biologists, to the extent consistent with the Act and with the use of the best scientific data available, to use primary and original sources of information as the basis for recommendations to designate critical habitat.

When we are determining which areas should be designated as critical habitat, our primary source of information is generally the information developed during the listing process for the species. Additional information sources may include the recovery plan for the species, articles in peer-reviewed journals, conservation plans developed by States and counties, scientific status surveys and studies, biological assessments, other unpublished materials, or experts' opinions or personal knowledge.

Habitat is dynamic, and species may move from one area to another over time. We recognize that critical habitat designated at a particular point in time may not include all of the habitat areas that we may later determine are necessary for the recovery of the species. For these reasons, a critical habitat designation does not signal that habitat outside the designated area is unimportant or may not be needed for recovery of the species. Areas that are important to the conservation of the species, both inside and outside the critical habitat designation, will continue to be subject to: (1) Conservation actions implemented under section 7(a)(1) of the Act, (2) regulatory protections afforded by the requirement in section 7(a)(2) of the Act for Federal agencies to insure their actions are not likely to jeopardize the continued existence of any endangered or threatened species, and (3) section 9 of the Act's prohibitions on taking any individual of the species, including taking caused by actions that affect habitat. Federally funded or permitted projects affecting listed species outside their designated critical habitat areas may still result in jeopardy findings in some cases. These protections and conservation tools will continue to contribute to recovery of this species. Similarly, critical habitat designations made on the basis of the best available information at the time of designation will not control the direction and substance of future recovery plans, habitat conservation plans (HCPs), or other species conservation planning efforts if new information available at the time of these planning efforts calls for a different outcome.

Physical or Biological Features

In accordance with section 3(5)(A)(i) and 4(b)(1)(A) of the Act and regulations at 50 CFR 424.12, in determining which areas within the geographical area occupied by the species at the time of listing to designate as critical habitat, we consider the physical or biological

features essential to the conservation of the species and which may require special management considerations or protection. These include, but are not limited to:

(1) Space for individual and population growth and for normal behavior;

(2) Food, water, air, light, minerals, or other nutritional or physiological requirements;

(3) Cover or shelter;

(4) Sites for breeding, reproduction, or rearing (or development) of offspring; and

(5) Habitats that are protected from disturbance or are representative of the historical, geographical, and ecological distributions of a species.

We derive the specific physical or biological features essential for the Jemez Mountains salamander from studies of this species' habitat, ecology, and life history as described in the Critical Habitat section of the proposed rule to designate critical habitat published in the **Federal Register** on September 12, 2012 (77 FR 56482), and in the information presented below. Additional information can be found in the final listing rule published in the **Federal Register** on September 10, 2013 (78 FR 55599). We have determined that the Jemez Mountains salamander requires the following physical or biological features:

Space for Individual and Population Growth and for Normal Behavior

The Jemez Mountains salamander is restricted to areas in the Jemez Mountains around the rim of a large volcanic crater. There are also some Jemez Mountain salamanders that have been found on topographic features (e.g., resurgent domes) on the interior of the crater. The widespread presence of igneous rock throughout the area is the result of the volcanic origins of the Jemez Mountains. It is possible that the salamander may be distributed in this restricted area because of the fractured rock and interstitial crevices and gaps that occur here.

The Jemez Mountains salamander has been observed in forested areas of the Jemez Mountains located along two sides of the volcanic crater, ranging in elevation from 6,998 to 10,990 ft (2,133 to 3,350 m) (Ramotnik 1988, pp. 78, 84). The Jemez Mountains salamander spends much of its life underground, but it can be found active above ground from July through September, when environmental conditions are warm and wet. The aboveground habitat occurs within forested areas, primarily within areas that contain Douglas fir (*Pseudotsuga menziesii*), blue spruce (*Picea pungens*), Engelman spruce (*P. engelmannii*), white fir (*Abies concolor*), limber pine (*Pinus flexilis*), Ponderosa pine (*Pinus ponderosa*), Rocky Mountain maple (*Acer glabrum*), and aspen (*Populus tremuloides*) (Degenhardt *et al.* 1996, p. 28; Reagan 1967, p. 17). Redondo Peak contains both the maximum elevation in the Jemez Mountains (11,254 ft (3,430 m)) and the highest salamander observation (10,990 ft (3,350 m)). Surveys have not yet been conducted above this highest observation on Redondo Peak, but the habitat contains those primary constituent elements we have identified from areas known to contain the salamander. Alternatively, the vegetation communities and moisture conditions at elevations below 6,998 ft (2,133 m) are not suitable for the Jemez Mountains salamander.

The salamander's underground habitat appears to be deep, fractured, subsurface igneous rock in areas with high soil moisture (NMEST 2000, p. 2). Subsurface geology and loose rocky soil structure may be an important attribute of underground salamander habitat (Degenhardt *et al.* 1996, p. 28). Geologic and moisture constraints likely limit the distribution of the species (NMEST 2000, p. 2). Soil pH (acidity or alkalinity) may limit distribution as well. However, the composition of this subterranean habitat has not been fully investigated. Everett (2003) reported that the salamander occurred in areas where soil texture was composed of 56 percent sandy clay loam, 36 percent clay loam, 6 percent sandy loam, and 2 percent silty clay loam (p. 28); the overall soil bulk density ranged from 0.2 to 0.98 ounces per cubic inch (oz per in ^{3}) (0.3 to 1.7 grams per cubic centimeter (g per cm^{3}) (p. 28); and average soil moisture ranged from 4.85 to 59.7 percent (p. 28). Sites with salamanders had a soil pH of 6.6 (± 0.08), and sites without salamanders had a soil pH of 6.2 (± 0.06) (Ramotnik 1988, pp. 24–25). The salamander's subterranean habitat appears to be deep, fractured, subterranean igneous rock in areas with high soil moisture (New Mexico Endemic Salamander Team 2000, p. 2). Many terrestrial salamander species deposit eggs in well-hidden sites, such as underground cavities, decaying logs, and moist rock crevices (Pentranka 1998, p. 6). Because the Jemez Mountain salamander spends the majority of its life below ground and because Jemez salamander eggs have not been discovered in the wild, Jemez Mountains salamander eggs are probably laid and hatch underground in the fractured interstices of subterranean igneous rock.

Food, Water, Air, Light, Minerals, or Other Nutritional or Physiological Requirements

Jemez Mountains salamanders are terrestrial salamanders that are generally active at night and have diurnal (daytime) retreats to places that have higher moisture content relative to surrounding areas that are exposed to warming from the sun and air currents (Duellman and Trueb 1986, p. 198). Jemez Mountain salamanders lack lungs; instead, they are cutaneous respirators (meaning they exchange gases, such as oxygen and carbon dioxide, through their skin). To support cutaneous respiration, its skin is permeable and must be kept moist at all times. Consequently, Jemez Mountains salamanders must address hydration needs above all other life-history needs. The salamander must obtain its water from its habitat, and the salamander has no physiological mechanism to stop dehydration or water loss to the environment. We suspect that these components may be a main driver behind salamander occurrences and distribution. Diurnal retreats that provide moist and cool microhabitats are important for physiological requirements in terrestrial salamanders and also influence the salamander's ability to forage, because foraging typically dehydrates individuals and these retreats allow for rehydration (Duellman and Trueb 1986, p. 198). Temperature also affects hydration and dehydration rates, oxygen consumption, heart rate, and metabolic rate, and thus influences body water and body mass in Jemez Mountains salamanders (Duellman and Treub 1986, p. 203; Whitford 1968, pp. 247–251). Daytime retreats can be under rocks, in interiors of logs, in depths of leaf mulch, in shaded crevices, and in burrows in the soil (Duellman and Trueb 1986, p. 198). When Jemez Mountains salamanders have been observed above ground during the day, they are primarily found in high moisture retreats (such as under and inside decaying logs and stumps, and under rocks and bark) (Everett 2003, p. 24) with high overstory canopy cover. Everett (2003, p. 24) characterized the Jemez Mountains salamander's habitat as having an average canopy cover of 76 percent, with a range between 58 to 94 percent and soil that had average soil moisture from 4.85 to 59.7 percent (p. 28). If water uptake is sufficient during the day, the animal can afford to lose water during nocturnal activities (Duellman and Trueb 1986, p. 198). Even though many kinds of terrestrial

amphibians are normally active only at night, they often become active during the day immediately after heavy rains (Duellman and Trueb 1986, p. 198).

High moisture diurnal retreats and high canopy closure are typical habitat features that correlate with plethodontid salamanders. For example, the three habitat features with apparently strong associations with the Siskiyou Mountains salamander (*Plethodon stormi*), a western plethodon species, are rocky soil types with adequate interstitial spaces, forest canopy closure above 70 percent, and conifer forest types with average tree size above 17 in (43.2 cm) diameter at breast height (Olson *et al.* 2009, p. 24). Another example is that course woody debris is the most important habitat feature for two other plethodontid salamanders in Douglas fir forests in Washington. It was suggested that these two plethodontid salamanders may prefer certain types of woody debris as cover, especially those associated with large, moderately to well-decomposed snags and logs (Aubry *et al.* 1988, pp. 32, 35).

Based on this information, we conclude that substrate moisture through its effect on absorption and loss of water is the most important factor in the ecology of this species (Heatwole and Lim 1961, p. 818). Thus, moist and cool microhabitats are essential for the conservation of the species.

In regard to food, Jemez Mountains salamanders have been found to consume prey species that are diverse in size and type, with ants, mites, and beetles being eaten most often (Cummer 2005, p. 43).

Cover or Shelter

When active above ground, the Jemez Mountains salamander is usually found within forested areas under decaying logs, rocks, bark, or moss mats, or inside decaying logs and stumps. Jemez Mountains salamanders are generally found in association with decaying coniferous logs, particularly Douglas fir, considerably more often than deciduous logs, likely due to the differences in physical features (e.g., coniferous logs have blocky pieces with more cracks and spaces than deciduous logs) (Ramotnik 1988, p. 53). Large-diameter (greater than 10 in (25 cm)) decaying logs provide important aboveground habitat because they are moist and cool compared to other cover; larger logs maintain higher moisture and lower temperature longer than smaller logs. These high-moisture retreats also offer shelter and protection from some predators (e.g., skunks (Mephitidae), owls (Strigiformes)).

The percent surface area of occupied salamander habitat covered by decaying logs, rocks, bark, moss mats, and stumps averaged 25 percent (Everett 2003, p. 35); however, Everett (2003, p. 35) noted that areas with high percentages of area of habitat covered by decaying logs, rocks, bark, moss mats, and stumps are difficult to survey and locate salamanders when present, and may bias the data toward lower percentages of area covered by decaying logs, rocks, bark, moss mats, and stumps.

Furthermore, there may be high-elevation meadows located within the critical habitat units that are used by the Jemez Mountains salamander. Jemez Mountains salamanders utilize habitat vertically and horizontally above ground and below ground. Currently, we do not fully understand how salamanders utilize areas like meadows, where the aboveground vegetation component differs from areas where salamanders are more commonly encountered (e.g., forested areas); however, salamanders have been found in high-elevation meadows. Therefore, meadows are considered part of the physical or biological features for the Jemez Mountains salamander.

Sites for Breeding, Reproduction, or Rearing (or Development) of Offspring

Little is known about the reproduction of the Jemez Mountains salamander. Although many terrestrial salamanders deposit eggs in well-hidden sites, such as underground cavities, decaying logs, and moist rock crevices (Pentranka 1998, p. 6), an egg clutch has never been observed during extensive Jemez Mountains salamander surveys. Because the salamander spends the majority of its life below ground, eggs are probably laid and hatch underground. However, we currently lack the information to identify the specific elements of the physical or biological features needed for breeding, reproduction, or rearing of offspring.

Habitats Protected From Disturbance or Representative of the Historical, Geographic, and Ecological Distributions of the Species

All occupied salamander habitat has undergone change resulting from historical grazing practices and effective fire suppression, most often resulting in shifts in vegetation composition and structure and increased risk of large-scale, stand-replacing wildfire (see *Factor A* discussion in the final listing rule published on September 10, 2013 (78 FR 55599)). This species was first described in 1950, about halfway through the approximate 100-year period of shifting vegetation composition and structure and building of fuels for wildfire in the Jemez Mountains. Thus, research and information pertaining to habitat for this species occurs in the context of a species existing in an altered ecological situation. Nonetheless, while we do not have a full understanding of how these particular alterations affect the salamander (potentially further drying habitat through increased water demand of increased density of trees, or, alternatively, potentially increasing habitat moisture from a higher canopy cover), we do know that the changes in the vegetative component of salamander habitat have greatly increased the risk of large-scale, stand-replacing wildfire. Furthermore, we are only aware of small-scale treatments or forest-restoration projects that have been implemented to reduce this risk. Thus, there do not seem to be any areas in occupied salamander habitat that are entirely protected from disturbance. Even so, the representative geographic and ecological habitat includes salamander habitat in both burned and unburned areas. Although areas not burned by large-scale, stand-replacing fires are better habitat, the Jemez Mountains salamander has still been found in recently burned habitat (12 years post-fire in the Cerro Grande fire).

Primary Constituent Elements for the Jemez Mountains Salamander

Under the Act and its implementing regulations, we are required to identify the physical or biological features essential to the conservation of the Jemez Mountains salamander in areas occupied at the time of listing, focusing on the features' primary constituent elements. Primary constituent elements are those specific elements of the physical or biological features that provide for a species' life-history processes and are essential to the conservation of the species.

Based on our current knowledge of the physical or biological features and habitat characteristics required to sustain the species' life-history processes, we determine that the primary constituent elements specific to the Jemez Mountains salamander are:

(1) Moderate to high tree canopy cover, typically 50 to 100 percent canopy closure, that provides shade and maintains moisture and high relative humidity at the ground surface, and:

(a) Consists of the following tree species alone or in any combination:

Douglas fir (*Pseudotsuga menziesii*); blue spruce (*Picea pungens*); Engelman spruce (*Picea engelmannii*); white fir (*Abies concolor*); limber pine (*Pinus flexilis*); Ponderosa pine (*Pinus*

ponderosa); and aspen (*Populus tremuloides*); and

(b) Has an understory that predominantly comprises: Rocky Mountain maple (*Acer glabrum*); New Mexico locust (*Robinia neomexicana*); oceanspray (*Holodiscus* spp.); or shrubby oaks (*Quercus* spp.).

(2) Elevations from 6,988 to 11,254 ft (2,130 to 3,430 m).

(3) Ground surface in forest areas with:

(a) Moderate to high volumes of large fallen trees and other woody debris, especially coniferous logs at least 10 in (25 cm) in diameter, particularly Douglas fir, which are in contact with the soil in varying stages of decay from freshly fallen to nearly fully decomposed; or

(b) Structural features, such as rocks, bark, and moss mats, that provide the species with food and cover.

(4) Underground habitat in forest or meadow areas containing interstitial spaces provided by:

(a) Igneous rock with fractures or loose rocky soils;

(b) Rotted tree root channels; or

(c) Burrows of rodents or large invertebrates.

With this designation of critical habitat, we intend to identify the physical or biological features essential to the conservation of the species, through the identification of the features' primary constituent elements sufficient to support the life-history processes of the species.

Special Management Considerations or Protections

When designating critical habitat, we assess whether the specific areas within the geographical area occupied by the species at the time of listing contain features that are essential to the conservation of the species and which may require special management considerations or protection. The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: Historical and current fire management practices; severe wildland fire; forest composition and structure conversions; post-fire rehabilitation; forest management; roads, trails, and habitat fragmentation; recreation; and climate change. Furthermore, disease and the use of fire retardants or other chemicals may threaten the salamander in the future, and may need special management considerations. Amphibians, like the salamander, are typically very susceptible to chemicals (LABAT Environmental 2007) due to their permeable skin. However, at this time, the Service does not consider disease or chemical use a threat. A more complete discussion of the threats to the salamander and its habitats can be found in Summary of Factors Affecting the Species section of the final listing rule published on September 10, 2013 (78 FR 55599).

Management activities that could ameliorate these threats include (but are not limited to): (1) Reducing fuels to minimize the risk of severe wildfire in a manner that considers the salamander's biological requirements; (2) not implementing post-fire rehabilitation techniques that are detrimental to the salamander in the geographic areas of occupied salamander habitat; and (3) removing unused roads and trails, and restoring habitat. A more complete discussion of the threats to the salamander and its habitats can be found in Summary of Factors Affecting the Species section of the final listing rule published on September 10, 2013 (78 FR 55599).

Criteria Used To Identify Critical Habitat

As required by section 4(b)(2) of the Act, we used the best scientific data available to designate critical habitat. We reviewed available information pertaining to the habitat requirements of this species. In accordance with the Act and its implementing regulation at 50 CFR 424.12(e), we considered whether designating additional areas outside those currently occupied is necessary to ensure the conservation of the species. We are not designating any areas outside the geographic area occupied by the species because the designated areas can support populations large enough to provide for the conservation of the species.

Our initial step in identifying critical habitat was to determine the physical or biological habitat features essential to the conservation of the species, as explained in the previous section. We then identified the geographic areas that contain one or more of the physical or biological features. We also considered information on salamander locations from recent surveys. We used various sources of available information and supporting data that pertain to the habitat requirements of the Jemez Mountains salamander. These included, but were not limited to, the 12–month finding published on September 9, 2010 (75 FR 54822); reports under section 6 of the Act submitted by New Mexico Department of Game and Fish that provided information regarding biology, survey data, and habitat; the Multi-Agency (New Mexico Department of Game and Fish, USFS, and NPS) Jemez Mountains Salamander Conservation Management Plan that provides information on salamander habitat and biology; research published in peer-reviewed articles concerning the biology, habitat, and ecology of Jemez Mountains salamanders and other plethodontid species; unpublished academic theses that provided information regarding location, habitat, ecology, physiology, and ecological shifts of Jemez Mountains salamander; agency reports from USFS, NPS, and Los Alamos National Lab; and Bureau of Land Management mapping information.

We plotted point data of survey locations for the salamander using ArcMap (Environmental Systems Research Institute, Inc.), a computer GIS program, which were then used in conjunction with elevation, topography, vegetation, and land ownership information. The point data consisted of detection (367 points) and non-detection (1,022 points) survey locations. The designated critical habitat units are based on the detection and non-detection data, and physical and biological data on habitat features necessary to support life-history processes of the species. These areas were all located within the unit boundaries generated by the GIS model. Areas that have been burned in recent fires (e.g., Las Conchas Fire and Cerro Grande Fire) were not excluded from the units because fire burns in a mosaic pattern (a mix pattern of burned and unburned patches), and sufficient elements of physical and biological features remain subsequent to wildfire that allow salamanders to continuously occupy areas that have been burned. We selected areas within the geographical area occupied at the time of listing that contain the physical or biological features essential to their conservation. We also verified that these areas required special management. Large areas with very limited or no detections were not included in the designation. Finally, both units are considered wholly occupied because salamanders use both aboveground and belowground habitat, moving and utilizing habitat vertically and horizontally. Also, high-elevation meadows located within the units are also considered wholly occupied because the salamanders have been found there. While it is possible that salamanders may not be detected at the small scale of a survey (measured in meters), the entire unit is considered with the geographic area occupied by the species because of the similarity and continuous nature of the physical and biological features such as dense tree

canopy cover, higher levels of ground moisture, many fallen logs, surface rocks and woody debris, and igneous soil that allows the salamanders to travel below ground as well as above ground. This is due to the fact that the lands within the units are virtually all high-elevation forests growing on top of igneous soil located around the rim of a long extinct volcano.

Recent surveys of Jemez Mountains salamanders conducted by the USFS found Jemez Mountain salamanders in a specific area where the salamander had not been located before, but was within the area we are designating as critical habitat. This demonstrates the occupancy of the areas we have designated as critical habitat.

After utilizing the above methods, we refined the model to exclude areas of isolated historical survey point data, which are predominantly on USFS and Valles Caldera National Preserve lands within the northeastern and northwestern part of the Jemez Mountains, but also include small areas on the Santa Clara Pueblo, Los Alamos National Laboratory, and private lands.

The areas we are designating are not located within developed lands. They contain very few buildings, but do include several highways and forest roads. When determining critical habitat boundaries within this final rule, we made every effort to avoid including lands covered by buildings, pavement, and other structures because such lands lack physical or biological features for the Jemez Mountains salamander. The scale of the maps we prepared under the parameters for publication within the Code of Federal Regulations may not reflect the exclusion of such buildings and roads. Any such lands inadvertently left inside critical habitat boundaries shown on the map of this final rule have been excluded by text in the rule and are not designated as critical habitat. Therefore, a Federal action involving these lands will not trigger section 7 consultation with respect to critical habitat and the requirement of no adverse modification unless the specific action would affect the physical or biological features in the adjacent critical habitat.

The critical habitat designation is defined by the map, as modified by any accompanying regulatory text, presented at the end of this document in the Regulation Promulgation section. We include more detailed information on the boundaries of the critical habitat designation in the preamble of this document. We will make the coordinates or plot points or both on which the map is based available to the public on *http://www.regulations.gov* at Docket No. FWS–R2–ES–2013–0005, on our Internet site at *http://www.fws.gov/southwest/es/NewMexico/,* and at the New Mexico Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

We are designating as critical habitat lands that we have determined are occupied at the time of listing and contain sufficient physical or biological features to support life-history processes essential for the conservation of the Jemez Mountains salamander.

We are designating two units based on sufficient elements of physical or biological features being present to support the Jemez Mountains salamander's life processes. Some portions of the units contain all of the identified elements of physical or biological features and support multiple life processes. Some portions of units contain only some elements of the physical or biological features necessary to support the Jemez Mountains salamander's particular use of that habitat.

Final Critical Habitat Designation

We are designating two units as critical habitat for the Jemez Mountains salamander. The critical habitat areas described below constitute our best assessment at this time of areas that meet the definition of critical habitat. Those two units are: (1) Western Jemez Mountains Unit, and (2) Southeastern Jemez Mountains Unit. Table 1 shows the occupied units.

TABLE 1—OCCUPANCY OF JEMEZ MOUNTAINS SALAMANDER BY DESIGNATED CRITICAL HABITAT UNITS

Unit	Occupied at time of listing?	Currently occupied?
1	Yes	Yes.
2	Yes	Yes.

The approximate area of each critical habitat unit is shown in Table 2.

TABLE 2—DESIGNATED CRITICAL HABITAT UNITS FOR JEMEZ MOUNTAINS SALAMANDER

[Area estimates reflect all land within critical habitat unit boundaries]

Critical habitat unit	Land ownership by type	Size of unit in acres (hectares)
1. Western Jemez Mountains Unit	Federal	41,466 (16,781)
	Private	906 (367)
	State	73 (30)
	Total Unit 1	42,445 (17,177)
2. Southeastern Jemez Mountains Unit	Federal	46,374 (18,767)
	Private	1,897 (768)
	Total Unit 2	48,271 (19,535)
Total	Federal	87,840 (35,548)
	Private	2,803 (1,134)
	State	73 (30)
	Total	90,716 (36,711)

Note: Area sizes may not sum due to rounding.

We present brief descriptions of all units, and reasons why they meet the definition of critical habitat for the Jemez Mountains salamander, below.

Unit 1: Western Jemez Mountains

Unit 1 consists of 42,445 ac (17,177 ha) in Rio Arriba and Sandoval Counties, New Mexico, in the western portion of the Jemez Mountains. In Unit

1, 41,466 ac (16,781 ha) are federally managed, with 26,531 ac (10,736 ha) on USFS lands and 14,935 ac (6,044 ha) on Valles Caldera National Preserve lands; 73 ac (30 ha) are New Mexico Department of Game and Fish lands; and 906 ac (367 ha) are private lands. This unit is located in the western portion of the distribution of the Jemez Mountains salamander and includes Redondo Peak. This unit is within the geographical area occupied by the salamander and contains elements of essential physical or biological features. The physical or biological features require special management or protection from large-scale, stand-replacing wildfire; actions that would disturb salamander habitat by warming and drying; actions that reduce the availability of aboveground cover objects including downed logs; or actions that would compact or disturb the soil or otherwise interfere with the capacity of salamanders to move between subterranean habitat and aboveground habitat.

Unit 2: Southeastern Jemez Mountains

Unit 2 consists of 48,271 ac (19,535 ha) in Los Alamos and Sandoval Counties, New Mexico, in the eastern, southern, and southeastern portions of the Jemez Mountains. In Unit 2, 46,375 ac (18,767 ha) are federally managed, with 30,366 ac (12,288 ha) on USFS lands, 8,811 ac (3,565 ha) on Valles Caldera National Preserve lands, and 7,198 ac (2,912 ha) on National Park Service lands (Bandelier National Monument). The remaining 1,897 ac (768 ha) in Unit 2 are private lands. This unit is within the geographical area occupied by the salamander and contains elements of essential physical or biological features. The physical or biological features require special management or protection from large-scale, stand-replacing wildfire; actions that would disturb salamander habitat by warming and drying; actions that reduce the availability of aboveground cover objects including downed logs; or actions that would compact or disturb the soil or otherwise interfere with the capacity of salamanders to move between subterranean habitat and aboveground habitat.

Effects of Critical Habitat Designation

Section 7 Consultation

Section 7(a)(2) of the Act requires Federal agencies, including the Service, to ensure that any action they fund, authorize, or carry out is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of designated critical habitat of such species. In addition, section 7(a)(4) of the Act requires Federal agencies to confer with the Service on any agency action which is likely to jeopardize the continued existence of any species listed under the Act or result in the destruction or adverse modification of critical habitat.

Decisions by the 5th and 9th Circuit Courts of Appeals have invalidated our regulatory definition of ''destruction or adverse modification'' (50 CFR 402.02) (see *Gifford Pinchot Task Force* v. *U.S. Fish and Wildlife Service,* 378 F. 3d 1059 (9th Cir. 2004) and *Sierra Club* v. *U.S. Fish and Wildlife Service et al.,* 245 F.3d 434, 442 (5th Cir. 2001)), and we do not rely on this regulatory definition when analyzing whether an action is likely to destroy or adversely modify critical habitat. Under the statutory provisions of the Act, we determine destruction or adverse modification on the basis of whether, with implementation of the proposed Federal action, the affected critical habitat would continue to serve its intended conservation role for the species.

If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency (action agency) must enter into consultation with us. Examples of actions that are subject to the section 7 consultation process are actions on State, tribal, local, or private lands that require a Federal permit (such as a permit from the U.S. Army Corps of Engineers under section 404 of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or a permit from the Service under section 10 of the Act) or that involve some other Federal action (such as funding from the Federal Highway Administration, Federal Aviation Administration, or the Federal Emergency Management Agency). Federal actions not affecting listed species or critical habitat, and actions on State, tribal, local, or private lands that are not federally funded or authorized, do not require section 7 consultation.

As a result of section 7 consultation, we document compliance with the requirements of section 7(a)(2) through our issuance of:

(1) A concurrence letter for Federal actions that may affect, but are not likely to adversely affect, listed species or critical habitat; or

(2) A biological opinion for Federal actions that may affect and are likely to adversely affect, listed species or critical habitat.

When we issue a biological opinion concluding that a project is likely to jeopardize the continued existence of a listed species and/or destroy or adversely modify critical habitat, we provide reasonable and prudent alternatives to the project, if any are identifiable, that would avoid the likelihood of jeopardy and/or destruction or adverse modification of critical habitat. We define ''reasonable and prudent alternatives'' (at 50 CFR 402.02) as alternative actions identified during consultation that:

(1) Can be implemented in a manner consistent with the intended purpose of the action,

(2) Can be implemented consistent with the scope of the Federal agency's legal authority and jurisdiction,

(3) Are economically and technologically feasible, and

(4) Would, in the Director's opinion, avoid the likelihood of jeopardizing the continued existence of the listed species and/or avoid the likelihood of destroying or adversely modifying critical habitat.

Reasonable and prudent alternatives can vary from slight project modifications to extensive redesign or relocation of the project. Costs associated with implementing a reasonable and prudent alternative are similarly variable.

Regulations at 50 CFR 402.16 require Federal agencies to reinitiate consultation on previously reviewed actions in instances where we have listed a new species or subsequently designated critical habitat that may be affected and the Federal agency has retained discretionary involvement or control over the action (or the agency's discretionary involvement or control is authorized by law). Consequently, Federal agencies sometimes may need to request reinitiation of consultation with us on actions for which formal consultation has been completed, if those actions with discretionary involvement or control may affect subsequently listed species or designated critical habitat.

Application of the ''Adverse Modification'' Standard

The key factor related to the adverse modification determination is whether, with implementation of the proposed Federal action, the affected critical habitat would continue to serve its intended conservation role for the species. Activities that may destroy or adversely modify critical habitat are those that alter the physical or biological features to an extent that appreciably reduces the conservation value of critical habitat for the Jemez Mountains salamander. As discussed above, the role of critical habitat is to support life-history needs of the species

and provide for the conservation of the species.

Section 4(b)(8) of the Act requires us to briefly evaluate and describe, in any proposed or final regulation that designates critical habitat, activities involving a Federal action that may destroy or adversely modify such habitat, or that may be affected by such designation.

Activities that may affect critical habitat, when carried out, funded, or authorized by a Federal agency, should result in consultation for the Jemez Mountains salamander. These activities include, but are not limited to:

(1) Actions that would disturb salamander habitat by warming and drying. Such activities could include, but are not limited to, landscape restoration projects (e.g., forest thinning and manipulation); prescribed burns; wildland fire use; wildland-urban-interface projects (forest management at the boundary of forested areas and urban areas); forest silvicultural practices (including salvage logging); or other forest management or landscape-altering activities that reduce canopy cover, or warm and dry habitat. These activities could reduce the quality of salamander habitat or reduce the ability of the salamander to carry out normal behavior and physiological functions, which are tightly tied to moist cool microhabitats. Additionally, these actions could also reduce available high-moisture retreats, which could increase the amount of time necessary to regulate body water for physiological function and thus reduce the amount of time available for foraging and finding a mate, ultimately reducing fecundity.

(2) Actions that reduce the availability of the ground surface within forested areas containing downed logs that are greater than 10 in (0.25 m) in diameter and of any stage of decomposition; or removal of large-diameter trees (especially Douglas fir) that would otherwise become future high quality cover. Such activities could include, but are not limited to, the activities listed in (1), above. Aboveground cover objects within the forest provide high-moisture retreats relative to surrounding habitat and offer opportunities to regulate body water and influence the salamander's capacity to forage and reproduce.

(3) Actions that would compact or disturb the soil or otherwise interfere with the capacity of salamanders to move between subterranean habitat and aboveground habitat. Such activities could include, but are not limited to, use of heavy equipment, road construction, and pipeline installation.

(4) Actions that spread disease into salamander habitat. Such activities could include water drops (i.e., picking up surface water contaminated with aquatic amphibian pathogens (e.g., *Batrachochytrium dendrobatidis* (*Bd*)) and dropping it in forested habitat). While we do not know the susceptibility of amphibian pathogens on the Jemez Mountains salamander, some pathogens (e.g., *Bd*) have caused many other amphibian species extinctions and declines and could potentially threaten the Jemez Mountains salamander.

(5) Actions that contaminate forested habitats with chemicals. Such activities could include aerial drop of chemicals such as fire retardants or insecticides. Amphibians in general are sensitive to chemicals with which they come in contact because they use their skin for breathing and other physiological functions. We would need to consult to identify if the particular chemicals proposed for use in the action impacted the species.

Exemptions

Application of Section 4(a)(3) of the Act

Section 4(a)(3)(B)(i) of the Act (16 U.S.C. 1533(a)(3)(B)(i)) provides that: ''The Secretary shall not designate as critical habitat any lands or other geographic areas owned or controlled by the Department of Defense, or designated for its use, that are subject to an integrated natural resources management plan [INRMP] prepared under section 101 of the Sikes Act (16 U.S.C. 670a), if the Secretary determines in writing that such plan provides a benefit to the species for which critical habitat is designated.'' There are no Department of Defense lands with a completed INRMP within the critical habitat designation.

Exclusions

Application of Section 4(b)(2) of the Act

Section 4(b)(2) of the Act states that the Secretary shall designate and make revisions to critical habitat on the basis of the best available scientific data after taking into consideration the economic impact, national security impact, and any other relevant impact of specifying any particular area as critical habitat. The Secretary may exclude an area from critical habitat based on economic impacts, impacts on national security, or any other relevant impacts if she determines that the benefits of such exclusion outweigh the benefits of specifying such area as part of the critical habitat, unless she determines, based on the best scientific data available, that the failure to designate such area as critical habitat will result in the extinction of the species. In making that determination, the statute on its face, as well as the legislative history, are clear that the Secretary has broad discretion regarding which factor(s) to use and how much weight to give to any factor.

Exclusions Based on Economic Impacts

Under section 4(b)(2) of the Act, we consider the economic impacts of specifying any particular area as critical habitat. In order to consider economic impacts, we prepared a draft economic analysis of the proposed critical habitat designation and related factors (IEc 2013). The draft analysis, dated February 8, 2013, was made available for public review from February 12, 2013, through March 14, 2013 (78 FR 9876). Following the close of the comment period, a final analysis (dated April 22, 2013) of the potential economic effects of the designation was developed taking into consideration the public comments we received and any new information (IEc 2013, entire).

The intent of the final economic analysis (FEA) is to quantify the economic impacts of all potential conservation efforts for the Jemez Mountains salamander; some of these costs will likely be incurred regardless of whether we designate critical habitat (baseline). The economic impact of the final critical habitat designation is analyzed by comparing scenarios both ''with critical habitat'' and ''without critical habitat.'' The ''without critical habitat'' scenario represents the baseline for the analysis, considering protections already in place for the species (e.g., under the Federal listing and other Federal, State, and local regulations). The baseline, therefore, represents the costs incurred regardless of whether critical habitat is designated. The ''with critical habitat'' scenario describes the incremental impacts associated specifically with the designation of critical habitat for the species. The incremental conservation efforts and associated impacts are those not expected to occur absent the designation of critical habitat for the species. In other words, the incremental costs are those attributable solely to the designation of critical habitat above and beyond the baseline costs; these are the costs we consider in the final designation of critical habitat. The analysis looks retrospectively at baseline impacts incurred since the species was listed, and forecasts both baseline and incremental impacts likely to occur with the designation of critical habitat.

The FEA also addresses how potential economic impacts are likely to be distributed, including an assessment of any local or regional impacts of habitat

conservation and the potential effects of conservation activities on government agencies, private businesses, and individuals. The FEA measures lost economic efficiency associated with residential and commercial development and public projects and activities, such as economic impacts on water management and transportation projects, Federal lands, small entities, and the energy industry. Decision-makers can use this information to assess whether the effects of the designation might unduly burden a particular group or economic sector. Finally, the FEA considers costs that may occur in the 20 years following the designation of critical habitat, which was determined to be the appropriate period for analysis because limited planning information was available for most activities to forecast activity levels for projects beyond a 20–year timeframe. The FEA quantifies economic impacts of Jemez Mountains salamander conservation efforts associated with the following categories of activity: severe wildland fire, fire management, other Federal land management, livestock grazing, and transportation. No impacts are forecast for private development, because no projects with a Federal nexus were identified within the study area.

Key findings of the FEA include: total present value baseline costs are approximately $26 million over 20 years following the designation, assuming a 7 percent discount rate ($29 million assuming a 3 percent discount rate); total present value incremental impacts are approximately $260,000 over 20 years following the designation, assuming a 7 percent discount rate ($330,000 assuming a 3 percent discount rate); all incremental costs are administrative in nature and result from the consideration of adverse modification in section 7 consultations; both units are expected to experience similar levels of incremental impact; and differences in forecast impacts across the two units are predominately a result of the distribution of land ownership, rather than differences in activities across units.

Our economic analysis did not identify any disproportionate costs that are likely to result from the designation. Consequently, the Secretary is not exerting his discretion to exclude any areas from this designation of critical habitat for the Jemez Mountains salamander based on economic impacts.

A copy of the FEA with supporting documents may be obtained by contacting the New Mexico Ecological Services Field Office (see **ADDRESSES**) or by downloading from the Internet at *http://www.regulations.gov,* or the Service's Internet site at *http://www.fws.gov/southwest/es/NewMexico.*

Exclusions Based on National Security Impacts

Under section 4(b)(2) of the Act, we consider whether there are lands owned or managed by the Department of Defense where a national security impact might exist. In preparing this final rule, we have determined that the lands within the designation of critical habitat for the Jemez Mountains salamander are not owned or managed by the Department of Defense, and, therefore, we anticipate no impact on national security. We considered excluding Los Alamos National Lab, which is under the Department of Energy. However, we have determined that lands within the designation of critical habitat are not owned or managed by the Los Alamos National Lab. Consequently, the Secretary is not exerting her discretion to exclude any areas from this final designation based on impacts on national security.

Exclusions Based on Other Relevant Impacts

Under section 4(b)(2) of the Act, we consider any other relevant impacts, in addition to economic impacts and impacts on national security. We consider a number of factors, including whether the landowners have developed any HCPs or other management plans for the area, or whether there are conservation partnerships that would be encouraged by designation of, or exclusion from, critical habitat. In addition, we look at any tribal issues, and consider the government-to-government relationship of the United States with tribal entities. We also consider any social impacts that might occur because of the designation.

In preparing this final rule, we have determined that there are currently no HCPs or other management plans for the Jemez Mountains salamander, and the final designation does not include any tribal lands or trust resources. We anticipate no impact on tribal lands, partnerships, or HCPs from this critical habitat designation. We also considered impacts on private lands, but we do not predict any impacts to designated critical habitat, over and above those related to jeopardy consultation. Further, we do not anticipate restricting any fire suppression or forest restoration. Accordingly, the Secretary is not exercising her discretion to exclude any areas from this final designation based on other relevant impacts.

Required Determinations

Regulatory Planning and Review (Executive Orders 12866 and 13563)

Executive Order 12866 provides that the Office of Information and Regulatory Affairs (OIRA) will review all significant rules. The Office of Information and Regulatory Affairs has determined that this rule is not significant.

Executive Order 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements.

Regulatory Flexibility Act (5 U.S.C. 601 et seq.)

Under the Regulatory Flexibility Act (RFA; 5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996 (5 U.S.C 801 *et seq.*), whenever an agency must publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effects of the rule on small entities (small businesses, small organizations, and small government jurisdictions). However, no regulatory flexibility analysis is required if the head of an agency certifies the rule will not have a significant economic impact on a substantial number of small entities. The SBREFA amended the RFA to require Federal agencies to provide a certification statement of the factual basis for certifying that the rule will not have a significant economic impact on a substantial number of small entities. In this final rule, we are certifying that the critical habitat designation for the Jemez Mountains salamander will not have a significant economic impact on a substantial number of small entities. The following discussion explains our rationale.

According to the Small Business Administration, small entities include small organizations, such as

independent nonprofit organizations; small governmental jurisdictions, including school boards and city and town governments that serve fewer than 50,000 residents; as well as small businesses. Small businesses include manufacturing and mining concerns with fewer than 500 employees, wholesale trade entities with fewer than 100 employees, retail and service businesses with less than $5 million in annual sales, general and heavy construction businesses with less than $27.5 million in annual business, special trade contractors doing less than $11.5 million in annual business, and agricultural businesses with annual sales less than $750,000. To determine if potential economic impacts on these small entities are significant, we consider the types of activities that might trigger regulatory impacts under this rule, as well as the types of project modifications that may result. In general, the term ''significant economic impact'' is meant to apply to a typical small business firm's business operations.

To determine if the rule could significantly affect a substantial number of small entities, we consider the number of small entities affected within particular types of economic activities such as fire management, private development, transportation, and livestock grazing. We apply the ''substantial number'' test individually to each industry to determine if certification is appropriate. However, the SBREFA does not explicitly define ''substantial number'' or ''significant economic impact.'' Consequently, to assess whether a ''substantial number'' of small entities is affected by this designation, this analysis considers the relative number of small entities likely to be impacted in an area. In some circumstances, especially with critical habitat designations of limited extent, we may aggregate across all industries and consider whether the total number of small entities affected is substantial. In estimating the number of small entities potentially affected, we also consider whether their activities have any Federal involvement.

Designation of critical habitat will only affect activities that have a Federal involvement; designation of critical habitat only affects activities conducted, funded, permitted, or authorized by Federal agencies. In areas where the Jemez Mountains salamander is present, Federal agencies already are required to consult with us under section 7 of the Act on activities they fund, permit, or implement that may affect the species. Some kinds of activities are unlikely to have any Federal involvement and so will not be affected by critical habitat designation. In areas where the species is present, Federal agencies already are required to consult with us under section 7 of the Act on activities they authorize, fund, or carry out that may affect the Jemez Mountains salamander. Federal agencies also must consult with us if their activities may affect critical habitat. Designation of critical habitat, therefore, could result in an additional economic impact on small entities due to the requirement to reinitiate consultation for ongoing Federal activities (see *Application of the ''Adverse Modification'' Standard* section).

In our final economic analysis of the critical habitat designation, we evaluated the potential economic effects on small business entities resulting from conservation actions related to the listing of the Jemez Mountains salamander and the designation of critical habitat. The designation of critical habitat for the Jemez Mountains salamander is unlikely to directly affect any small entities. As described in the main text of the FEA, 97 percent of land in the designation is federally owned. Anticipated incremental impacts in critical habitat are primarily related to 37 formal consultations and 45 informal consultations on fire management and other Federal land management activities (comprising approximately 99 percent of the annual anticipated incremental costs of the designation). The remaining forecast impacts are anticipated to be conducted for road and highway maintenance projects. Little to no impact to third parties is expected associated with these activities. For this reason, this analysis finds little to no impacts to small entities as a result of critical habitat designation for the salamander.

In summary, we considered whether this designation will result in a significant economic effect on a substantial number of small entities. Based on the above reasoning and currently available information, we concluded that this rule will not result in a significant economic impact on a substantial number of small entities. Therefore, we are certifying that the designation of critical habitat for the Jemez Mountains salamander will not have a significant economic impact on a substantial number of small entities, and a regulatory flexibility analysis is not required.

Energy Supply, Distribution, or Use—Executive Order 13211

Executive Order 13211 (Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use) requires agencies to prepare Statements of Energy Effects when undertaking certain actions. OMB has provided guidance for implementing this Executive Order that outlines nine outcomes that may constitute ''a significant adverse effect'' when compared to not taking the regulatory action under consideration. The economic analysis finds that none of these criteria are relevant to this analysis. Thus, based on information in the economic analysis, energy-related impacts associated with the Jemez Mountains salamander conservation activities within critical habitat are not expected. As such, the designation of critical habitat is not expected to significantly affect energy supplies, distribution, or use. Therefore, this action is not a significant energy action, and no Statement of Energy Effects is required.

Unfunded Mandates Reform Act (2 U.S.C. 1501 et seq.)

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*), we make the following findings:

(1) This rule will not produce a Federal mandate. In general, a Federal mandate is a provision in legislation, statute, or regulation that would impose an enforceable duty upon State, local, or tribal governments, or the private sector, and includes both ''Federal intergovernmental mandates'' and ''Federal private sector mandates.'' These terms are defined in 2 U.S.C. 658(5)–(7). ''Federal intergovernmental mandate'' includes a regulation that ''would impose an enforceable duty upon State, local, or tribal governments'' with two exceptions. It excludes ''a condition of Federal assistance.'' It also excludes ''a duty arising from participation in a voluntary Federal program,'' unless the regulation ''relates to a then-existing Federal program under which $500,000,000 or more is provided annually to State, local, and tribal governments under entitlement authority,'' if the provision would ''increase the stringency of conditions of assistance'' or ''place caps upon, or otherwise decrease, the Federal Government's responsibility to provide funding,'' and the State, local, or tribal governments ''lack authority'' to adjust accordingly. At the time of enactment, these entitlement programs were: Medicaid; Aid to Families with Dependent Children work programs; Child Nutrition; Food Stamps; Social Services Block Grants; Vocational Rehabilitation State Grants; Foster Care, Adoption Assistance, and Independent Living; Family Support Welfare Services; and Child Support

Enforcement. ''Federal private sector mandate'' includes a regulation that ''would impose an enforceable duty upon the private sector, except (i) a condition of Federal assistance or (ii) a duty arising from participation in a voluntary Federal program.''

The designation of critical habitat does not impose a legally binding duty on non-Federal Government entities or private parties. Under the Act, the only regulatory effect is that Federal agencies must ensure that their actions do not destroy or adversely modify critical habitat under section 7. While non-Federal entities that receive Federal funding, assistance, or permits, or that otherwise require approval or authorization from a Federal agency for an action, may be indirectly impacted by the designation of critical habitat, the legally binding duty to avoid destruction or adverse modification of critical habitat rests squarely on the Federal agency. Furthermore, to the extent that non-Federal entities are indirectly impacted because they receive Federal assistance or participate in a voluntary Federal aid program, the Unfunded Mandates Reform Act would not apply, nor would critical habitat shift the costs of the large entitlement programs listed above onto State governments.

(2) We do not believe that this rule will significantly or uniquely affect small governments because it will not produce a Federal mandate of $100 million or greater in any year, that is, it is not a ''significant regulatory action'' under the Unfunded Mandates Reform Act. The designation of critical habitat imposes no obligations on State or local governments and, as such, a Small Government Agency Plan is not required.

Takings—Executive Order 12630

In accordance with Executive Order 12630 (Government Actions and Interference with Constitutionally Protected Private Property Rights), we have analyzed the potential takings implications of designating critical habitat for Jemez Mountains salamander in a takings implications assessment. As discussed above, the designation of critical habitat affects only Federal actions. Although private parties that receive Federal funding, assistance, or require approval or authorization from a Federal agency for an action may be indirectly impacted by the designation of critical habitat, the legally binding duty to avoid destruction or adverse modification of critical habitat rests squarely on the Federal agency. The FEA found that this designation will not affect a substantial number of small entities, because 97 percent of land in the designation is federally owned. Further, based on information contained in the FEA and described within this document, it is not likely that economic impacts to a property owner will be of a sufficient magnitude to support a takings action. The takings implications assessment concludes that this designation of critical habitat for the Jemez Mountains salamander does not pose significant takings implications for lands within or affected by the designation.

Federalism—Executive Order 13132

In accordance with Executive Order 13132 (Federalism), this rule does not have significant Federalism effects. A federalism impact summary statement is not required. In keeping with Department of the Interior and Department of Commerce policy, we requested information from, and coordinated development of, this critical habitat designation with appropriate State resource agencies in New Mexico. We received comments from the New Mexico Department of Agriculture and have addressed them in the Summary of Comments and Recommendations section of this rule. The Service anticipates that in cases where an action is found to adversely modify critical habitat for the salamander, the action would also be found to jeopardize the species. That is, actions which the Service is likely to recommend to avoid adverse modification are the same as those to avoid jeopardy. Thus, the incremental impacts of the critical habitat designation for the salamander appear unlikely to include additional conservation actions/project modifications. The designation of critical habitat in areas currently occupied by the Jemez Mountains salamander imposes no additional restrictions to those put in place by the listing of the salamander and, therefore, has little incremental impact on State and local governments and their activities. The designation may have some benefit to these governments in that the areas that contain the physical or biological features essential to the conservation of the species are more clearly defined, and the elements of the features of the habitat necessary to the conservation of the species are specifically identified. This information does not alter where and what federally sponsored activities may occur. However, it may assist local governments in long-range planning (rather than having them wait for case-by-case section 7 consultations to occur).

Where State and local governments require approval or authorization from a Federal agency for actions that may affect critical habitat, consultation under section 7(a)(2) will be required. While non-Federal entities that receive Federal funding, assistance, or permits, or that otherwise require approval or authorization from a Federal agency for an action, may be indirectly impacted by the designation of critical habitat, the legally binding duty to avoid destruction or adverse modification of critical habitat rests squarely on the Federal agency.

Civil Justice Reform—Executive Order 12988

In accordance with Executive Order 12988 (Civil Justice Reform), the Office of the Solicitor has determined that the rule does not unduly burden the judicial system and that it meets the applicable standards set forth in sections 3(a) and 3(b)(2) of the Order. We are designating critical habitat in accordance with the provisions of the Act. To assist the public in understanding the habitat needs of the species, the rule identifies the elements of physical or biological features essential to the conservation of the Jemez Mountains salamander. The designated areas of critical habitat are presented on a map, and the rule provides several options for the interested public to obtain more detailed location information, if desired.

Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.)

This rule does not contain any new collections of information that require approval by OMB under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This rule will not impose recordkeeping or reporting requirements on State or local governments, individuals, businesses, or organizations. 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.

National Environmental Policy Act (42 U.S.C. 4321 et seq.)

It is our position that, outside the jurisdiction of the U.S. Court of Appeals for the Tenth Circuit, we do not need to prepare environmental analyses pursuant to the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*) in connection with designating critical habitat under the Act. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244). This position was upheld by the U.S. Court of Appeals for the Ninth

Circuit (*Douglas County* v. *Babbitt,* 48 F.3d 1495 (9th Cir. 1995), cert. denied 516 U.S. 1042 (1996)). However, when the range of the species includes States within the Tenth Circuit, such as that of the Jemez Mountains salamander, under the Tenth Circuit ruling in *Catron County Board of Commissioners* v. *U.S. Fish and Wildlife Service,* 75 F.3d 1429 (10th Cir. 1996), we undertake a NEPA analysis for critical habitat designation and notify the public of the availability of the draft environmental assessment for a proposal when it is finished. We performed the NEPA analysis, and prepared a draft environmental assessment for critical habitat designation and notified the public of its availability in the **Federal Register** on February 12, 2013 (78 FR 9876). The final environmental assessment concluded that the designation is unlikely to result in any significant environmental impacts. The Service then completed a finding of no significant impacts (FONSI). The final environmental assessment and the FONSI have been completed and are available for review with the publication of this final rule. You may obtain a copy of the final environmental assessment and FONSI online at *http://www.regulations.gov,* by mail from the New Mexico Ecological Services Field Office (see **ADDRESSES**), or by visiting our Web site at *http://www.fws.gov/southwest/es/NewMexico/index.cfm.*

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994 (Government-to-Government Relations With Native American Tribal Governments; 59 FR 22951), Executive Order 13175 (Consultation and Coordination With Indian Tribal Governments), and the Department of the Interior's manual at 512 DM 2, we readily acknowledge our responsibility to communicate meaningfully with recognized Federal Tribes on a government-to-government basis. In accordance with Secretarial Order 3206 of June 5, 1997 (American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act), we readily acknowledge our responsibilities to work directly with tribes in developing programs for healthy ecosystems, to acknowledge that tribal lands are not subject to the same controls as Federal public lands, to remain sensitive to Indian culture, and to make information available to tribes. We determined that there are no tribal lands occupied by the Jemez Mountains salamander at the time of listing that contain the physical or biological features essential to conservation of the species, and no tribal lands unoccupied by the Jemez Mountains salamander that are essential for the conservation of the species. Therefore, we are not designating critical habitat for the Jemez Mountains salamander on tribal lands.

However, this critical habitat designation includes lands within the Santa Fe National Forest and Valles Caldera National Preserve that are adjacent to the Santa Clara Pueblo. These lands include culturally important areas for the Santa Clara Pueblo and have unhealthy, unburned forest conditions that make them a continued, immediate threat to catastrophic wildfire spreading onto Santa Clara Pueblo lands (Santa Clara Pueblo 2013). Therefore, the Santa Clara Pueblo has entered in discussions with the USFS, pursuant to the Tribal Forest Protection Act, to co-manage stewardship projects on these lands, including hazardous fuels reduction and ensuring there are proper fuel breaks to protect remnant unburned areas on Santa Clara Pueblo lands from fires coming off National Forest lands. Consultations with Santa Fe National Forest on fire management activities proposed on Pueblo-adjacent lands pursuant to the Tribal Forest Protection Act will be conducted in accordance with the Service's responsibilities as outlined in Secretarial Order 3206.

References Cited

A complete list of all references cited is available on the Internet at *http://www.fws.gov/southwest/es/NewMexico/index.cfm*, at *http://www.regulations.gov* at Docket No. FWS–R2–ES–2013–0005, and upon request from the New Mexico Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

Authors

The primary authors of this rulemaking are the staff members of the New Mexico Ecological Services Field Office.

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Regulation Promulgation

Accordingly, we amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—[AMENDED]

■ 1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 1531–1544; 4201–4245, unless otherwise noted.

■ 2. Amend § 17.11(h) by revising the entry for ''Salamander, Jemez Mountains'' under ''AMPHIBIANS'' in the List of Endangered and Threatened Wildlife to read as follows:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
*	*	*	*	*	*	*	*
AMPHIBIANS							
*	*	*	*	*	*	*	*
Salamander, Jemez Mountains.	*Plethodon neomexicanus.*	U.S. (NM)	Entire	E	819	17.95(d)	NA
*	*	*	*	*	*	*	*

■ 3. In § 17.95, amend paragraph (d) by adding an entry for ''Jemez Mountains Salamander (*Plethodon neomexicanus*),'' in the same alphabetical order that the species

appears in the table at § 17.11(h), to read as follows:

§ 17.95 Critical habitat—fish and wildlife.

* * * * *

(d) *Amphibians.*

* * * * *

Jemez Mountains Salamander (*Plethodon neomexicanus*)

(1) Critical habitat units are depicted for Los Alamos, Rio Arriba, and Sandoval Counties, New Mexico, on the maps below.

(2) Within these areas, the primary constituent elements of the physical or biological features essential to the conservation of the Jemez Mountains salamander consist of four components:

(i) Moderate to high tree canopy cover, typically 50 to 100 percent canopy closure, that provides shade and maintains moisture and high relative humidity at the ground surface, and:

(A) Consists of the following tree species alone or in any combination: Douglas fir (*Pseudotsuga menziesii*); blue spruce (*Picea pungens*); Engelman spruce (*Picea engelmannii*); white fir (*Abies concolor*); limber pine (*Pinus flexilis*); Ponderosa pine (*Pinus ponderosa*); and aspen (*Populus tremuloides*); and

(B) Has an understory that predominantly comprises: Rocky Mountain maple (*Acer glabrum*); New Mexico locust (*Robinia neomexicana*); oceanspray (*Holodiscus* spp.); or shrubby oaks (*Quercus* spp.).

(ii) Elevations from 6,988 to 11,254 feet (2,130 to 3,430 meters).

(iii) Ground surface in forest areas with:

(A) Moderate to high volumes of large fallen trees and other woody debris, especially coniferous logs at least 10 inches (25 centimeters) in diameter, particularly Douglas fir, which are in contact with the soil in varying stages of decay from freshly fallen to nearly fully decomposed; or

(B) Structural features, such as rocks, bark, and moss mats, that provide the species with food and cover.

(iv) Underground habitat in forest or meadow areas containing interstitial spaces provided by:

(A) Igneous rock with fractures or loose rocky soils;

(B) Rotted tree root channels; or

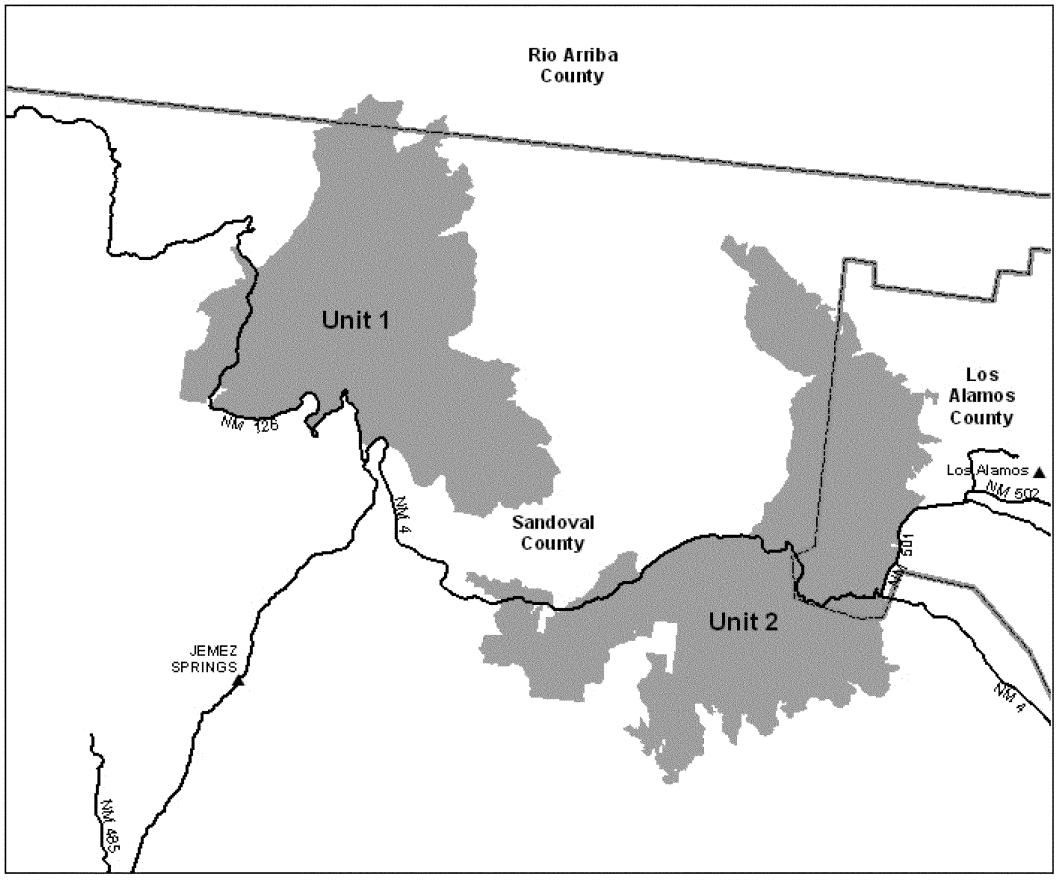
(C) Burrows of rodents or large invertebrates.

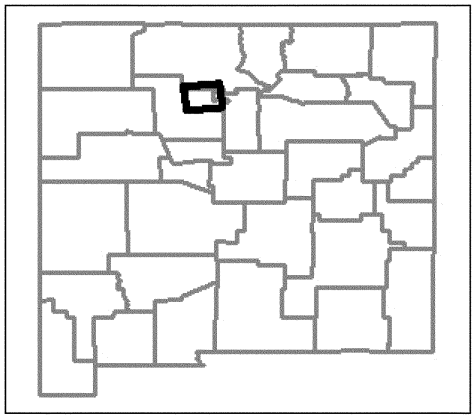
(3) Critical habitat does not include manmade structures (such as buildings, aqueducts, runways, roads, and other paved areas) and the land on which they are located existing within the legal boundaries on December 20, 2013.

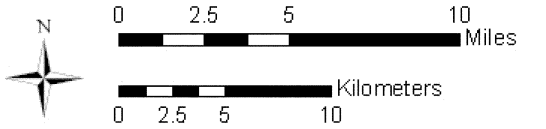
(4) *Critical habitat map units.* Data layers defining map units were created using digital elevation models, GAP landcover data, salamander observation data, salamander habitat suitability models, and were then mapped using the USA Contiguous Albers Equal Area Conic USGS version projection. The map in this entry, as modified by any accompanying regulatory text, establishes the boundaries of the critical habitat designation. The coordinates or plot points or both on which the map is based are available to the public at the Service's internet site at *http://www.fws.gov/southwest/es/NewMexico/,* at *http://www.regulations.gov* at Docket No. FWS–R2–ES–2013–0005, and at the New Mexico Ecological Services Field Office. You may obtain field office location information by contacting one of the Service regional offices, the addresses of which are listed at 50 CFR 2.2.

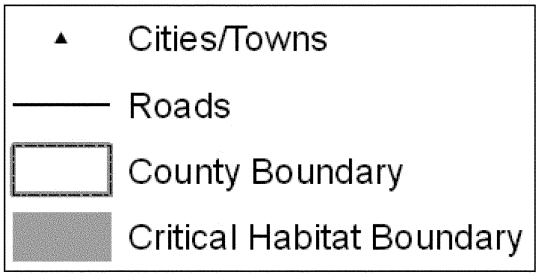
(5) Unit 1: Western Jemez Mountains, Rio Arriba and Sandoval Counties, New Mexico. Map of Units 1 and 2 follows:

Critical Habitat for *Plethodon neomexicanus* (Jemez Mountains salamander)









(6) Unit 2: Southeastern Jemez Mountains, Los Alamos and Sandoval Counties, New Mexico. Map of Unit 2 is provided at paragraph (5) of this entry.

* * * * *

Dated: November 5, 2013.

Rachel Jacobson,

Principal Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2013–27736 Filed 11–19–13; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 121018563–3148–02]

RIN 0648–XC985

Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Halibut and Crab Prohibited Species Catch Allowances in the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; reallocation.

SUMMARY: NMFS is reallocating the projected unused amounts of the 2013 halibut and crab prohibited species catch (PSC) allowances from the Bering Sea and Aleutian Islands trawl (BSAI) limited access sector to the Amendment 80 cooperatives in the BSAI management area. This action is necessary to allow the Amendment 80 cooperatives to fully harvest their 2013 groundfish allocations.

DATES: Effective November 15, 2013, through 2400 hrs, Alaska local time (A.l.t.), December 31, 2013.

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

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

The Administrator, Alaska Region, NMFS, has determined that 140 metric tons of halibut PSC, 20,000 crabs of Zone 1 red king crab PSC, 300,000 crabs of Zone 1 *C. bairdi* tanner crab PSC, 900,000 crabs of Zone 2 *C. bairdi* tanner crab PSC, and 2,400,000 crabs of *C. opilio* Bycatch Limitation Zone (COBLZ) *C. opilio* tanner crab PSC from the BSAI trawl limited access sector will not be needed to support BSAI trawl limited access fisheries. Therefore, in accordance with § 679.91(f)(4) and (5), NMFS is reallocating these halibut and crab PSC amounts from the BSAI trawl limited access sector to the Amendment 80 cooperatives in the BSAI.

In accordance with § 679.91(f)(1), NMFS will reissue cooperative quota permits for the reallocated halibut and crab PSC following the procedures set forth in § 679.91(f)(4) and § 679.91(f)(5).

In accordance with § 679.91(f)(4)(i), NMFS will reallocate 95 percent of the halibut PSC reallocated from the BSAI trawl limited access sector to the Amendment 80 cooperatives, which is 133 metric tons.

In accordance with the formula set forth in § 679.91(f)(5), NMFS will reallocate 3,620,000 crab PSC from the BSAI trawl limited access sector to the Amendment 80 cooperatives.

The 2013 harvest specifications for halibut and crab PSC allowances included in the final 2013 and 2014 harvest specifications for crab in the BSAI (78 FR 13813, March 1, 2013) are revised as follows in Tables 10, 12, and 14:

TABLE 10—FINAL 2013 APPORTIONMENT OF PROHIBITED SPECIES CATCH ALLOWANCES TO NON-TRAWL GEAR, THE CDQ PROGRAM, AMENDMENT 80, AND THE BSAI TRAWL LIMITED ACCESS SECTORS

PSC species and area [1]	Total non-trawl PSC	Non-trawl PSC remaining after CDQ PSQ [2]	Total trawl PSC	Trawl PSC remaining after CDQ PSQ [2]	CDQ PSQ reserve [2]	Amendment 80 sector [3]	BSAI trawl limited access fishery
Halibut mortality (mt)							
BSAI	900	832	3,675	3,349	393	2,458	735
Herring (mt) BSAI	n/a	n/a	2,648	n/a	n/a	n/a	n/a
Red king crab (animals)							
Zone 1	n/a	n/a	97,000	86,621	10,379	63,293	6,489
C. *opilio* (animals) COBLZ	n/a	n/a	10,501,333	9,377,690	1,123,643	7,009,135	613,990
C. *bairdi* crab (animals)							
Zone 1	n/a	n/a	980,000	875,140	104,860	668,521	111,228
C. *bairdi* crab (animals)							
Zone 2	n/a	n/a	2,970,000	2,652,210	317,790	1,527,778	341,500

[1] Refer to § 679.2 for definitions of zones.

[2] Section 679.21(e)(3)(i)(A)(*2*) allocates 326 mt of the trawl halibut mortality limit and § 679.21(e)(4)(i)(A) allocates 7.5 percent, or 67 mt, of the non-trawl halibut mortality limit as the PSQ reserve for use by the groundfish CDQ program. The PSQ reserve for crab species is 10.7 percent of each crab PSC limit.

[3] The Amendment 80 program reduced apportionment of the trawl PSC limits by 150 mt for halibut mortality and 20 percent for crab. These reductions are not apportioned to other gear types or sectors.

Note: Sector apportionments may not total precisely due to rounding.

TABLE 12–FINAL 2013 PROHIBITED SPECIES BYCATCH ALLOWANCES FOR THE BSAI TRAWL LIMITED ACCESS SECTOR

BSAI trawl limited access fisheries	Prohibited species and area [1]				
	Halibut mortality (mt) BSAI	Red king crab (animals) Zone 1	*C. opilio* (animals) COBLZ	*C. bairdi* (animals)	
				Zone 1	Zone 2
Yellowfin sole	167	3,338	440,175	46,228	285,500

TABLE 12–FINAL 2013 PROHIBITED SPECIES BYCATCH ALLOWANCES FOR THE BSAI TRAWL LIMITED ACCESS SECTOR—Continued

BSAI trawl limited access fisheries	Prohibited species and area [1]				
	Halibut mortality (mt) BSAI	Red king crab (animals) Zone 1	*C. opilio* (animals) COBLZ	*C. bairdi* (animals)	
				Zone 1	Zone 2
Rock sole/flathead sole/other flatfish [2]	0	0	0	0	0
Turbot/arrowtooth/sablefish [3]	0	0	0	0	0
Rockfish April 15—December 31	5	0	4,828	0	1,000
Pacific cod	333	2,954	120,705	60,000	50,000
Pollock/Atka mackerel/other species [4]	230	197	48,282	5,000	5,000
Total BSAI trawl limited access PSC	735	6,489	613,990	111,228	341,500

[1] Refer to § 679.2 for definitions of areas.
[2] ''Other flatfish'' for PSC monitoring includes all flatfish species, except for halibut (a prohibited species), flathead sole, Greenland turbot, rock sole, yellowfin sole, Kamchatka flounder, and arrowtooth flounder.
[3] Arrowtooth flounder for PSC monitoring includes Kamchatka flounder.
[4] ''Other species'' for PSC monitoring includes skates, sculpins, sharks, squids, and octopuses.
Note: Seasonal or sector apportionments may not total precisely due to rounding.

TABLE 14—FINAL 2013 PROHIBITED SPECIES BYCATCH ALLOWANCE FOR THE BSAI AMENDMENT 80 COOPERATIVES

Cooperative	Prohibited species and zones [1]				
	Halibut mortality (mt) BSAI	Red king crab (animals) Zone 1	*C. opilio* (animals) COBLZ	*C. bairdi* (animals)	
				Zone 1	Zone 2
Alaska Seafood Cooperative	1,701	43,105	4,525,272	470,617	1,054,123
Alaska Groundfish Cooperative	757	20,188	2,483,863	197,904	473,655

[1] Refer to § 679.2 for definitions of zones.
Note: Sector apportionments may not total precisely due to rounding.

This will enhance the socioeconomic well-being of harvesters of groundfish dependent upon these PSC allowances. The Regional Administrator considered the following factors in reaching this decision: (1) The current catch and stated future harvesting intent of BSAI trawl limited access sector fisheries and, (2) the harvest capacity and stated intent on future harvesting patterns of the Amendment 80 cooperatives that participates in this BSAI fishery. The Regional Administrator also has determined that this action will create no threats of exceeding TACs for any species or species group.

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 reallocation of crab PSC allowances from the BSAI trawl limited access sector to the Amendment 80 cooperatives in the BSAI. Since the fisheries are currently open, it is important to immediately inform the industry as to the revised allocations. Immediate notification is necessary to allow for the orderly conduct and efficient operation of these fisheries, to allow the industry to plan for the fishing season, and to avoid potential disruption to the fishing fleet as well as processors. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of November 12, 2013.

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

This action is required by § 679.91 and is exempt from review under Executive Order 12866.

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

Dated: November 15, 2013.

Kelly Denit,

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

[FR Doc. 2013–27779 Filed 11–15–13; 4:15 pm]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 121018563–3148–02]

RIN 0648–XC971

Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area

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

ACTION: Temporary rule; reallocation.

SUMMARY: NMFS is reallocating the projected unused amounts of Pacific cod from catcher vessels using jig gear, catcher vessels greater than 60 feet (18.3 meters) length overall (LOA) using pot gear, and catcher vessels using trawl

gear to catcher vessels less than 60 feet (18.3 meters) LOA using hook-and-line or pot gear, American Fisheries Act (AFA) catcher/processors (C/P), Amendment 80 (A80) C/Ps, C/P vessels using pot gear, and C/P vessels using hook-and-line gear in the Bering Sea and Aleutian Islands management area. This action is necessary to allow the 2013 total allowable catch of Pacific cod to be harvested.

DATES: Effective November 15, 2013, through 2400 hrs, Alaska local time (A.l.t.), December 31, 2013.

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

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

The 2013 Pacific cod total allowable catch (TAC) specified for vessels using jig gear in the BSAI is 751 metric tons (mt) as established by the final 2013 and 2014 harvest specifications for groundfish in the BSAI (78 FR 13813, March 1, 2013) and reallocations (78 FR 53076, August 28, 2013). The Administrator, Alaska Region, NMFS, (Regional Administrator) has determined that jig vessels will not be able to harvest 700 mt of the remaining 2013 Pacific cod TAC allocated to those vessels under § 679.20(a)(7)(ii)(A)(*1*).

The 2013 Pacific cod TAC specified for catcher vessels greater than or equal to 60 feet LOA using pot gear in the BSAI is 19,434 mt as established by the final 2013 and 2014 harvest specifications for groundfish in the BSAI (78 FR 13813, March 1, 2013). The Regional Administrator has determined that catcher vessels greater than or equal to 60 feet LOA using pot gear will not be able to harvest 6,000 mt of the remaining 2013 Pacific cod TAC allocated to those vessels under § 679.20(a)(7)(ii)(A)(*5*).

The 2013 Pacific cod total allowable catch (TAC) specified for catcher vessels using trawl gear in the BSAI is 46,812 metric tons (mt) as established by the final 2013 and 2014 harvest specifications for groundfish in the BSAI (78 FR 13813, March 1, 2013) and sector reallocations (78 FR 552868, August 27, 2013, and 78 FR 58955, September 25, 2013). The Regional Administrator has determined that catcher vessels using trawl gear will not be able to harvest 3,000 mt of the remaining 2013 Pacific cod TAC allocated to those vessels under § 679.20(a)(7)(ii)(A)(*9*).

Therefore, in accordance with § 679.20(a)(7)(iii)(A) and § 679.20(a)(7)(iii)(B), NMFS reallocates 9,700 mt of Pacific cod to catcher vessels less than 60 feet (18.3 meters) LOA using hook-and-line or pot gear, AFA C/P vessels, A80 C/P vessels, C/P vessels using pot gear, and C/P vessels using hook-and-line gear in the Bering Sea and Aleutian Islands management area.

The harvest specifications for Pacific cod included in the final 2013 harvest specifications for groundfish in the BSAI (78 FR 13813, March 1, 2013) are revised as follows: 51 mt for catcher vessels using jig gear, 13,434 mt for catcher vessels greater than or equal to 60 feet LOA using pot gear, and 43,812 mt for catcher vessels using trawl gear, 9,177 mt for catcher vessels less than 60 feet (18.3 m) LOA using hook-and-line or pot gear, 6,740 mt for AFA C/P vessels, 37,212 mt to A80 C/P vessels, 6,070 for C/Ps using pot gear, and 115,171 to C/Ps using hook-and-line gear.

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 reallocation of Pacific cod specified from other sectors to catcher vessels less than 60 feet (18.3 meters) LOA using hook-and-line or pot gear, AFA C/P vessels, A80 C/P vessels, C/Ps using pot gear, and C/Ps using hook-and-line gear in the Bering Sea and Aleutian Islands management area. Since these fisheries are currently open, it is important to immediately inform the industry as to the revised allocations. 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 as well as processors. NMFS was unable to publish a notice providing time for public comment because the most recent, relevant data only became available as of November 12, 2013.

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

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

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

Dated: November 15, 2013.

Kelly Denit,

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

[FR Doc. 2013–27778 Filed 11–15–13; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 78, No. 224
Wednesday, November 20, 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.

OFFICE OF THE FEDERAL REGISTER

1 CFR Part 51

[Docket Number: OFR–2013–0001]

RIN 3095–AB78

Incorporation by Reference

AGENCY: Office of the Federal Register, National Archives and Records Administration.

ACTION: Extension of comment period; correction.

SUMMARY: On November 18, 2013, the Office of the Federal Register published an extension of the comment period for our proposal to amend our regulations governing the approval of agency requests to incorporate material by reference into the Code of Federal Regulations. We are correcting the date of that extension.

DATES: Comments must be received on or before January 31, 2014.

ADDRESSES: You may submit comments, identified using the subject line of this document, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov/#!docketDetail;D=OFR-2013-0001.* Follow the instructions for submitting comments.
- *Email: Fedreg.legal@nara.gov.* Include the subject line of this document in the subject line of the message.
- *Mail:* the Office of the Federal Register (NF), The National Archives and Records Administration, 8601 Adelphi Road, College Park, MD.
- *Hand Delivery/Courier:* Office of the Federal Register, 800 North Capitol Street NW., Suite 700, Washington, DC 20001.

Docket materials are available at the Office of the Federal Register, 800 North Capitol Street NW., Suite 700, Washington, DC 20001, 202–741–6030. Please contact the persons listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection of docket materials. The Office of the Federal Register's official hours of business are Monday through Friday, 8:45 a.m. to 5:15 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Amy Bunk, Director of Legal Affairs and Policy, or Miriam Vincent, Staff Attorney, Office of the Federal Register, at *Fedreg.legal@nara.gov,* or 202–741–6030.

SUPPLEMENTARY INFORMATION: On October 2, 2013, the Office of the Federal Register published a proposal to amend our regulations governing the approval of agency requests to incorporate material by reference into the Code of Federal Regulations (78 FR 60784). On November 18, 2013, we published an extension of the comment period, along with other minor corrections (78 FR 69006); however we extended the comment period to January 31, 2013 instead of January 31, 2014. Therefore, we are correcting that date and extending the comment period to January 31, 2014.

Correction

In proposed rule FR Doc. 2013–27541, beginning on page 69006 in the issue of November 18, 2013, make the following correction:

In the **DATES** section on page 69006 in the first column, remove and replace ''2013'' with ''2014.''

Dated: November 18, 2013.

Charles A. Barth,

Director, Office of the Federal Register.

[FR Doc. 2013–27987 Filed 11–19–13; 8:45 am]

BILLING CODE 1505–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0972; Directorate Identifier 2002–NM–009–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

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

ACTION: Proposed rule; withdrawal.

SUMMARY: The FAA withdraws a notice of proposed rulemaking (NPRM) that proposed a new airworthiness directive (AD) for all Airbus Model A330 series airplanes. The NPRM would have required replacement of the elevator servo-controls with new servo-controls when the existing parts have reached their operational life limit. Since the NPRM was issued, we have determined that more restrictive maintenance requirements and airworthiness limitations are necessary and that NPRM does not adequately address the identified unsafe condition. Accordingly, the NRPM is withdrawn.

DATES: As of November 20, 2013, the proposed rule, which was published in the **Federal Register** on September 18, 2003, (68 FR 54694), is withdrawn.

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 action, the NPRM (68 FR 54694, September 18, 2003), the Mandatory Continuing Airworthiness Information (MCAI), the regulatory evaluation, any comments received, and other information. The address for the Docket Office (phone: 800–647–5527) is the 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: Vladimir Ulyanov, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone (425) 227–1138; fax (425) 227–1149.

SUPPLEMENTARY INFORMATION:

Discussion

We proposed to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) with a notice of proposed rulemaking (NPRM) for a new AD for all Airbus Model A330 series airplanes. The NPRM, FAA Docket No. FAA–2013–0972, Directorate Identifier 2002–NM–009–AD identified as the ''Directorate Identifier'' in this AD action), was published in the **Federal Register** on September 18, 2003 (68 FR 54694). The NPRM proposed to correct an unsafe condition for the specified products.

The Direction Générale de l'Aviation Civile (DGAC), which is the aviation authority for France, issued French Airworthiness Directive 2001–545(B) R1, dated October 16, 2002 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

The operational life limits of the aircraft servo-controls, and in particular of the elevator servo-controls given in the Revision 8 of AMM Chapter 05–11–00 Configuration 1 (dated September 15, 1999) are not addressed by the definition of the structural life limits of Safe Life items as defined in Section 9.1 (Life limits/Monitored parts) of the Airworthiness Limitations Section (located in the MPD Section 9) which replaces the aircraft AMM Chapter 05–11. As a result these life limits are removed from the above documents and integrated into this [French] Airworthiness Directive (AD).

In addition, this [French] AD restates the life limits requirements of AD 95–032–008(B) R1, and introduces provisional operational life limits for P/N's SC–4800–7A and SC–4800–9.

The aim of this [French] AD is to require the removal and replacement of the servo-controls when they have reached their operational life limits.

The Revision 1 of this [French] AD aims to increase the operational life limit in active mode of Elevator Servo-controls P/N SC4800 listed in paragraph COMPLIANCE 3.2.3. of this [French] AD, following new test results demonstrating a provisional life of 40,000 cycles and to remove reference of P/N SC4800–2 amendments A, B, C, D, E, F or G and SC4800–4 amendment H which are not anymore in service under this identification.

The NPRM (68 FR 54694, September 18, 2003) resulted from reports of cracking in the end caps and along the barrel on elevator servo-controls that exceeded their operational life limits, which could lead to hydraulic leakage and internal damage within the servo-control. The proposed actions were intended to prevent hydraulic leakage and internal damage of the elevator servo-controls due to cracks in the end caps and along the barrel, which could result in a reduction in the elevator's protection against vibration or loss of the hydraulic circuit, and consequent reduced controllability of the airplane. You may obtain further information by examining the MCAI in the AD docket.

Actions Since NPRM (68 FR 54694, September 18, 2003) Was Issued

Since we issued the NPRM (68 FR 54694, September 18, 2003), we have determined that more restrictive maintenance requirements and airworthiness limitations are necessary to adequately address the identified unsafe condition. French Airworthiness Directive 2001–545(B) R1, dated October 16, 2002, was superseded by The European Aviation Safety Agency (EASA) Airworthiness Directive 2012–0020, dated January 30, 2012, which mandates the use of Airbus A330 Airworthiness Limitations Section (ALS) Part 4—Aging Systems Maintenance, Revision 03, dated September 9, 2011. The replacement requirements and thresholds for parts originally defined in the NPRM are now contained in Airbus A330 ALS Part 4—Aging Systems Maintenance, Revision 03, dated September 9, 2011. We have issued NPRM Docket No. FAA–2013–0834, Directorate Identifier 2012–NM–045–AD (78 FR 66861, November 7, 2013), which corresponds to EASA Airworthiness Directive 2012–0020, dated January 30, 2012. The NPRM, FAA Docket No. FAA–2013–0834, Directorate Identifier 2012–NM–045–AD, applies to certain Airbus Model A330 and A340 series airplanes and proposes to mandate the requirements now contained in Airbus A330 ALS Part 4—Aging Systems Maintenance, Revision 03, dated September 9, 2011.

Comments

We gave the public the opportunity to participate in developing this AD. We received no comments on the NPRM (68 FR 54694, September 18, 2003) or on the determination of the cost to the public.

FAA's Conclusions

Upon further consideration, we have determined that more restrictive maintenance requirements and airworthiness limitations are necessary to adequately address the unsafe condition identified in the NPRM (68 FR 54694, September 18, 2003), and that additional rulemaking is necessary. Accordingly, the NPRM is withdrawn.

Withdrawal of the NPRM (68 FR 54694, September 18, 2003) does not preclude the FAA from issuing another related action or commit the FAA to any course of action in the future.

Regulatory Impact

Since this action only withdraws an NPRM (68 FR 54694, September 18, 2003), it is neither a proposed nor a final rule and therefore is not covered under Executive Order 12866, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

List of Subjects in 14 CFR Part 39

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

The Withdrawal

Accordingly, we withdraw the NPRM, Docket No. FAA–2013–0972, Directorate Identifier 2002–NM–009–AD, which published in the **Federal Register** on September 18, 2003 (68 FR 54694).

Issued in Renton, Washington, on September 24, 2013.

Jeffrey E. Duven,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2013–27839 Filed 11–19–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0943; Directorate Identifier 2013–SW–001–AD]

RIN 2120–AA64

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to adopt a new airworthiness directive (AD) for Agusta Model A109C, A109E, A109K2, and A119 helicopters. This proposed AD would require recurring visual inspections of the tail rotor (T/R) blade retaining bolts (bolts) for a crack, corrosion, damage, or missing cadmium plating in the central part of the bolt. If a crack is not detected by the initial visual inspection then this proposed AD would require a liquid penetrant inspection. Replacing a cracked or damaged bolt would be required before further flight. This proposed AD is prompted by two reported incidents of cracked bolts. The proposed actions are intended to detect an unairworthy bolt and prevent failure of a bolt, release of a T/R blade, and subsequent loss of control of the helicopter.

DATES: We must receive comments on this proposed AD by January 21, 2014.

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

- *Federal eRulemaking Docket:* Go to *http://www.regulations.gov.* Follow the online instructions for sending your comments electronically.
- *Fax:* 202–493–2251.
- *Mail:* Send comments to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

• *Hand Delivery:* Deliver to the ''Mail'' address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Examining the AD Docket

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

For service information identified in this proposed AD, contact AgustaWestland, 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: Robert Grant, Aviation Safety Engineer, Safety Management Group, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone (817) 222–5110; email *robert.grant@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

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

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

Discussion

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, issued EASA AD No. 2013–0009, dated January 11, 2013, to correct an unsafe condition for the Agusta Model A109C, A109K2, A109E, and A119 helicopters, all serial numbers. EASA advises that cracks were reported in bolts, part number (P/N) 109–8131–09–1, installed on a Model A109K2 and a Model A109E helicopter. EASA further states that investigations conducted by Agusta revealed the cracks were in the same area of the bolts and corresponded with corrosion pits. EASA specified that this condition, if not detected and corrected, could cause damage to, or loss of, a T/R blade, possibly resulting in loss of control of the helicopter.

FAA's Determination

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

Related Service Information

Agusta issued Bollettino Tecnico (BT) No. 109–135 for Model A109C helicopters, No. 109EP–125 for Model A109E helicopters, No. 109K–55 for Model A109K2 helicopters, and No. 119–052 for Model A119 helicopters. All of the BTs are dated December 19, 2012. The BTs specify to perform a visual inspection of bolt, P/N 109–8131–09–1, in accordance with the maintenance manual applicable to the model helicopter for condition, corrosion, and nicks. The BTs specify replacement of the bolt if there is any damage, even if minor, or if there is missing cadmium plating in the central part of the bolt. The BTs state that if a crack is not revealed from the visual inspection, then to perform a liquid penetrant inspection. The BTs further specify repeating the visual inspection of the bolts at intervals specific to the model helicopter. The BTs state the results of the inspections must be communicated to AgustaWestland.

Proposed AD Requirements

This proposed AD would require a visual inspection of each bolt, P/N 109–8131–09–1, for a crack, corrosion, a nick, other damage, or missing cadmium plating in the central part of the bolt. For bolts with less than 400 hours time-in-service (TIS), the inspection would be required before exceeding 500 hours TIS. For bolts with 400 or more hours TIS, the inspection would be required within 100 hours TIS or 2 months, whichever occurs first. If a crack is not detected by the visual inspection, this proposed AD would require a liquid penetrant inspection of the bolts in accordance with Annex A of the manufacturer's service information. Thereafter, this proposed AD would require repeating the visual inspection. For Model A109C helicopters, the inspections would be required at intervals not to exceed 300 additional hours TIS or 6 months, whichever occurs first. For Model A109E, A109K2, and A119 helicopters, the inspections would be required at intervals not to exceed 200 additional hours TIS or 6 months, whichever occurs first. If there is a crack, corrosion, damage, or missing cadmium plating in the central part of the bolt, this proposed AD would require replacing the bolt with an airworthy bolt before further flight. This proposed AD would also prohibit installing any bolt that has accumulated more than 400 hours TIS on any helicopter unless it has passed the visual and liquid penetrant inspections proposed in this AD.

Interim Action

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

Costs of Compliance

We estimate that this proposed AD would affect 132 helicopters of U. S. Registry. We estimate that operators may incur the following costs in order to comply with this AD. We estimate it would take 2 work-hours to perform the initial visual and liquid penetrant inspections and 1 work-hour to perform each recurring visual inspection at an average labor cost of $85 per work-hour. Based on these figures, it would cost about $170 to perform the initial inspections and about $85 to perform each recurring visual inspection. A replacement bolt would cost approximately $1,067; no additional labor cost would be expected for replacement.

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 proposed regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

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

For the reasons discussed, I certify this proposed regulation:

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

AgustaWestland S.p.A. (Type Certificate formerly held by Agusta S.p.A) (Agusta) Helicopters: Docket No. FAA–2013–0943; Directorate Identifier 2013–SW–001–AD.

(a) Applicability

This AD applies to Agusta Model A109C, A109E, A109K2, and A119 helicopters with a tail rotor blade retaining bolt (bolt), part number 109–8131–09–1, installed, certificated in any category.

(b) Unsafe Condition

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

(c) Comments Due Date

We must receive comments by January 21, 2014.

(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

For each bolt with less than 400 hours time-in-service (TIS), before exceeding 500 hours TIS on the bolt, and for each bolt with 400 or more hours TIS, before accumulating an additional 100 hours TIS or 2 months on the bolt, whichever occurs first:

(1) Visually inspect each bolt for a crack, damage, corrosion, a nick, or missing cadmium plating in the central part of the bolt.

(i) If there is a crack, corrosion, a nick, any other damage, or missing cadmium plating in the central part of the bolt, before further flight, replace the bolt with an airworthy bolt.

(ii) If there is not a crack as a result of the initial visual inspection as required by paragraph (e)(1) of this AD, liquid-penetrant inspect the bolt in accordance with Annex A of Agusta Bollettino Tecnico No. 109–135 for Model A109C helicopters, No. 109EP–125 for Model A109E helicopters, No. 109K–55 for Model A109K2 helicopters, or No. 119–052 for Model A119 helicopters, all dated December 19, 2012, as applicable to your model helicopter. If there is a crack, before further flight, replace the bolt with an airworthy bolt.

(2) Thereafter, for Agusta Model A109C helicopters, repeat the required actions of paragraph (e)(1) of this AD at intervals not to exceed 300 additional hours TIS or 6 months, whichever occurs first. For Agusta Model A109E, A109K2, and A119 helicopters, repeat the required actions of paragraph (e)(1) of this AD at intervals not to exceed 200 additional hours TIS or 6 months, whichever occurs first.

(3) Do not install a bolt that has accumulated more than 400 hours TIS on any helicopter unless it has passed the required actions of paragraph (e)(1) of this AD.

(f) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Safety Management Group, FAA, may approve AMOCs for this AD. Send your proposal to: 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.

(g) Additional Information

The subject of this AD is addressed in European Aviation Safety Agency (EASA) AD No. 2013–0009, dated January 11, 2013. You may view the EASA AD in the AD Docket on the Internet at *http://www.regulations.gov.*

(h) Subject

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

Issued in Fort Worth, Texas, on October 30, 2013.

Kim Smith,

Directorate Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2013–27634 Filed 11–19–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0967; Directorate Identifier 2013–CE–042–AD]

RIN 2120–AA64

Airworthiness Directives; Piaggio Aero Industries S.p.A 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 Piaggio Aero Industries S.p.A Model P–180 airplanes that would supersede an existing AD. 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 cases of un-commanded operation of switched off nose-wheel steering system caused by internal leakage of a steering select/bypass valve, which could lead to loss of directional control on ground during take-off or landing, possibly resulting in a runway excursion. 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 January 6, 2014.

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 Piaggio Aero Industries S.p.A-Airworthiness Office, Via Luigi Cibrario, 4–16154 Genova-Italy; phone: +39 010 6481353; fax: +39 010 6481881; email: *airworthiness@piaggioaero.it;* Internet: *http://www.piaggioaero.com/#/en/aftersales/service-support.* 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* by searching for and locating it in Docket No. FAA–2013–0967; 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: Mike Kiesov, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4144; fax: (816) 329–4090; email: *mike.kiesov@faa.gov.*

SUPPLEMENTARY INFORMATION:

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–2013–0967; Directorate Identifier 2013–CE–042–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

On December 30, 2009, we issued AD 2009–21–08 R1, Amendment 39–16169 (75 FR 904, January 7, 2010). That AD required actions intended to address an unsafe condition on the products listed above.

Since we issued AD 2009–21–08 R1, Amendment 39–16169 (75 FR 904, January 7, 2010), the manufacturer has developed a modification that will terminate the required repetitive functional tests required in AD 2009–21–08 R1.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued AD No. 2013–0242R1, dated October 9, 2013 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> Cases of un-commanded operation of switched off nose-wheel steering system were reported. Internal leakage of a Steering Select/Bypass Valve, installed in the nose landing gear (NLG) Steering Manifold, was identified as a failure cause.
>
> This condition, if not detected and corrected, could lead to loss of directional control on ground during take-off or landing, possibly resulting in a runway excursion.
>
> To address this unsafe condition, EASA issued AD 2009–0129 to require repetitive functional checks of the Steering Manifold to verify internal leakage proofness and accomplishment of the functional check upon installation of a replacement Steering Manifold on an aeroplane.
>
> Since that AD was issued, PAI issued Service Bulletin (SB) 80–0249 at revision 3, providing improved testing procedures.
>
> For the reasons described above, this AD retains the requirements of EASA AD 2009–0129, which is superseded, but requires accomplishment of the functional checks in accordance with the improved procedures and additionally, before release to service of an aeroplane after installation of a replacement NLG. This AD also introduces an optional modification, which constitutes terminating action for the repetitive functional checks required by this AD.
>
> This AD is revised to introduce a relieving compliance time for aeroplanes earlier inspected in accordance with EASA AD 2009–0129.

You may examine the MCAI on the Internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2013–0967.

Relevant Service Information

PIAGGIO AERO INDUSTRIES S.p.A has issued Mandatory Service Bulletin N. 80–0249, Rev. 3, dated July 22, 2013; Recommended Service Bulletin N. 80–0285, and Recommended Service Bulletin N. 80–0286, Rev. 1, both dated September 30, 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 112 products of U.S. registry. We also estimate that it would take about 2 work-hours per product to comply with the basic functional test requirements of this proposed AD. The average labor rate is $85 per work-hour.

Based on these figures, we estimate the cost of the proposed AD on U.S. operators to be $19,040, or $170 per product.

In addition, we estimate the following cost to do the proposed optional modification to terminate the proposed required repetitive functional tests. For Model P–180 Avanti airplanes, it would take about 40 work-hours and require

parts costing $2,000, for a cost of $5,400 per product. For Model P–180 Avanti II airplanes, it would take about 40 work-hours and require parts costing $4,000, for a cost of $7,400 per product. We have no way of determining the number of operators that may choose this optional action.

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 proposed 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 removing Amendment 39–16169 (75 FR 904, January 7, 2010), and adding the following new AD:

PIAGGIO AERO INDUSTRIES S.p.A: Docket No. FAA–2013–0967; Directorate Identifier 2013–CE–042–AD.

(a) Comments Due Date

We must receive comments by January 6, 2014.

(b) Affected ADs

This AD supersedes AD 2009–21–08 R1, Amendment 39–16169 (75 FR 904, January 7, 2010).

(c) Applicability

This AD applies to PIAGGIO AERO INDUSTRIES S.p.A Model P–180 airplanes, serial numbers 1004 through 1218, 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 cases of uncommanded operation of switched off nose-wheel steering system caused by internal leakage of a steering select/bypass valve. We are issuing this AD to prevent loss of directional control on ground during take-off or landing, which could result in a runway excursion.

(f) Actions and Compliance

Unless already done, do the actions required in paragraphs (f)(1) through (f)(5) of this AD, including all subparagraphs:

(1) At whichever of the compliance times specified in paragraphs (f)(1)(i) and (f)(1)(ii) of this AD that occurs first and repetitively thereafter at intervals not to exceed 165 hours TIS, do a functional test of the nose landing gear (NLG) steering manifold following Part A2 of the ACCOMPLISHMENT INSTRUCTIONS in PIAGGIO AERO INDUSTRIES S.p.A. Service Bulletin (Mandatory) N. 80–0249, Rev. 3, dated July 22, 2013 (includes CONFIRMATION SLIP).

(i) Within the next 165 hours time-in-service (TIS) after the effective date of this AD or within the next 6 months after the effective date of this AD, whichever occurs first; or

(ii) Within the next 165 hours TIS after the last inspection done in compliance with AD 2009–21–08 R1, Amendment 39–16169 (75 FR 904, January 7, 2010).

(2) Within the next 220 hours TIS or the next 6 months after the effective date of this AD, whichever occurs first, and repetitively thereafter at intervals not to exceed 660 TIS or 12 months, whichever occurs first, do a functional test of the nose landing gear (NLG) steering manifold following Part A1 of the ACCOMPLISHMENT INSTRUCTIONS in PIAGGIO AERO INDUSTRIES S.p.A. Service Bulletin (Mandatory) N. 80–0249, Rev. 3, dated July 22, 2013 (includes CONFIRMATION SLIP).

(3) If, during any functional test required in paragraphs (f)(1) and (f)(2) of this AD, any NLG steering actuator movement discrepancy is detected, before further flight, replace the NLG steering manifold with a serviceable part as specified in Part A1 and Part A2 of the ACCOMPLISHMENT INSTRUCTIONS in PIAGGIO AERO INDUSTRIES S.p.A. Service Bulletin (Mandatory) N. 80–0249, Rev. 3, dated July 22, 2013 (includes CONFIRMATION SLIP).

(4) As of the effective date of this AD, installation of a replacement NLG steering manifold or a replacement NLG is allowed, provided that, before release to service, the NLG steering manifold passes a functional test following Part A1 of the ACCOMPLISHMENT INSTRUCTIONS in PIAGGIO AERO INDUSTRIES S.p.A. Service Bulletin (Mandatory) N. 80–0249, Rev. 3, dated July 22, 2013.

(5) To terminate the repetitive functional tests required in paragraphs (f)(1) and (f)(2) of this AD, at any time after the initial functional test required in paragraphs (f)(1) and (f)(2) of this AD, you may modify the electrical configuration of the steering system following the ACCOMPLISHMENT INSTRUCTIONS in PIAGGIO AERO INDUSTRIES S.p.A. Service Bulletin (Recommended) N. 80–0285, dated September 20, 2013 (includes CONFIRMATION SLIP), or the ACCOMPLISHMENT INSTRUCTIONS in PIAGGIO AERO INDUSTRIES S.p.A. Service Bulletin (Recommended) N. 80–0286, Rev. 1, dated September 20, 2013, as applicable.

(g) Other FAA AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, Standards Office, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. Send information to ATTN: Mike Kiesov, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4144; fax: (816) 329–4090; email: *mike.kiesov@faa.gov.*

(i) 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.

(ii) AMOCs approved for AD 2009–21–08 R1 (75 FR 904, January 7, 2010) are not approved for AMOCs for this AD.

(2) *Airworthy Product:* For any requirement in this AD to obtain corrective actions from

a manufacturer or other source, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they are approved by the State of Design Authority (or their delegated agent). You are required to assure the product is airworthy before it is returned to service.

(3) *Reporting Requirements:* For any reporting requirement in this AD, a federal agency may not conduct or sponsor, and a person is not 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 unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to be approximately 5 minutes per response, including the time for reviewing instructions, completing, and reviewing the collection of information. All responses to this collection of information are mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at: 800 Independence Ave. SW., Washington, DC 20591, Attn: Information Collection Clearance Officer, AES–200.

(h) Related Information

Refer to European Aviation Safety Agency (EASA) AD No. 2013–0242R1, dated October 9, 2013, for related information. You may examine the MCAI on the Internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2013–0967. For service information related to this AD, contact Piaggio Aero Industries S.p.A-Airworthiness Office, Via Luigi Cibrario, 4–16154 Genova-Italy; phone: +39 010 6481353; fax: +39 010 6481881; email: *airworthiness@piaggioaero.it;* Internet: *http://www.piaggioaero.com/#/en/aftersales/service-support.* 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 November 5, 2013.

Earl Lawrence,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2013–27837 Filed 11–19–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0964; Directorate Identifier 2013–CE–035–AD]

RIN 2120–AA64

Airworthiness Directives; Piaggio Aero Industries S.p.A 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 certain Piaggio Aero Industries S.p.A. Model P–180 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 insufficient clearance between one of the horizontal stabilizer end ribs and the corresponding elevator horn. 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 January 6, 2014.

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 Piaggio Aero Industries S.p.A—Airworthiness Office, Via Luigi Cibrario, 4–16154 Genova-Italy; phone: +39 010 6481353; fax: +39 010 6481881; email: *airworthiness@piaggioaero.it;* Internet: *http://www.piaggioaero.com/#/en/aftersales/service-support.* You may review this 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: Mike Kiesov, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4144; fax: (816) 329–4090; email: *mike.kiesov@faa.gov.*

SUPPLEMENTARY INFORMATION:

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–2013–0964; Directorate Identifier 2013–CE–035–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. 2013–0239, dated September 30, 2013 (referred to after this as ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> Insufficient clearance between one of the horizontal stabilizer end rib and the corresponding elevator horn was found on an in-service aeroplane.
>
> This condition, if not detected and corrected, could lead to interference between the elevator and horizontal stabilizer surfaces, resulting in restricted elevator control and consequent reduced control of the aeroplane.
>
> To address this potential unsafe condition, Piaggio Aero Industries (PAI) issued Service

Bulletin (SB) 80–0381 to provide inspection instructions.

For the reasons described above, this AD requires accomplishment of a one-time measurement of the actual clearance between the elevator horn and the horizontal stabilizer tip rib, and depending on findings, restoration of the required minimum clearance value. This AD also requires reporting of the inspection result to PAI.

You may examine the MCAI on the Internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2013–0964.

Relevant Service Information

Piaggio Aero Industries S.p.A. has issued Mandatory Service Bulletin No.: 80–0381, Rev. 0, dated May 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 would affect 112 products of U. S. registry. We also estimate that it would take about 1 work-hour per product to comply with the basic requirements of this proposed AD. The average labor rate is $85 per work-hour.

Based on these figures, we estimate the cost of this proposed AD on U.S. operators to be $9,520, or $85 per product.

In addition, we estimate that any necessary follow-on actions would take about 5 work-hours and require parts costing $50, for a cost of $475 per product. We have no way of determining the number of products that may need these actions.

Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a current valid OMB control number. The control number for the collection of information required by this AD is 2120–0056. The paperwork cost associated with this AD has been detailed in the Costs of Compliance section of this document and includes time for reviewing instructions, as well as completing and reviewing the collection of information. Therefore, all reporting associated with this AD is mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at 800 Independence Ave. SW., Washington, DC 20591. ATTN: Information Collection Clearance Officer, AES–200.

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 proposed 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:

Piaggio Aero Industries S.p.A: Docket No. FAA–2013–0964; Directorate Identifier 2013–CE–035–AD.

(a) Comments Due Date

We must receive comments by January 6, 2014.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Piaggio Aero Industries S.p.A Model P–180 airplanes, manufacturer serial numbers 1002 and 1004 through 1231, certificated in any category.

(d) Subject

Air Transport Association of America (ATA) Code 27: Flight Controls.

(e) Reason

This AD was prompted by results from mandatory continuing airworthiness information (MCAI) originated by an aviation authority of another country to identify and correct an unsafe condition on an aviation product. The MCAI describes the unsafe condition as insufficient clearance between one of the horizontal stabilizer end ribs and the corresponding elevator horn. We are issuing this proposed AD to detect and correct insufficient clearance between one of the horizontal stabilizer end rib and the corresponding elevator horn, which could result in interference between the elevator and horizontal stabilizer surfaces, consequently resulting in restricted elevator control and reduced control of the airplane.

(f) Actions and Compliance

Unless already done, do the following actions as specified in paragraphs (f)(1) through (f)(3) of this AD:

(1) Within 200 hours time-in service (TIS) after the effective date of this AD or 12 months after the effective date of this AD, whichever occurs first, measure the clearances between the horns of the elevator and the end ribs of the horizontal stabilizer (HS) on left-hand (LH) and right-hand (RH) sides following Part A of the Accomplishment Instructions section of

Piaggio Aero Industries S.p.A. Mandatory Service Bulletin No.: 80–0381, Rev. 0, dated May 2, 2013.

(2) If the clearance is less than 5 mm on HS LH or RH side during the measurement as required by paragraph (f)(1) of this AD, before further flight, rework the affected elevator to restore the required minimum clearance between the horn of the elevator and the end rib of the horizontal stabilizer following Part B of the Accomplishment Instructions section of Piaggio Aero Industries S.p.A. Mandatory Service Bulletin No.: 80–0381, Rev. 0, dated May 2, 2013.

(3) Within 30 days after accomplishment of the measurement as required by paragraph (f)(1) of this AD, report the results to Piaggio Aero Industries S.p.A. following Part C of the Accomplishment Instructions section of Piaggio Aero Industries S.p.A. Mandatory Service Bulletin No.: 80–0381, Rev. 0, dated May 2, 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: Mike Kiesov, Aerospace Engineer, FAA, Small Airplane Directorate, 901 Locust, Room 301, Kansas City, Missouri 64106; telephone: (816) 329–4144; fax: (816) 329–4090; email: *mike.kiesov@faa.gov.* Before using any approved AMOC on any airplane to which the AMOC applies, notify your appropriate principal inspector (PI) in the FAA Flight Standards District Office (FSDO), or lacking a PI, your local FSDO.

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

(3) *Reporting Requirements:* For any reporting requirement in this AD, a federal agency may not conduct or sponsor, and a person is not 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 unless that collection of information displays a current valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to be approximately 5 minutes per response, including the time for reviewing instructions, completing and reviewing the collection of information. All responses to this collection of information are mandatory. Comments concerning the accuracy of this burden and suggestions for reducing the burden should be directed to the FAA at: 800 Independence Ave. SW., Washington, DC 20591, Attn: Information Collection Clearance Officer, AES–200.

(h) Related Information

Refer to MCAI European Aviation Safety Agency (EASA) AD No. 2013–0239, dated September 30, 2013, for related information. You may examine the MCAI on the Internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2013–0964. For service information related to this AD, contact Piaggio Aero Industries S.p.A—Airworthiness Office, Via Luigi Cibrario, 4–16154 Genova-Italy; phone: +39 010 6481353; fax: +39 010 6481881; email: Internet: *http://www.piaggioaero.com/#/en/aftersales/service-support.* You may review this 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 November 5, 2013.

Earl Lawrence,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2013–27639 Filed 11–19–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 1

[Docket No. FDA–2011–N–0143]

RIN 0910–AG64

Foreign Supplier Verification Programs for Importers of Food for Humans and Animals; Extension of Comment Periods

AGENCY: Food and Drug Administration, HHS.

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

SUMMARY: The Food and Drug Administration (FDA or we) is extending the comment period for the proposed rule, and for the information collection related to the proposed rule entitled ''Foreign Supplier Verification Programs for Importers of Food for Humans and Animals'' that appeared in the **Federal Register** of July 29, 2013. We are taking this action in response to requests for an extension to allow interested persons an opportunity to consider the interrelationship between this proposed rule and the proposed rule announced in October 2013 entitled ''Current Good Manufacturing Practice and Hazard Analysis and Risk-Based Preventive Controls for Food for Animals.'' We also are taking this action to keep the comment period for the information collection provisions associated with the rule consistent with the comment period for the proposed rule.

DATES: For the proposed rule published on July 29, 2013 (78 FR 45730), submit either electronic or written comments by January 27, 2014. Submit comments on information collection issues under the Paperwork Reduction Act of 1995 (the PRA) by January 27, 2014 (see the ''Paperwork Reduction Act of 1995'' section of this document).

ADDRESSES: You may submit comments, identified by Docket No. FDA–2011–N–0143 and/or Regulatory Information Number (RIN) 0910–AG64, by any of the following methods, except that comments on information collection issues under the PRA must be submitted to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB) (see the ''Paperwork Reduction Act of 1995'' section of this document).

Electronic Submissions

Submit electronic comments in the following way:

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

Written Submissions

Submit written submissions in the following ways:

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

Instructions: All submissions received must include the Agency name, Docket No. FDA–2011–N–0143, and RIN 0910–AG64 for this rulemaking. All comments received may be posted without change to *http://www.regulations.gov,* including any personal information provided. For additional information on submitting comments, see the ''Request for Comments'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

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

FOR FURTHER INFORMATION CONTACT:

With regard to the proposed rule: Brian Pendleton, Office of Policy, Food and Drug Administration, 10903 New

Hampshire Ave., Silver Spring, MD 20993–0002, 301–796–4614.

With regard to the information collection: Domini Bean, Office of Information Management, Food and Drug Administration, 1350 Piccard Dr., PI50–400T, Rockville, MD 20850, *Domini.Bean@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of July 29, 2013 (78 FR 45730), we published a proposed rule entitled ''Foreign Supplier Verification Programs for Importers of Food for Humans and Animals'' with a 120-day comment period on the provisions of the proposed rule and on the information collection provisions that are subject to review by OMB under the PRA (44 U.S.C. 3501–3520).

FDA has received requests for an extension of the comment period on the proposed rule to allow interested persons an opportunity to consider the interrelationship between this proposed rule and the proposed rule entitled ''Current Good Manufacturing Practice and Hazard Analysis and Risk-Based Preventive Controls for Food for Animals'' (78 FR 64736, October 29, 2013). FDA has considered the requests and is granting a 60-day extension of the comment period for the ''Foreign Supplier Verification Programs for Importers of Food for Humans and Animals'' proposed rule to allow interested persons an opportunity to consider the interrelationships between the proposed rules. We also are extending the comment period for the information collection provisions for 60 days to make the comment period for the information collection provisions the same as the comment period for the provisions of the proposed rule. To clarify, FDA is requesting comment on all issues raised by the proposed rule.

II. Paperwork Reduction Act of 1995

Interested persons may either submit electronic comments regarding the information collection to *oira_submission@omb.eop.gov* or fax written comments to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285. All comments should be identified with the title ''Foreign Supplier Verification Programs for Importers of Food for Humans and Animals.''

III. Request for Comments

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

Dated: November 13, 2013.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2013–27645 Filed 11–19–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 1 and 16

[Docket No. FDA–2011–N–0146]

RIN 0910–AG66

Accreditation of Third-Party Auditors/Certification Bodies To Conduct Food Safety Audits and To Issue Certifications; Extension of Comment Periods

AGENCY: Food and Drug Administration, HHS.

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

SUMMARY: The Food and Drug Administration (FDA or we) is extending the comment period for the proposed rule, and for the information collection related to the proposed rule entitled ''Accreditation of Third-Party Auditors/Certification Bodies to Conduct Food Safety Audits and to Issue Certifications'' that appeared in the **Federal Register** of July 29, 2013. We are taking this action in response to requests for an extension to allow interested persons an opportunity to consider the interrelationship between this proposed rule and the proposed rule announced in October 2013 entitled ''Current Good Manufacturing Practice and Hazard Analysis and Risk-Based Preventive Controls for Food for Animals.'' We also are taking this action to keep the comment period for the information collection provisions associated with the rule consistent with the comment period for the proposed rule.

DATES: For the proposed rule published on July 29, 2013 (78 FR 45782), submit either electronic or written comments by January 27, 2014. Submit comments on information collection issues under the Paperwork Reduction Act of 1995 (the PRA) by January 27, 2014 (see the ''Paperwork Reduction Act of 1995'' section of this document).

ADDRESSES: You may submit comments, identified by Docket No. FDA–2011–N–0146 and/or Regulatory Information Number (RIN) 0910–AG66, by any of the following methods, except that comments on information collection issues under the PRA must be submitted to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB) (see the ''Paperwork Reduction Act of 1995'' section of this document).

Electronic Submissions

Submit electronic comments in the following way:

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

Written Submissions

Submit written submissions in the following ways:

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

Instructions: All submissions received must include the Agency name, Docket No. FDA–2011–N–0146, and RIN 0910–AG66 for this rulemaking. All comments received may be posted without change to *http://www.regulations.gov,* including any personal information provided. For additional information on submitting comments, see the ''Request for Comments'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

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

FOR FURTHER INFORMATION CONTACT:

With regard to the proposed rule: Charlotte Christin, Center for Food Safety and Applied Nutrition, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 32, Rm. 4234, Silver Spring, MD 20993–0002, 240–402–3708.

With regard to the information collection: Domini Bean, Office of Information Management, Food and

Drug Administration, 1350 Piccard Dr., PI50–400T, Rockville, MD 20850, *Domini.Bean@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of July 29, 2013 (78 FR 45782), we published a proposed rule entitled ''Accreditation of Third-Party Auditors/Certification Bodies to Conduct Food Safety Audits and to Issue Certifications'' with a 120-day comment period on the provisions of the proposed rule and on the information collection provisions that are subject to review by OMB under the PRA (44 U.S.C. 3501–3520).

FDA has received requests for an extension of the comment period on the proposed rule to allow interested persons an opportunity to consider the interrelationship between this proposed rule and the proposed rule entitled ''Current Good Manufacturing Practice and Hazard Analysis and Risk-Based Preventive Controls for Food for Animals'' (78 FR 64736, October 29, 2013). FDA has considered the requests and is granting a 60-day extension of the comment period for the ''Accreditation of Third-Party Auditors/Certification Bodies to Conduct Food Safety Audits and to Issue Certifications'' proposed rule to allow interested persons an opportunity to consider the interrelationships between the proposed rules. We also are extending the comment period for the information collection provisions for 60 days to make the comment period for the information collection provisions the same as the comment period for the provisions of the proposed rule. To clarify, FDA is requesting comment on all issues raised by the proposed rule.

II. Paperwork Reduction Act of 1995

Interested persons may either submit electronic comments regarding the information collection to *oira_submission@omb.eop.gov* or fax written comments to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285. All comments should be identified with the title ''Accreditation of Third-Party Auditors/Certification Bodies to Conduct Food Safety Audits and to Issue Certifications.''

III. Request for Comments

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

Dated: November 13, 2013.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2013–27644 Filed 11–19–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

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

[Docket No. FDA–2011–N–0920]

RIN 0910–AG36

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

AGENCY: Food and Drug Administration, HHS.

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

SUMMARY: The Food and Drug Administration (FDA) is extending the comment period for the notice of proposed rulemaking that appeared in the **Federal Register** of January 16, 2013 (78 FR 3646), entitled ''Current Good Manufacturing Practice and Hazard Analysis and Risk-Based Preventive Controls for Human Food'' and its information collection provisions.

DATES: The FDA is extending the comment period for the proposed rule referenced in the Summary. Submit either electronic or written comments on the notice of proposed rulemaking by November 22, 2013. Submit comments on information collection issues under the Paperwork Reduction Act of 1995 (the PRA) by November 22, 2013 (see the ''Paperwork Reduction Act of 1995'' section).

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

Electronic Submissions

Submit electronic comments in the following way:

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

Written Submissions

Submit written submissions in the following ways:

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

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

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

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

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of January 16, 2013 (78 FR 3646), FDA published a proposed rule entitled ''Current Good Manufacturing Practice and Hazard Analysis and Risk-Based Preventive Controls for Human Food.'' The original comment period of 120 days was extended several times and interested persons were most recently given until November 15, 2013 (**Federal Register** of August 9, 2013, 78 FR 48636), to

comment on the proposed rule and its information collection provisions.

II. Request for Comments

FDA is extending the comment period due to the inability of some commenters to submit comments through the *http://www.regulations.gov* Web site from November 4, 2013, through November 14, 2013, because of technical difficulties at that Web site.

III. Paperwork Reduction Act of 1995

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

IV. How To Submit Comments

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

Dated: November 15, 2013.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2013–27783 Filed 11–15–13; 4:15 pm]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Parts 16 and 112

[Docket No. FDA–2011–N–0921]

RIN 0910–AG35

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

AGENCY: Food and Drug Administration, HHS.

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

SUMMARY: The Food and Drug Administration (FDA) is extending the comment period for the notice of proposed rulemaking that appeared in the **Federal Register** of January 16, 2013 (78 FR 3504), entitled ''Standards for the Growing, Harvesting, Packing and Holding of Produce for Human Consumption'' and for its information collection provisions.

DATES: The FDA is extending the comment period for the proposed rule referenced in the Summary. Submit either electronic or written comments on the notice of proposed rulemaking by November 22, 2013. Submit comments on information collection issues under the Paperwork Reduction Act of 1995 (the PRA) by November 22, 2013 (see the ''Paperwork Reduction Act of 1995'' section).

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

Electronic Submissions

Submit electronic comments in the following way:

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

Written Submissions

Submit written submissions in the following ways:

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

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

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

FOR FURTHER INFORMATION CONTACT: *With regard to the proposed rule:* Samir Assar, Center for Food Safety and Applied Nutrition (HFS–300), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, 240–402–1636. *With regard to the information collection:* Domini Bean, Office of Information Management, Food and Drug Administration, 1350 Piccard Dr., PI50–400T, Rockville, MD 20850, *domini.bean@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of January 16, 2013 (78 FR 3504), FDA published a proposed rule entitled ''Standards for the Growing, Harvesting, Packing, and Holding of Produce for Human Consumption.'' The original comment period of 120 days was extended several times and interested persons were most recently given until November 15, 2013 (**Federal Register** of August 9, 2013, 78 FR 48637), to comment on the proposed rule and its information collection provisions.

II. Request for Comments

FDA is extending the comment period due to the inability of some commenters to submit comments through the *http://www.regulations.gov* Web site from November 4, 2013, through November 14, 2013, because of technical difficulties at that Web site.

III. Paperwork Reduction Act of 1995

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

IV. How To Submit Comments

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

and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

Dated: November 15, 2013.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2013–27784 Filed 11–15–13; 4:15 pm]

BILLING CODE 4160–01–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

29 CFR Part 1910

[Docket No. OSHA–2013–0010]

RIN 1218–AC80

Record Requirements in the Mechanical Power Presses Standard

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Proposed rule; request for comments.

SUMMARY: OSHA is proposing to make two main revisions to its Mechanical Power Presses Standard. First, OSHA is proposing to revise a provision that requires employers to develop and maintain certification records of periodic inspections performed on the presses by adding a requirement that they develop and maintain certification records of any maintenance and repairs they perform on the presses during the periodic inspections. Second, OSHA is proposing to remove the requirement from another provision that employers develop and maintain certification records of weekly inspections and tests performed on the presses.

This rulemaking is part of the Department of Labor's initiative to reduce paperwork burden; it will remove 613,600 hours of unnecessary paperwork burden for employers, while maintaining employee protection. OSHA is publishing a companion direct final rule elsewhere in this issue of the **Federal Register** taking this same action.

DATES: Submit comments on this proposed rule (including comments to the information-collection (paperwork) determination (described under the section titled ''Procedural Determinations''), hearing requests, and other information by December 20, 2013. All submissions must bear a postmark or provide other evidence of the submission date. The following section describes the available methods for making submissions.

ADDRESSES: Submit comments, hearing requests, and other material, identified by Docket No. OSHA–2013–0010, by any of the following methods:

Electronically: Submit comments and attachments, as well as hearing requests and other information, electronically to *http://www.regulations.gov,* which is the Federal e-Rulemaking Portal. Follow the online instructions for submitting comments.[1]

Facsimile: OSHA allows facsimile transmission of comments and hearing requests that are 10 pages or fewer in length (including attachments). Send these documents to the OSHA Docket Office at (202) 693–1648. OSHA does not require hard copies of these documents. Instead of transmitting facsimile copies of attachments that supplement these documents (for example, studies, journal articles), commenters must submit these attachments to the OSHA Docket Office, Technical Data Center, Room N–2625, OSHA, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210. These attachments must identify clearly the sender's name, the date, subject, and docket number (OSHA–2013–0010) so that the Docket Office can attach them to the appropriate document.

Regular mail, express mail, hand delivery, and messenger (courier) service: Submit comments, hearing requests, and any additional material (for example, studies, journal articles) to the OSHA Docket Office, Docket No. OSHA–2013–0010 or RIN 1218–AC80, Technical Data Center, Room N–2625, OSHA, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone: (202) 693–2350. (OSHA's TTY number is (877) 889–5627.) Contact the OSHA Docket Office for information about security procedures concerning delivery of materials by express mail, hand delivery, and messenger service. The hours of operation for the OSHA Docket Office are 8:15 a.m. to 4:45 p.m., e.t.

Instructions: All submissions must include the Agency's name and the docket number (that is, OSHA–2013–0010). OSHA will place comments and other material, including any personal information, in the public docket without revision, and these materials will be available online at *http://www.regulations.gov.* Therefore, OSHA cautions commenters about submitting statements they do not want made available to the public and submitting comments that contain personal information (either about themselves or others) such as Social Security numbers, birth dates, and medical data.

OSHA requests comment on all issues related to this proposed rule. The Agency also welcomes comments on its findings that this proposed rule would have no negative economic, paperwork, or other regulatory impacts on the regulated community. This proposed rule is the companion document to a direct final rule published in the ''Rules'' section of this issue of the **Federal Register**. If OSHA receives no significant adverse comment on the proposal or direct final rule, the Agency will publish a **Federal Register** notice confirming the effective date of the final rule and withdrawing this companion proposed rule. The final rule may include minor editorial or technical corrections of the direct final rule. For the purpose of judicial review, OSHA considers the date that the Agency confirms the effective date of the final rule to be the date of issuance. If, however, OSHA receives significant adverse comment on the direct final rule or proposal, the Agency will publish a timely withdrawal of the direct final rule and proceed with the proposed rule, which addresses the same revisions to its Mechanical Power Presses Standard.

Docket: The electronic docket for this proposed rule established at *http://www.regulations.gov* lists most of the documents in the docket. However, some information (for example, copyrighted material) is not available publicly to read or download through this Web site. All submissions, including copyrighted material, are accessible at the OSHA Docket Office. Contact the OSHA Docket Office for assistance in locating docket submissions.

FOR FURTHER INFORMATION CONTACT:

General information and press inquiries: Mr. Frank Meilinger, OSHA Office of Communications, Room N–3609, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone: (202) 693–1999.

Technical inquiries: Mr. Todd Owen, Directorate of Standards and Guidance, Room N–3718, OSHA, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone: (202) 693–1941; fax: (202) 693–1663.

SUPPLEMENTARY INFORMATION:

Copies of this ***Federal Register*** *notice and news releases:* Electronic copies of these documents are available at OSHA's Web page at *http://www.osha.gov.* Copies of this **Federal**

[1] The Web site *http://www.regulations.gov* refers to the docket as a ''docket folder.'' Access the electronic docket for this rulemaking by searching with the docket number (OSHA–2013–0010) or RIN (1218–AC80).

Register notice also are available at *http://www.regulations.gov.*

Table of Contents

I. Direct Final Rulemaking

In direct final rulemaking, an agency publishes a direct final rule in the **Federal Register** with a statement that the rule will become effective unless the agency receives a significant adverse comment within a specified period. The agency publishes concurrently with the direct final rule a companion proposed rule. If the agency receives no significant adverse comment, the direct final rule will become effective. However, should the agency receive a timely significant adverse comment, it will withdraw the direct final rule and treat the comment as a submission to the proposed rule.

OSHA uses direct final rulemaking because it expects the rulemaking to: Be noncontroversial; provide protection to employees that is at least equivalent to the protection afforded to them by the previous standard; and impose no significant new compliance costs on employers (69 FR 68283, 68285 (Nov. 24, 2004)). OSHA used direct final rules previously to update and revise other OSHA rules (*see,* for example, 69 FR 68283 (Nov. 24, 2004); 70 FR 76979 (Dec. 29, 2005); 76 FR 75782 (Dec. 5, 2011); and 77 FR 37587 (June 22, 2012)).

For purposes of this rulemaking, a significant adverse comment is one that ''explains why the rule would be inappropriate, including challenges to the rule's underlying premise or approach, or why it would be ineffective or unacceptable without a change'' (*see* 60 FR 43108, 43111 (Aug. 18, 1995)). In determining whether a comment necessitates withdrawal of the direct final rule, OSHA will consider whether the comment raises an issue serious enough to warrant a substantive response in a notice-and-comment process. OSHA will not consider a comment recommending additional revisions to a rule to be a significant adverse comment unless the comment provides a reasonable explanation of why the direct final rule would be ineffective without the revisions. If OSHA receives a timely significant adverse comment, it will publish a **Federal Register** notice withdrawing the direct final rule no later than 90 days after the publication date of this current notice.

This notice of proposed rulemaking furthers the objectives of Executive Order 13563, which requires that the regulatory process ''promote predictability and reduce uncertainty'' and ''identify and use the best, most innovative, and least burdensome tools for achieving regulatory ends.'' As described later in this **Federal Register** notice, the proposed revisions will reduce paperwork burden, by removing 613,600 hours of unnecessary paperwork burden for employers, while maintaining employee protection. Therefore, the Agency believes this proposed rule is consistent with, and promotes the objectives of, Executive Order 13563.

II. Background

This proposed rule would revise paragraph (e)(1)(i) of OSHA's Mechanical Power Presses Standard at 29 CFR 1910.217 to require employers to perform and complete necessary maintenance and repair on the presses, and to develop and maintain certification records of these tasks. The rulemaking also removes requirements from paragraph (e)(1)(ii) of this standard to develop and maintain certification records for weekly inspections and tests performed on mechanical power presses. OSHA believes that these proposed revisions will maintain the safety afforded to employees by the existing provisions, while substantially reducing paperwork burden hours and cost to employers.

This rulemaking is part of the Department of Labor's initiative to reduce paperwork burden hours and cost, consistent with the Paperwork Reduction Act of 1995 (PRA–95) at 44 U.S.C. 3501 *et seq.* The purpose of PRA–95 is to minimize the Federal paperwork burden and to maximize the efficiency and usefulness of Federal information-gathering activities. OSHA also determined that the subject of this rulemaking furthers the objectives of Executive Order (EO) 13563 (76 FR 3821, Jan. 21, 2011). In this regard, EO 13563 requires that the regulatory process ''promote predictability and reduce uncertainty'' and ''identify and use the best, most innovative and least burdensome tools for achieving regulatory ends.'' To accomplish this objective, EO 13563 states, ''To facilitate the periodic review of existing significant regulations, agencies shall consider how best to promote retrospective analysis of rules that may be outmoded, ineffective, insufficient, or excessively burdensome, and to modify, streamline, expand, or repeal them in accordance with what has been learned.''

OSHA determined that the revisions made by this proposed rule are consistent with, and promote the objectives of, both PRA–95 and EO 13563. Accordingly, the revisions made by this proposed rule will result in reducing the paperwork burden for employers covered by the Mechanical Power Presses Standard. Removing the requirement to develop and maintain weekly certification records for inspections and tests will not affect an employer's obligation to inspect and ensure that mechanical power presses used in the workplace are in a safe operating condition. Revisions to paragraph (e)(1)(i) to complete necessary maintenance and repair before operating a press after a periodic inspection, and certifying this action, will ensure the safety of workers while imposing minimal paperwork burden on employers. OSHA estimates that these proposed revisions will result in a paperwork burden reduction of 613,600 hours. Accordingly, the Agency believes the regulated community will support this effort to reduce unnecessary paperwork burden and to remove outdated certification requirements, while maintaining employee safety.

III. Summary and Explanation of Proposed Revisions to the Mechanical Power Presses Standard

This proposed rule revises paragraphs (e)(1)(i) and (e)(1)(ii) of OSHA's Mechanical Power Presses Standard at 29 CFR 1910.217. This rulemaking also reorganizes these paragraphs by dividing the requirements into discrete provisions, and redrafted the provisions in plain language to make them easier to understand than the existing provisions. The first two provisions, paragraphs (e)(1)(i) and (e)(1)(ii), cover periodic and weekly tasks associated with the mechanical power-press inspection program. To further delineate the tasks covered by these two provisions, OSHA refers to the requirements of paragraph (e)(1)(i) as the ''general component of the inspection program,'' and to the requirements of paragraph (e)(1)(ii) as the ''directed component of the inspection program.'' In this regard, the requirements of paragraph (e)(1)(i), the general component of the inspection program, cover all parts of the

equipment and stipulate a nonspecific interval (''periodic'') for meeting these requirements. However, the requirements of paragraph (e)(1)(ii), the directed component of the inspection program, address specific parts of the equipment and define the frequency employers would have to follow when inspecting and testing these parts (''at least once a week''). OSHA believes these revisions would assist the regulated community in differentiating the requirements of these provisions.

Proposed revisions to paragraph (e)(1)(i). Paragraph (e)(1)(i) currently requires employers to inspect all parts, auxiliary equipment, and safeguards of mechanical power presses on a periodic and regular basis and to maintain certification records of these inspections. The main revision OSHA is proposing to make to this paragraph is to require that employers perform necessary maintenance or repair, or both, on presses before operating them, and maintain certification records of any maintenance and repairs performed.[2] Therefore, employers would be required to perform, following the periodic and regular inspections but before operating the equipment, any necessary maintenance and repair found during the inspections, and maintain certification records of the maintenance and repairs performed (in addition to the inspection certification records already required).

A national consensus standard, American National Standards Institute (ANSI) B11.1–2009 (''American National Standard for Safety Requirements for Mechanical Power Presses''), has requirements that are similar to paragraph (e)(1)(i). In this regard, paragraph 9.4.1 (''Program'') of this ANSI standard requires employers to ''establish a systematic program of periodic and regular inspection of press production systems to ensure that all their parts, auxiliary equipment, and safeguarding are in safe operating condition and adjustment.'' In addition, paragraph 9.4.2 (''Documentation'') of ANSI B11.1–2009 states that the ''user shall document the press inspections are made as scheduled and that any necessary follow-up repair work has been performed.'' A nonmandatory appendix to the ANSI standard, Annex K (''Press Inspection Report, Checklist, & Maintenance Record (Informative)),'' supplements these requirements by providing a checklist detailing the parts, components, and equipment subject to inspection and maintenance.

The revisions and reorganization of proposed paragraph (e)(1)(i), therefore, are consistent with the requirements of ANSI's B11.1 ''Safety Requirements for Mechanical Power Presses.'' Specifically, the proposed revision to paragraph (e)(1)(i) to certify maintenance and repairs performed on mechanical power presses are similar to the requirement in the ANSI standard to ''document that press inspections are made as scheduled, and that any necessary follow-up repair work has been performed.'' Not only does this proposed revision represent the usual and customary practice of general industry, but OSHA believes that adding an explicit requirement to perform necessary maintenance and repair will ensure that employers perform such maintenance and repair on all of the parts, auxiliary equipment, and safeguards of each press, and not just the clutch/brake mechanism, antirepeat feature, and single-stroke mechanism delineated in existing paragraph (e)(1)(ii). In addition, the proposed revision will provide OSHA with information that replaces information removed from proposed paragraph (e)(1)(ii) (*see* the following discussion of that paragraph), notably the name of the individuals who perform maintenance and repair work on the presses. This information will not only verify that the employer performed the requisite maintenance and repair on presses, but will enable the Agency, during compliance inspections, to identify and interview the individuals responsible for maintaining and repairing the presses so that it can determine whether employees are operating safe equipment. Further, if employers maintain these certification records at or near the equipment or in a nearby office, employees would be able to examine those records and determine whether mechanical power presses are safe before they operate them, which will increase employee safety. These records also will provide employers with information they can use to determine when more substantial maintenance or repairs, instead of minor maintenance and adjustment, would provide better, and more cost-effective, safety. For example, making too frequent adjustments of the pullout devices, as shown by maintenance records, can indicate the need to replace parts, such as bearings, that are causing the out-of-adjustment condition.

Proposed revisions to paragraph (e)(1)(ii). Existing paragraph (e)(1)(ii) requires employers to conduct weekly inspections and tests on the clutch/brake mechanism, antirepeat feature, and single-stroke mechanism of each mechanical power press, and to perform any necessary maintenance and repair on the equipment before operating it. Employers also must maintain a certification record of the inspection, testing, and maintenance tasks. OSHA is proposing to make two main revisions to paragraph (e)(1)(ii). First, OSHA is proposing to revise the requirement that ''[e]ach press shall be inspected and tested no less than weekly'' to require explicitly that employees conduct these weekly inspections and tests on a ''regular basis at least once a week.'' Second, OSHA is proposing to revise this paragraph to remove the requirement that employers prepare certification records for the weekly inspections and tests;[3] however, the Agency would retain the requirement that employers maintain certification records for the maintenance work.[4]

The certification records for the weekly inspections and tests required by existing paragraph (e)(1)(ii) serve the following functions: (i) Remind employers to inspect and test

[2] The requirement for employers to perform maintenance and repair necessary for the safe operation of the entire press is implicit in the requirement in existing paragraph (e)(1)(i), which specifies that the employer's inspection program ensure that presses ''are in a safe operating condition and adjustment.'' An inspection program that found, but did not correct, unsafe conditions would not meet this existing requirement.

[3] OSHA believes that the burden to maintain certification records of maintenance tasks resulting from either the general component or the directed component will be a small fraction of the overall recordkeeping burden. First, the information-collection burden resulting from the inspections performed under the general component include not only the certification record but the time it takes to perform the inspection. Thus, the time employers take to maintain a certification record of the maintenance tasks (which does not include the time taken for the maintenance operations themselves) should be only a small fraction of the time taken for inspection records. Second, for well-maintained presses, which should result when employers follow the standard, the inspections should uncover the need to perform maintenance relatively infrequently. Accordingly, in most instances, inspections should determine that presses are operating safely and are, therefore, not in need of maintenance.

The Agency also believes that retaining the proposed requirement that employers maintain certification records of maintenance tasks performed as a result of inspections performed under the directed component would ensure that employers do not postpone performing maintenance needs uncovered when performing inspections under the general component. In this regard, if the directed component did not specify that employers would have to maintain certification records of maintenance tasks uncovered during inspections, employers uncovering the need for maintenance during an inspection under the general component could postpone the maintenance task until the next weekly inspection when the standard would not require them to maintain a certification record.

[4] OSHA believes that employers will perform most maintenance tasks associated with mechanical power presses under proposed paragraph (e)(1)(i), and that maintenance performed as a result of weekly inspections and tests will be infrequent.

mechanical power presses; (ii) inform employees that the employer performed these tasks and that the equipment is safe to operate; and (iii) provide a record of compliance, which OSHA representatives can use to verify that the employer meets the inspection and testing requirements set forth in the standard. However, OSHA determined that certifications records for weekly inspections and tests of mechanical power presses are not necessary to achieve these functions. In making this determination, the Agency noted that the proposed revisions to § 1910.217(e)(1)(ii) do not remove or lessen the requirement to inspect, test, maintain, and repair presses—tasks that are essential to ensuring that the equipment is functioning properly and that working conditions are safe for employees. In addition, OSHA believes that employers do not need certification records to remind them to perform weekly inspections and tests. The Agency believes that employers generally perform inspections and tests on a regular basis, for example, at the start of the first shift each Monday, and, therefore, do not need certification records to remind them to complete these tasks. In this regard, under the existing standard, employers may refer to the required records directly, use computer-generated prompts, or simply perform the tasks the same time every week.

To ensure that these tasks are part of the employer's usual and customary practice, proposed paragraph (e)(1)(ii) specifies that employers perform the inspections and tests ''on a regular basis at least once a week'' to emphasize the importance of establishing a consistent, systematic schedule for completing the tasks. OSHA believes as well that requiring completion of the tasks weekly, on a regular basis approximately the same time each week, will ensure that employers remember to inspect and test mechanical power presses.

Under the proposed rule, OSHA believes that employees would confirm weekly inspections and tests by observing the performance of these tasks, since employees will know when the tasks occur, or by speaking with the individual who performed the tasks. Additionally, employees will still have the certification records for maintenance to obtain information that the employer completed this task and that the equipment is in safe operating condition.

For compliance purposes, OSHA compliance officers can use the information provided by proposed paragraph (e)(1)(i) and the certification records for maintenance specified by proposed paragraph (e)(1)(ii) to identify the individuals responsible for conducting the inspections and tests, and then interview those individuals regarding these tasks. Compliance officers also can interview employees who operate the presses and who should have firsthand knowledge regarding whether the employer is meeting the inspection and testing requirements. In addition, an examination of the equipment involved can frequently reveal whether employers are performing the weekly inspections and tests. For example, if the clutch/brake mechanism is not working properly, OSHA can ask the press operator how long that condition existed and can check with individuals responsible for maintaining the press to determine the last time the mechanism was checked and repaired.

Finally, OSHA added a note to proposed paragraph (e)(1)(ii) explicitly stating that inspections and tests of the three parts: (1) Conducted under the directed component of the inspection program are exempt from the certification requirements specified by paragraph (e)(1)(i)(C); and (2) conducted under the general component of the inspection program must comply with these certification requirements. The question may arise, however, regarding which component of the inspection program applies if an employer combines the inspections required by both the general and directed components of the inspection program (that is, if the employer performs a weekly inspection of the three parts specified by the directed component of the inspection program as part of the periodic inspection specified by the general component of the inspection program). In such cases, OSHA would treat the weekly inspection as part of the periodic inspection specified by the general component of the inspection program, and the employer would have to comply with the certification requirements specified by paragraph (e)(1)(i)(C) (that is, the employer would have to maintain a certification record of the inspection, as well as each maintenance and repair task performed on the three parts).

OSHA concludes that the requirement in existing § 1910.217(e)(1)(ii) for employers to certify the weekly inspections and tests is unnecessary because other means exist to determine whether employers perform these tasks on a weekly basis, including the record requirements in proposed § 1910.217(e)(1)(i). OSHA determined that mandating that weekly inspections and tests be systematic and part of an employer's regular routine, reinforced by the new language in proposed § 1910.217(e)(1)(ii), will effectuate the purpose of these certification records.

Summary. This proposed rule would revise the existing requirements of paragraph (e)(1)(i) by expressly requiring employers to perform necessary maintenance or repair, or both, on presses before operating them, and to maintain certification records of any maintenance and repairs they perform. The proposed rule also would revise paragraph (e)(1)(ii) by requiring explicitly that employers conduct inspections and tests ''on a regular basis at least once a week,'' and by removing the requirements to maintain certification records of any inspections and tests they perform under this paragraph. OSHA believes that these revisions, combined with the available means that employers, employees, and the Agency can use to ensure that employers perform these tasks at the specified frequency, will fulfill the functions for certification records required by existing paragraph (e)(1)(ii). OSHA further believes that removing the certification records for weekly inspections and tests, along with the proposed revisions to paragraph (e)(1)(i), will maintain employee safety while reducing the paperwork burden hours and cost to employers. Regarding the paperwork burden, OSHA estimates that the proposed revisions to § 1910.217(e)(1)(i) and (e)(1)(ii) will result in a net paperwork burden reduction of 613,600 hours.

IV. Procedural Determinations

A. Legal Considerations

The purpose of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 *et seq.*) is ''to assure so far as possible every working man and woman in the nation safe and healthful working conditions and to preserve our human resources.'' 29 U.S.C. 651(b). To achieve this goal, Congress authorized the Secretary of Labor to promulgate and enforce occupational safety and health standards (29 U.S.C. 654(b), 655(b)). A safety or health standard is a standard that ''requires conditions, or the adoption or use of one or more practices, means, methods, operations, or processes, reasonably necessary or appropriate to provide safe or healthful employment or places of employment'' (29 U.S.C. 652(8)). A standard is reasonably necessary or appropriate within the meaning of Section 652(8) when a significant risk of material harm exists in the workplace and the standard would substantially reduce or eliminate that workplace risk. (*See Industrial*

Union Department, AFL–CIO v. *American Petroleum Institute,* 448 U.S. 607 (1980).) OSHA already determined that requirements for inspecting, testing, maintaining, and repairing mechanical power presses, and certifying completion of these tasks, are reasonably necessary or appropriate within the meaning of Section 652(8). (*See,* for example, 39 FR 41841, 41845 (Dec. 3, 1974); 51 FR 34552, 34553–34558 (Sep. 29, 1986).)

As explained earlier in this **Federal Register** notice, this proposed rule will not reduce the employee protections put in place by the Mechanical Power Presses Standard OSHA is revising under this rulemaking. Therefore, it is unnecessary for OSHA to determine significant risk, or the extent to which this rulemaking would reduce that risk, as typically required by *Industrial Union Department, AFL–CIO* v. *American Petroleum Institute* (448 U.S. 607 (1980)).

B. Preliminary Economic Analysis and Regulatory Flexibility Analysis

This proposed rule is not economically significant within the context of EO 12866, or a major rule under the Unfunded Mandates Reform Act or Section 801 of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 801). In addition, this proposed rule complies with EO 13563. The rulemaking imposes no additional costs on any private-sector or public-sector entities, and does not meet any of the criteria for an economically significant or major rule specified by the EO 12866 or relevant statutes.

While this proposed rule revises (e)(1)(i) of OSHA's Mechanical Power Presses Standard at 29 CFR 1910.217 to complete necessary maintenance and repair before operating a press after a periodic inspection, and certify this action, it also removes the requirement in paragraph (e)(1)(ii) that employers maintain weekly certification records for inspections and tests (on average, for about 40 records per year for each press). Based on the resulting reduction in paperwork burden and cost to employers, OSHA preliminarily determined that this rulemaking is not significant and is economically feasible to employers.

In accordance with the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.* (as amended), OSHA examined the regulatory requirements of the proposed rule to determine whether these requirements would have a significant economic impact on a substantial number of small entities. Since no employer of any size will have additional costs, the Agency preliminarily certifies that the proposed rule would not have a significant economic impact on a substantial number of small entities.

C. The Paperwork Reduction Act of 1995

This proposed rule revises information-collection requirements that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA–95), 44 U.S.C. *et seq.,* and OMB's regulations at 5 CFR part 1320. OMB approved the information-collection requirements (paperwork) currently contained in OSHA's Mechanical Power Presses Standard (29 CFR part 1910.217(e)(1)) under OMB Control Number 1218–0229.[5] The current Information Collection Request (ICR) expires March 30, 2014.

OSHA requests OMB to extend and revise the information-collection requirements contained in the Mechanical Power Press standard. Accordingly, OSHA is seeking an extension for employers to disclose certification records to OSHA during an inspection and requesting a revision to 29 CFR 1910.217(e)(1). The proposal would revise paragraph (e)(1)(i) to require employers to perform and complete necessary maintenance and repair on the presses, and to develop and maintain certification records of these tasks. The proposal also removes requirements from paragraph (e)(1)(ii) of this standard to develop and maintain certification records for weekly inspections and tests performed on mechanical power presses.

OSHA seeks comments on the proposed extension and revision of the paperwork requirements contained in the Mechanical Power Presses Standard (29 CFR 1910.217). OSHA has a particular interest in comments on the following issues:

- Whether the proposed information-collection requirements are necessary for the proper performance of the Agency's functions, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information-collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information-collection and information-transmission techniques.

Pursuant to 5 CFR part 1320.5(a)(iv), OSHA provides the following summary of the Mechanical Power Press Information Collection Request ICR:

1. *Title:* Standard on Mechanical Power Presses (29 CFR 1910.217(e)(1)).

2. *OMB Control Number:* 1218–0229.

3. *Description of collection of information requirements:* Proposed paragraph (e)(1)(i)(C) would require employers to maintain a certification record of each inspection (other than inspections and tests required by paragraph (e)(1)(ii)), and each maintenance and repair task performed, which includes the date of the inspection, maintenance, or repair work, the signature of the person who performed the inspection, maintenance, or repair work, and the serial number, or other identifier, of the power press inspected, maintained, and repaired.

Proposed paragraph (e)(1)(ii) would require employers to inspect and test each press no less than weekly to determine the condition of the clutch/brake mechanism, antirepeat feature, and single-stroke mechanism. Employers also would have to perform and complete necessary maintenance or repair, or both, before operating the press. This proposed rule would remove the requirement for employers to develop and maintain a certification record of the weekly inspections and tests, but retain the requirement to develop and maintain a certification record for maintenance work.

Employers must still disclose inspection, maintenance and, or repair records to OSHA during an inspection.

4. *Affected Public:* Business or other for profit.

5. *Number of Respondents:* 191,750 mechanical power presses.

6. *Frequency:* On occasion.

7. *Time per Response:* OSHA estimates a press operator takes 20 minutes to inspect and maintain a mechanical power press and to prepare the necessary certification(s).

8. *Estimated Total Burden Hours:* Removing weekly inspection and test records would reduce the burden to employers by 613,600 hours, from 1,373,054 to 759,454 hours.[6]

[5] OSHA notes that a Federal agency cannot conduct or sponsor a collection of information unless OMB approves the collection of information under PRA–95 and the agency displays a currently valid OMB control number. The public need not respond to a collection of information requirement unless the agency displays a currently valid OMB control number. Also, notwithstanding any other provisions of law, no person shall be subject to penalty for failing to comply with a collection of information requirement if the requirement does not display a currently valid OMB control number.

[6] OSHA also is reducing the estimated total burden hours by an additional 721,363 hours to

9. *Estimated Cost (Operation and Maintenance):* There are no capital costs for this collection of information requirement.

To obtain an electronic copy of the ICR requesting OMB to extend and revise the information-collection requirements contained in the Mechanical Power Presses Standard go to *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201309-1218-001*. If you need assistance, or to make inquiries or request other information, contact Theda Kenney, Directorate of Standards and Guidance, OSHA, Room N–3609, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210; telephone: (202) 693–2222.

In accordance with 5 CFR 1320.11(a), members of the public who wish to comment on the estimated reduction in burden hours and costs described in this proposed rule must send their written comments to the Office of Information and Regulatory Affairs, Attn: OSHA Desk Officer (RIN 1218–AC80), Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503. OSHA also encourages commenters to submit their comments on this paperwork determination to the rulemaking docket (Docket No. OSHA–2013–0010). For instructions on submitting comments to the rulemaking docket, *see* the sections of this **Federal Register** notice titled **DATES** and **ADDRESSES.**

D. Federalism

OSHA reviewed this proposed rule in accordance with the Executive Order on Federalism (EO 13132, 64 FR 43255, Aug. 10, 1999), which requires that Federal agencies, to the extent possible, refrain from limiting State policy options, consult with States prior to taking any actions that would restrict State policy options, and take such actions only when clear constitutional authority exists and the problem is national in scope. EO 13132 provides for preemption of State law only with the expressed consent of Congress. Federal agencies must limit any such preemption to the extent possible.

Under Section 18 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 *et seq.*), Congress expressly provides that States may adopt, with Federal approval, a plan for the development and enforcement of occupational safety and health standards. States that obtain Federal approval for such a plan are referred to as ''State-Plan States.'' Occupational safety and health standards developed by State-Plan States must be at least as effective in providing safe and healthful employment and places of employment as the Federal standards (29 U.S.C. 667). Subject to these requirements, State-Plan States are free to develop and enforce under State law their own requirements for safety and health standards.

In summary, OSHA concluded that this proposed rule complies with EO 13132. In States without an OSHA-approved State Plan, any standard developed from this proposed rule would limit State policy options in the same manner as every standard promulgated by OSHA. In States with OSHA-approved State Plans, this rulemaking does not significantly limit State policy options.

E. State-Plan States

When Federal OSHA promulgates a new standard or more stringent amendment to an existing standard, the 27 States and U.S. Territories with their own OSHA-approved occupational safety and health plans must amend their standards to reflect the new standard or amendment, or show OSHA why such action is unnecessary, for example, because an existing State standard covering this area is ''at least as effective'' as the new Federal standard or amendment (29 CFR 1953.5(a)). The State standard must be at least as effective as the final Federal rule, and must be completed within 6 months of the promulgation date of the final Federal rule. When OSHA promulgates a new standard or amendment that does not impose additional or more stringent requirements than an existing standard, State-Plan States are not required to amend their standards, although the Agency may encourage them to do so.

The 21 States and 1 U.S. Territory with OSHA-approved occupational safety and health plans covering private-sector employers and State and local government employees are: Alaska, Arizona, California, Hawaii, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Nevada, New Mexico, North Carolina, Oregon, Puerto Rico, South Carolina, Tennessee, Utah, Vermont, Virginia, Washington, and Wyoming. In addition, four States and one U.S. Territory have OSHA-approved State Plans that apply to State and local government employees only: Connecticut, Illinois, New Jersey, New York, and the Virgin Islands.

OSHA believes that while the proposed revisions to the Mechanical Power Presses Standard, taken as a whole, would not impose any more stringent requirements on employers than the existing standard, these proposed revisions would provide employers with critical, updated information that would reduce unnecessary burden while maintaining employee protections. Nevertheless, this proposed rule would not require action under 29 CFR 1953.5(a), and State-Plan States would not need to adopt this proposed rule or show OSHA why such action is unnecessary. However, to the extent these State-Plan States have the same standards as the OSHA standards affected by this proposed rule, OSHA encourages them to adopt the amendments.

F. Unfunded Mandates Reform Act

OSHA reviewed this proposed rule in accordance with the Unfunded Mandates Reform Act of 1995 (UMRA; 2 U.S.C. 1501 *et seq.* and Executive Order 12875 (75 FR 48130; Aug. 10, 1999)). As discussed above in Section IV.B (Preliminary Economic Analysis and Regulatory Flexibility Analysis), OSHA determined that this proposed rule would not impose additional costs on any private-sector or public-sector entity. Accordingly, this proposed rule would require no additional expenditures by either private or public employers.

As noted earlier under Section IV.E (State-Plan States) of this notice, this proposed rule would not apply to State and local governments except in States that elected voluntarily to adopt a State Plan approved by the Agency. Consequently, this proposed rule does not meet the definition of a ''Federal intergovernmental mandate'' (*see* Section 421(5) of the UMRA (2 U.S.C. 658(5)). Therefore, for the purposes of the UMRA, OSHA preliminarily certifies that this proposed rule does not mandate that State, local, or tribal governments adopt new, unfunded regulatory obligations, or increase expenditures by the private sector of more than $100 million in any year.

G. Consultation and Coordination With Indian Tribal Governments

OSHA reviewed this proposed rule in accordance with Executive Order 13175 (65 FR 67249 (Nov. 9, 2000)) and preliminarily determined that it does

38,091 hours. The Agency determined that it is usual and customary for employers to conduct and document periodic inspections of power presses. PRA–95 excludes usual and customary activities from the definition of the term ''burden'' (5 CFR 1320.3(b)(2)). OSHA based this determination on discussions with its field staff and a thorough review of ANSI's B11.1 ''Safety Requirements for Mechanical Power Presses.'' While OSHA identified this reduction during the rulemaking, it is not a result of the rulemaking. Therefore, the Agency did not include this reduction in determining the reporting burden associated with the revisions to the information-collection requirements specified by this proposed rulemaking.

not have ''tribal implications'' as defined in that order. This proposed rule would not have substantial direct effects 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.

V. Authority and Signature

David Michaels, Ph.D., MPH, Assistant Secretary of Labor for Occupational Safety and Health, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, DC 20210, authorized the preparation of this notice. OSHA is issuing this proposed rule under the following authorities: 29 U.S.C. 653, 655, 657; 40 U.S.C. 3701 *et seq.;* 5 U.S.C. 553; Secretary of Labor's Order No. 1–2012 (77 FR 3912; Jan. 25, 2012); and 29 CFR part 1911.

List of Subjects in 29 CFR Part 1910

Mechanical power presses, Occupational safety and health, Safety.

Signed at Washington, DC, on November 8, 2013.

David Michaels,

Assistant Secretary of Labor for Occupational Safety and Health.

Proposed Amendments to Standards

For the reasons stated earlier in this preamble, the Occupational Safety and Health Administration is proposing to amend 29 CFR part 1910 as set forth below:

PART 1910—[AMENDED]

Subpart O—[Amended]

■ 1. Revise the authority citation for subpart O of part 1910 to read as follows:

Authority: 29 U.S.C. 653, 655, 657; Secretary of Labor's Order No. 12–71 (36 FR 8754), 8–76 (41 FR 25059), 9–83 (48 FR 35736), 1–90 (55 FR 9033), 5–2002 (67 FR 65008), or 1–2012 (77 FR 3912), as applicable; 20 CFR part 1911. Sections 1910.217 and 1910.219 also issued under 5 U.S.C. 553.

■ 2. Amend § 1910.217 by revising paragraph (e)(1) to read as follows:

§ 1910.217 Mechanical power presses.

* * * * *

(e) * * *

(1) *Inspection and maintenance records.* The employer shall establish and follow an inspection program having a general component and a directed component.

(i) Under the general component of the inspection program, the employer shall:

(A) Conduct periodic and regular inspections of each power press to ensure that all of its parts, auxiliary equipment, and safeguards, including the clutch/brake mechanism, antirepeat feature, and single-stroke mechanism, are in a safe operating condition and adjustment;

(B) Perform and complete necessary maintenance or repair, or both, before operating the press; and

(C) Maintain a certification record of each inspection, and each maintenance and repair task performed, under this general component of the inspection program, that includes the date of the inspection, maintenance, or repair work, the signature of the person who performed the inspection, maintenance, or repair work, and the serial number, or other identifier, of the power press inspected, maintained, and repaired.

(ii) Under the directed component of the inspection program, the employer shall:

(A) Inspect and test each press on a regular basis at least once a week to determine the condition of the clutch/brake mechanism, antirepeat feature, and single-stroke mechanism;

(B) Perform and complete necessary maintenance or repair, or both, on the clutch/brake mechanism, antirepeat feature, and single-stroke mechanism before operating the press; and

(C) Maintain a certification record of each maintenance task performed under the directed component of the inspection program that includes the date of the maintenance task, the signature of the person who performed the maintenance task, and the serial number, or other identifier, of the power press maintained.

Note to paragraph (e)(1)(ii): Inspections of the clutch/brake mechanism, antirepeat feature, and single-stroke mechanism conducted under the directed component of the inspection program are exempt from the requirement to maintain certification records specified by paragraph (e)(1)(i)(C) of this section, but inspections of the clutch/brake mechanism, antirepeat feature, and single-stroke mechanism conducted under the general component of the inspection program are not exempt from this requirement.

(iii) Paragraph (e)(1)(ii) of this section does not apply to presses that comply with paragraphs (b)(13) and (14) of this section.

* * * * *

[FR Doc. 2013–27694 Filed 11–19–13; 8:45 am]

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DEPARTMENT OF EDUCATION

34 CFR Chapter VI

[Docket ID ED–2013–OPE–0130]

Negotiated Rulemaking Committee, Negotiator Nominations and Schedule of Committee Meetings—Title IV Federal Student Aid Programs, Program Integrity and Improvement

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Notice of intention to establish.

SUMMARY: We announce our intention to establish a negotiated rulemaking committee to prepare proposed regulations to address program integrity and improvement issues for the Federal Student Aid programs authorized under title IV of the Higher Education Act of 1965, as amended (HEA) (title IV Federal Student Aid programs). The committee will include representatives of organizations or groups with interests that are significantly affected by the subject matter of the proposed regulations. We request nominations for individual negotiators who represent key stakeholder constituencies for the issues to be negotiated to serve on the committee, and we set a schedule for committee meetings.

DATES: We must receive your nominations for negotiators to serve on the committee on or before December 20, 2013. The dates, times, and locations of the committee meetings are set out in the *Schedule for Negotiations* section in the **SUPPLEMENTARY INFORMATION** section.

ADDRESSES: Please send your nominations for negotiators to Wendy Macias, U.S. Department of Education, 1990 K Street NW., Room 8017, Washington, DC 20006. Telephone: (202) 502–7526 or by email: *wendy.macias@ed.gov*.

FOR FURTHER INFORMATION CONTACT: For information about the content of this notice, including information about the negotiated rulemaking process or the nomination submission process, contact: Wendy Macias, U.S. Department of Education, 1990 K Street NW., Room 8017, Washington, DC 20006. Telephone: (202) 502–7526 or by email: *wendy.macias@ed.gov*.

For general information about the negotiated rulemaking process, see *The Negotiated Rulemaking Process for Title IV Regulations, Frequently Asked Questions* at *http://www2.ed.gov/policy/highered/reg/hearulemaking/hea08/neg-reg-faq.html*.

If you use a telecommunications device for the deaf (TDD) or text telephone (TTY), call the Federal Relay

Service (FRS), toll free, at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: On May 1, 2012, we published a notice in the **Federal Register** (77 FR 25658) announcing our intent to establish a negotiated rulemaking committee under section 492 of the HEA to develop proposed regulations designed to prevent fraud and otherwise ensure proper use of title IV Federal Student Aid program funds, especially within the context of current technologies. In particular, we announced our intent to propose regulations to address the use of debit cards and other banking mechanisms for disbursing title IV Federal Student Aid program funds, and to improve and streamline the campus-based Federal Student Aid programs. We also announced two public hearings at which interested parties could comment on the topics suggested by the Department and suggest additional topics for consideration for action by the negotiated rulemaking committee. Those hearings were held on May 23, 2012, in Phoenix, Arizona, and on May 31, 2012, in Washington, DC. We invited parties to comment and submit topics for consideration in writing as well.

On April 16, 2013, we published a notice in the **Federal Register** (78 FR 22467), which we corrected on April 30, 2013 (78 FR 25235), announcing additional topics for consideration for action by the negotiated rulemaking committee. The additional topics for consideration were cash management of funds provided under the title IV Federal Student Aid programs; State authorization for programs offered through distance education or correspondence education; State authorization for foreign locations of institutions located in a State; clock to credit hour conversion; gainful employment; changes made by the Violence Against Women Reauthorization Act of 2013, Public Law 113–4 (VAWA), to the campus safety and security reporting requirements in the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act); and the definition of ''adverse credit'' for borrowers in the Federal Direct PLUS Loan Program. We announced three public hearings at which interested parties could comment on the new topics suggested by the Department and suggest additional topics for consideration for action by the negotiating committee. On May 13, 2013, we announced in the **Federal Register** (78 FR 27880) the addition of a fourth hearing. The hearings were held on May 21, 2013, in Washington, DC; May 23, 2013, in Minneapolis, Minnesota; May 30, 2013, in San Francisco, California; and June 4, 2013, in Atlanta, Georgia. We also invited parties unable to attend a public hearing to submit written comments on the additional topics and to submit other topics for consideration. Transcripts from all six public hearings are available at *http://www2.ed.gov/policy/highered/reg/hearulemaking/2012/index.html*. Written comments submitted in response to the May 1, 2012, and April 16, 2013, notices may be viewed through the Federal eRulemaking Portal at *www.regulations.gov*. Instructions for finding comments are available on the site under ''How to Use Regulations.gov'' in the Help section. Individuals can enter docket ID ED–2012–OPE–0008 in the search box to locate the appropriate docket.

On June 12, 2013, we announced our intention to establish a negotiated rulemaking committee to prepare proposed regulations to establish standards for programs that prepare students for gainful employment in a recognized occupation (78 FR 35179). On September 19, 2013, we announced our intention to establish a negotiated rulemaking committee to prepare proposed regulations to address the changes made by the VAWA to the campus safety and security reporting requirements in the Clery Act (78 FR 57571).

Regulatory Issues: After considering the information received at the regional hearings and the written comments, we have decided to establish a third negotiating committee to prepare proposed regulations to address program integrity and improvement issues for the title IV Federal Student Aid programs. We list the specific topics the Program Integrity and Improvement Committee is likely to address under *Committee Topics,* below.

We intend to select negotiators for the committee who represent the interests significantly affected by the topics proposed for negotiations. In so doing, we will follow the requirement in section 492(b)(1) of the HEA that the individuals selected must have demonstrated expertise or experience in the relevant subjects under negotiation. We will also select individual negotiators who reflect the diversity among program participants, in accordance with section 492(b)(1) of the HEA. Our goal is to establish a committee that will allow significantly affected parties to be represented while keeping the committee size manageable.

The committee may create subgroups on particular topics that may involve additional individuals who are not members of the committee. Such individuals who are not selected as members of the committee will be able to attend the meetings, have access to the individuals representing their constituencies, and participate in informal working groups on various issues between the meetings. The committee meetings will be open to the public.

Committee Topics: The topics the Program Integrity and Improvement Committee is likely to address are:

- Cash management of funds provided under the title IV Federal Student Aid programs, including the use of debit cards and the handling of title IV credit balances.
- State authorization for programs offered through distance education or correspondence education.
- State authorization for foreign locations of institutions located in a State.
- Clock to credit hour conversion.
- The definition of ''adverse credit'' for borrowers in the Federal Direct PLUS Loan Program.
- The application of the repeat coursework provisions to graduate and undergraduate programs.

These topics are tentative. Topics may be added or removed as the process continues.

The committee's consideration of the cash management regulations will concern, in part, whether they provide opportunities to deter fraud and otherwise ensure proper use of title IV Federal Student Aid program funds within the context of current technologies. We note that the Department has taken a number of non-regulatory steps to address the concerns in this area raised by the September 26, 2011, Office of Inspector General's (OIG) Investigative Program Advisory Report. On October 20, 2011, the Department issued Dear Colleague Letter GEN–11–17, recommending actions that institutions can take to detect and prevent fraud in distance education programs and announcing the establishment of a Department-wide task force on the subject. The Department also implemented changes to the verification requirements. For example, Dear Colleague Letter GEN–13–09, published March 8, 2013, describes Department screening procedures for students with unusual enrollment histories and requires institutions to resolve the resulting Institutional Student Information Record codes for these students. We believe that these non-regulatory efforts will mitigate the vulnerabilities identified by the OIG report, and will

consider their results in deciding whether additional rule changes are needed in the future to address student fraud.

The Department continues to review the valuable testimony offered at the public hearings and the comments submitted through the public comment process regarding other proposed rulemaking topics, and may form additional committees to consider other topics.

Constituencies: We have identified the following constituencies as having interests that are significantly affected by the topics proposed for negotiations. The Department plans to seat as negotiators individuals from organizations or groups representing these constituencies:

- Students.
- Legal assistance organizations that represent students.
- Consumer advocacy organizations.
- State higher education executive officers.
- State attorneys general and other appropriate State officials.
- Business and industry.
- Institutions of higher education eligible to receive Federal assistance under title III, Parts A, B, and F, and title V of the HEA, which include Historically Black Colleges and Universities, Hispanic-Serving Institutions, American Indian Tribally Controlled Colleges and Universities, Alaska Native and Native Hawaiian-Serving Institutions, Predominantly Black Institutions, and other institutions with a substantial enrollment of needy students as defined in title III of the HEA.
- Two-year public institutions of higher education.
- Four-year public institutions of higher education.
- Private, non-profit institutions of higher education.
- Private, for-profit institutions of higher education.
- Regional accrediting agencies.
- National accrediting agencies.
- Specialized accrediting agencies.
- Financial aid administrators at postsecondary institutions.
- Business officers and bursars at postsecondary institutions.
- Admissions officers at postsecondary institutions.
- Institutional third-party servicers who perform functions related to the title IV Federal Student Aid programs (including collection agencies).
- State approval agencies.
- Lenders, community banks, and credit unions.

The goal of the committee is to develop proposed regulations that reflect a final consensus of the committee. Consensus means that there is no dissent by any member of the negotiating committee, including the committee member representing the Department. An individual selected as a negotiator will be expected to represent the interests of his or her organization or group and participate in the negotiations in a manner consistent with the goal of developing proposed regulations on which the committee will reach consensus. If consensus is reached, all members of the organization or group represented by a negotiator are bound by the consensus and are prohibited from commenting negatively on the resulting proposed regulations. The Department will not consider any such negative comments on the proposed regulations that are submitted by members of such an organization or group.

Nominations: Nominations should include:

- The committee for which the nominee is nominated (Program Integrity and Improvement).
- The name of the nominee, the organization or group the nominee represents, and a description of the interests that the nominee represents.
- Evidence of the nominee's expertise or experience in the subjects to be negotiated.
- Evidence of support from individuals or groups within the constituency that the nominee will represent.
- The nominee's commitment that he or she will actively participate in good faith in the development of the proposed regulations.
- The nominee's contact information, including address, phone number, fax number, and email address.

For a better understanding of the negotiated rulemaking process, nominees should review *The Negotiated Rulemaking Process for Title IV Regulations, Frequently Asked Questions* at *http://www.ed.gov/policy/highered/reg/hearulemaking/hea08/neg-reg-faq.html* prior to committing to serve as a negotiator.

Nominees will be notified whether or not they have been selected as negotiators as soon as the Department's review process is completed.

Schedule for Negotiations: The Program Integrity and Improvement Committee will meet for three sessions on the following dates:

Session 1: February 19–21, 2014
Session 2: March 26–28, 2014
Session 3: April 23–25, 2014

Sessions will run from 9 a.m. to 5 p.m.

The committee meetings will be held at the U.S. Department of Education at: 1990 K Street NW., Eighth Floor Conference Center, Washington, DC 20006.

The meetings are open to the public.

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

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

Program Authority: 20 U.S.C. 1098a.

Dated: November 15, 2013.

Lynn B. Mahaffie,

Acting Deputy Assistant Secretary for Policy, Planning, and Innovation, delegated the authority to perform the functions and duties of the Assistant Secretary for Postsecondary Education.

[FR Doc. 2013–27850 Filed 11–19–13; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 17

RIN 2900–AO17

Home Improvements and Structural Alterations (HISA) Benefits Program

AGENCY: Department of Veterans Affairs.

ACTION: Proposed rule.

SUMMARY: The Department of Veterans Affairs (VA) proposes to establish regulations for the Home Improvements and Structural Alterations (HISA) benefits program. Through the HISA benefits program, VA has provided monetary benefits to disabled veterans for necessary home improvements and

alterations. An increase in the HISA benefits limit was authorized by the Caregivers and Veterans Omnibus Health Services Act of 2010. The proposed rule would codify regulations to govern the HISA benefits program and incorporate the increase in HISA benefits authorized by the 2010 Act.

DATES: Comments on the proposed rule must be received by VA on or before January 21, 2014.

ADDRESSES: Written comments may be submitted through *http://www.regulations.gov;* by mail or hand-delivery to the Director, Regulation Policy and Management (02REG), Department of Veterans Affairs, 810 Vermont Avenue NW., Room 1068, Washington, DC 20420; or by fax to (202) 273–9026.

Comments should indicate that they are submitted in response to ''RIN 2900–AO17, Home Improvements and Structural Alterations (HISA) Benefits Program.'' Copies of comments received will be available for public inspection in the Office of Regulation Policy and Management, Room 1068, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except holidays). Please call (202) 461–4902 (this is not a toll-free number) for an appointment. In addition, during the comment period, comments may be viewed online through the Federal Docket Management System (FDMS) at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Shayla Mitchell, Program Analyst, Rehabilitation and Prosthetic Services (10P4R), Veterans Health Administration, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 461–0366 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: Section 1717(a)(1) of title 38, United States Code (U.S.C.), authorizes the Secretary of Veterans Affairs (Secretary) to furnish home health services as part of medical services provided to veterans. As a part of home health services, 38 U.S.C. 1717(a)(2) authorizes VA to furnish improvements and structural alterations to the homes of disabled veterans ''only as necessary to assure the continuation of treatment for the veteran's disability or to provide access to the home or to essential lavatory and sanitary facilities.'' Section 1717(d) extends these same benefits to certain servicemembers. The HISA benefits program is distinct from VA's authority under 38 U.S.C. 2101 through 2107 to provide specially adapted housing for disabled veterans, and HISA benefits may be received in addition to specially adapted housing benefits.

The HISA benefit is a fixed-amount monetary benefit subject to lifetime limits based on the nature of the beneficiary's disability; however, the beneficiary need not use the entire HISA benefit amount on a single improvement or structural alteration. In May 2010, section 516 of the Caregivers and Veterans Omnibus Health Services Act of 2010 (the 2010 Act), Public Law 111–163, amended 38 U.S.C. 1717(a)(2) to increase the maximum amount of the lifetime benefit.

This proposed rule would establish regulations to govern the HISA benefits program that articulate a clear national policy and encompass the increase in the HISA benefit limits authorized by the 2010 Act. We note that this rulemaking proposes new practices and policies related to the HISA benefits program and, therefore, this proposed rule would make changes in the administration of HISA benefits. These changes are intended to streamline the application process; simplify, reduce, or eliminate administrative burdens on both VA and HISA beneficiaries; and generally improve the administration of the program, all without increasing the costs of the program.

For example, the current program requests that applicants for HISA benefits provide multiple bids for construction projects. In practice, it is not uncommon for bids to come in at or above the maximum amount of the HISA benefit because, even under the increased benefit amount authorized by the 2010 Act, HISA benefits cannot exceed $6,800. After receiving the bids and other information submitted in an application, VA currently is required to review and assess all the information and take further administrative actions before approving the application and awarding the benefit. A similar process is followed after the improvement or structural alteration is completed and the beneficiary requests final payment. The regulatory framework proposed in this rulemaking will greatly simplify the process of filing and approving HISA claims. We expect that veterans and servicemembers eligible for HISA benefits and VA staff will find the new process much easier to work with, so that claims will be processed more quickly. We do not believe that the simplified process will have a negative impact on the integrity of the program because we have incorporated inspection and review processes to ensure that HISA benefits are awarded and spent in accordance with statutory intent.

Because we intend to establish a new regulatory framework, with new procedures and policies that in many ways represent a significant departure from the manner in which HISA is currently administered, we do not further address current practice in this rulemaking.

17.3100 Purpose and Scope

Proposed § 17.3100 would set forth the purpose of the HISA program and the scope of §§ 17.3100 through 17.3130. Consistent with 38 U.S.C. 1717(a)(2), proposed § 17.3100(a) would state that the purpose of the HISA benefits program is to provide monetary benefits for improvements and structural alterations to the homes of eligible veterans or servicemembers that are necessary for the continuation of the provision of home health treatment of the beneficiary's disability or that provide access to the beneficiary's home or to essential lavatory and sanitary facilities in the home.

Although 38 U.S.C. 1717(a)(2) authorizes VA to ''furnish[ ]'' improvements and structural alterations, we believe that Congress intended that VA pay for the cost of improvements or structural alterations, rather than that VA actually make the improvements or structural alterations. Our interpretation of the word ''furnish'' would permit VA to provide reimbursement to veterans who obtain such improvements or structural alterations, rather than actually identifying contractors and negotiating for the completion of particular projects. Our interpretation of the statute would ensure the most efficient and administratively convenient distribution of the limited funds authorized by section 1717(a)(2), and would represent a user-friendly way to administer the program to veterans and servicemembers.

We also note that improvements or structural alterations made with HISA benefits are distinct from other benefits available under the Veterans Health Administration's (VHA) Prosthetic and Sensory Aids Service under 38 U.S.C. 8123. The Prosthetic and Sensory Aids Service provides prosthetic equipment and devices that may require modifications to a beneficiary's home to ensure their proper function within the home, but these modifications would be paid for with Prosthetic and Sensory Aid Service funds, rather than HISA benefits.

HISA benefits are also distinct from the Specially Adapted Housing for Disabled Veterans benefit, authorized under 38 U.S.C. Chapter 21, which is administered by the Veterans Benefits Administration, provides a significantly greater benefit amount, and is designed to assist certain eligible veterans who

are entitled to compensation for permanent and total service-connected disability ''in acquiring a suitable housing unit'' or adaptations to housing necessary to accommodate the veteran's disabilities. 38 U.S.C. 2101(a). Under the Specially Adapted Housing program, VA also provides ''model plans and specifications of suitable housing units'' and develops, maintains, and provides to veterans a ''handbook containing appropriate designs for specially adapted housing.'' 38 U.S.C. 2103. A veteran may obtain HISA benefits in addition to these other benefits.

Proposed paragraph § 17.3100(b) would clarify that these proposed regulations apply only to the HISA benefits program, unless at some future date another section in the CFR specifically provides otherwise.

17.3101 Definitions

Proposed § 17.3101 contains definitions applicable to the HISA benefits program.

''Access to the home'' would mean the ability of the beneficiary to enter and exit the home and to maneuver within the home to at least one bedroom and essential lavatory and sanitary facilities. Although 38 U.S.C. 1717(a)(2) authorizes HISA benefits for ''access to the home,'' we broadly interpret this phrase to include movement of the beneficiary within the spaces necessary for daily living. Additionally, we interpret it as allowing beneficiaries with one means of entering or exiting the home to use their benefits to construct a second one.

In addition to access to the home itself, we would define ''[a]ccess to essential lavatory and sanitary facilities'' as having normal use of these facilities and their structural components. Beyond merely having the ability to move about in such spaces, a beneficiary may require that the structures within these spaces be altered to allow or enhance their normal use by the beneficiary. For example, within a kitchen or bathroom, counter heights may need to be lowered or existing plumbing fixtures may need to be replaced with accessible models.

We propose to define ''[b]eneficiary'' as ''a veteran or servicemember who is awarded or who is eligible to receive HISA benefits.'' Use of this term will make it easier to refer to these individuals in the regulations.

''Essential lavatory and sanitary facilities'' would be defined as one bathroom equipped with a toilet and a shower or bath, one kitchen, and one laundry facility. Although many homes today are equipped with multiple bathrooms and sometimes more than one kitchen, we interpret the statutory reference to ''essential lavatory and sanitary facilities'' to be a limiting phrase. 38 U.S.C. 1717(a)(2). We believe that access to a single bathroom and a single kitchen facility is a reasonable interpretation of ''essential'' lavatory and sanitary facilities. A laundry facility would be included in the definition because clean clothing can reasonably be considered as important to sanitary living.

''HISA benefits'' would be defined as a monetary benefit paid under the provisions of this program. As indicated above, under these regulations the HISA benefits program would not provide the actual construction of improvements or structural alterations, but rather would provide monetary benefits to assist a beneficiary in paying for such construction.

''Home'' would be defined as the primary place where the beneficiary resides. Our definition is based on the common understanding of the word ''home'' and our belief that Congress intended that HISA benefits be used to adapt the place where the beneficiary resides the majority of the time so that the beneficiary will derive the greatest benefit of the program. This definition would include medical foster homes. We note that 38 U.S.C. 1717(a)(3) precludes VA from furnishing improvements or structural alterations in ''a setting other than the veteran's home.'' We interpret this as permitting alterations to an eligible servicemember's home, which we would define as the place where the servicemember intends to reside after discharge from service.

We would define an ''[i]mprovement or structural alteration'' as a modification to a home or to an existing feature or fixture of a home, including repairs to, or replacement of, previously improved or altered features or fixtures. HISA benefits need not have been used to create or previously modify a feature or fixture that is in need of repair, but may be used to repair or replace previously improved or altered features or fixtures only if the beneficiary meets the requirements set forth in this rule. For instance, if a beneficiary moves into a home that already has an access ramp to the entrance that is in need of repair, HISA benefits may be used to repair or replace that ramp, provided that the beneficiary has a documented medical justification for the ramp.

For purposes of determining a servicemember's eligibility for HISA benefits, as discussed in more detail below, we would give ''undergoing medical discharge'' the same meaning as the term is defined in VA's interim final rule governing VA's program providing caregiver benefits to veterans and servicemembers. See 76 FR 26148, 26173, May 5, 2011 (38 CFR 71.15).

17.3102 Eligibility

Proposed § 17.3102 would concern eligibility for HISA benefits.

Consistent with 38 U.S.C. 1717(a)(2), proposed § 17.3102(a) would state that veterans who are eligible for medical services under 38 U.S.C. 1710(a) are eligible for HISA benefits.

In addition to HISA benefits for eligible veterans, 38 U.S.C. 1717(d)(1) authorizes VA to furnish HISA benefits to a member of the Armed Forces ''who, as determined by the Secretary [of VA], has a disability permanent in nature incurred or aggravated in the line of duty in the active [military service] . . . if . . . such member is likely to be discharged or released from the Armed Forces for such disability.'' In most cases, title 38, U.S.C., does not authorize VA to provide medical benefits to servicemembers. However, we recently were authorized under 38 U.S.C. 1720G(a)(2)(A) to provide caregiver support to a ''member of the Armed Forces undergoing medical discharge from the Armed Forces'' who has a serious injury incurred or aggravated during his or her service. Although the statutory language differs, the intent of Congress in both the HISA and 38 U.S.C. 1720G is to authorize VA to provide benefits to servicemembers who will soon be, but who are not yet, veterans. Therefore, in § 17.3102(b), we propose to provide HISA benefits only to a servicemember ''who is undergoing medical discharge from the Armed Forces for a permanent disability that was incurred or aggravated in the line of duty in the active military, naval, or air service.'' This language is similar to the eligibility language in 38 CFR 71.20(a)(2) of the interim final rule governing VA's program providing caregiver benefits to veterans and servicemembers. See 76 FR 26148, 26173, May 5, 2011. We see no reason that a servicemember eligible for a caregiver should be denied access to his or her lifetime HISA benefit prior to discharge from service.

We also note that VA is limited in its ability to determine precisely whether a servicemember is ''likely to be discharged or released from the Armed Forces for'' a disability because this determination is made by the Department of Defense (DoD), not VA. Identifying servicemembers who are undergoing medical discharge will provide an objective, determinable point to determine eligibility for HISA

benefits. We note that VA can easily identify these individuals through the new joint VA-DoD Integrated Disability Evaluation System (IDES), which integrates disability determination processing under each Department's respective programs. The IDES program identifies all servicemembers who are in need of medical discharge, and facilitates the process. Using IDES to identify servicemembers eligible for HISA benefits will not only facilitate the administration of the HISA program for VA by providing a clear eligibility criterion, it will help us identify individuals who are in need of HISA benefits, so that we can ensure that they are aware of them.

17.3105 HISA Benefit Lifetime Limits

In proposed § 17.3105(a), we would establish that the HISA benefit limits, as set forth in 38 U.S.C. 1717(a)(2), are limits established for the beneficiary's lifetime. We would explain that a beneficiary is authorized to use HISA benefits for more than one improvement or structural alteration as long as the beneficiary has not exhausted his or her lifetime benefit limit. We also would explain that, if the beneficiary does not have to use the entire approved amount for construction of a particular improvement or structural alteration, the unused amount will be added back into the beneficiary's remaining lifetime balance, and will be available for future use. This is also reflected in the HISA benefit payment procedures set forth in proposed § 17.3130(c)(4).

The HISA benefit lifetime limits, established in 38 U.S.C. 1717(a)(2), are based on the nature and severity of the beneficiary's disability and the date on which the beneficiary first applies for HISA benefits. Specifically, the law provides that a greater benefit amount may be awarded if a beneficiary has a service-connected disability rated at 50 percent or greater, or if the beneficiary seeks HISA benefits to address a service-connected disability or a compensable disability treated ''as if'' it were service connected under 38 U.S.C. 1151, e.g., a disability caused by VA treatment or vocational rehabilitation (see 38 U.S.C. 1710(a)(2)(C)). A lesser benefit amount may be awarded when HISA benefits are intended for use in addressing nonservice-connected conditions for certain veterans or when the beneficiary has a service-connected disability rated less than 50 percent.

In addition to the nature or severity of the disability, the statute clearly predicates eligibility for the increased HISA benefit amount or prior HISA benefit amount on whether the beneficiary ''first applies for benefits . . . before May 5, 2010,'' 38 U.S.C. 1717(a)(2)(A)(i), (B)(i), or ''on or after May 5, 2010,'' 38 U.S.C. 1717(a)(2)(A)(ii), (B)(ii). We interpret ''first applies'' to mean submitting an application to VA, according to the VA process in place at the time, for HISA benefits. Thus, those beneficiaries who first applied for HISA benefits before the effective date of the change would be subject to the limits that were in effect when they first applied. In proposed paragraphs (b), (c) and (d), we would establish eligibility for the increased HISA benefit amount or prior HISA benefit amount using substantively identical language based on the date of the first application for HISA benefits.

Consistent with 38 U.S.C. 1717(a)(2)(A), proposed § 17.3105(b) would identify the greater lifetime HISA benefit amount limits to address a need due to a service-connected disability under 38 U.S.C. 1710(a)(1)(A), to address a need due to a compensable disability treated ''as if'' it were service connected under section 1710(a)(2)(C), or to address any need for a veteran with a service-connected disability rated 50 percent or more under section 1710(a)(1)(B).

Consistent with 38 U.S.C. 1717(a)(2)(B), proposed § 17.3105(c) would identify the lesser lifetime HISA benefit limits to address a need of a beneficiary who is eligible for HISA benefits under proposed § 17.3102(a), but does not qualify for the greater lifetime HISA benefit amount under proposed § 17.3105(b).

In proposed § 17.3105(d), we would set forth the lifetime HISA benefits for servicemembers eligible under proposed § 17.3102(b). The provisions of 38 U.S.C. 1717(d)(1) require that VA provide HISA benefits to eligible servicemembers for a ''disability permanent in nature incurred or aggravated in the line of duty in the active military, naval, or air service'' for which the servicemember is ''likely to be discharged or released from the Armed Forces for such disability.'' Further provisions in the law imply that the limits on HISA benefits based on the nature and severity of a disability, as described above, should also be applied, but the law is not entirely clear on what level of lifetime benefit should be made available to servicemembers. We believe that any ''disability permanent in nature incurred or aggravated in the line of duty'' may be reasonably expected to result in a disability award based on service connection, and therefore the beneficiary would be eligible for VA medical services under 38 U.S.C. 1710(a)(1)(A) for such disability once the beneficiary becomes a veteran. For this reason, we would make the greater lifetime HISA benefit amount available for all servicemembers who qualify under proposed § 17.3102(b) and 38 U.S.C. 1717(d)(1). The benefits must be used for the specific permanent disability or disabilities for which the beneficiary is undergoing medical discharge from the Armed Forces. We recognize that it is possible to interpret the law differently. However, Congress clearly intended for VA to make these benefits available to servicemembers at the earliest opportunity. We believe it will better serve the interests of our seriously wounded servicemembers and is a better use of VA's limited HISA resources to avoid making resource-intensive hypothetical determinations about these servicemembers' future ratings of service-connected disabilities. We expect that very few, if any, such determinations would result in smaller awards of benefits. Moreover, because Congress was silent as to the applicable benefit amount for servicemembers, we believe that our interpretation is a reasonable exercise of the discretion granted to VA by Congress to implement the statute.

In proposed § 17.3105(e)(1), we address the impact of a new award or an increased rating for a service-connected disability on the HISA benefit lifetime limit. A veteran may receive a new award of compensation for a service-connected disability or for a disability treated ''as if'' it were service connected, or the veteran may receive an increased service-connected disability rating after an initial application for HISA benefits. Thus, the issue presented involves the appropriate benefit amount for a veteran who meets the service-connected-disability requirements for the greater HISA benefit after the veteran has already first applied for the lesser HISA benefit.

In section 516(b) of the 2010 Act that amended 38 U.S.C. 1717 to authorize increased lifetime limits, Congress required VA to construe the amendment as follows: ''A veteran who exhausts such veteran's eligibility for benefits under [38 U.S.C.] 1717(a)(2) . . . before the date of the enactment of th[e 2010] Act, is not entitled to additional benefits under such section by reason of the amendments made [to increase the lifetime amount limitations].'' We interpret this to be a statement of Congress' intent to raise the HISA benefits amount available to beneficiaries who initially seek to make improvements or structural alterations after May 5, 2010, and not to provide additional HISA benefits to those who received this assistance previously. This is a reasonable interpretation of the law

because it reflects the reality that those beneficiaries seeking to make improvements or structural alterations today are faced with costs that are significantly higher than they were in 1992, when the lifetime amount limitations were last increased.

However, we do not believe that Congress, in section 516 of the 2010 Act, intended to prohibit beneficiaries from obtaining HISA benefits for which they had not been previously eligible. We believe that when a beneficiary, who previously was eligible for and obtained lesser HISA benefits only under the statutory equivalent of proposed § 17.3105(c), is later awarded compensation for a service-connected disability, compensation for a disability ''as if'' it were service connected under 38 U.S.C. 1151, or an increased rating of 50 percent or more for a service-connected disability that results in eligibility for the greater HISA benefit under proposed § 17.3105(b), such beneficiary should be allowed to receive the new greater benefit based on that new or increased award. We do not believe this interpretation violates the restriction of section 516 of the 2010 Act because eligibility for the greater benefit based on the new or increased award did not exist when the beneficiary first applied. In other words, such a beneficiary would not have ''first applie[d]'' for the greater HISA benefit available at that time; rather, that beneficiary would have ''first applie[d]'' for the lesser HISA benefit available at that time. In short, individuals who prior to May 5, 2010, sought the greater HISA benefit for a service-connected disability, for a disability treated ''as if'' it were service connected, or based on having a disability rating of 50 percent or more for a service-connected disability who then seek the new greater HISA benefit after such date would not be eligible for the increased greater HISA benefit amount. However, our proposed interpretation of the law would authorize the increased greater HISA lifetime benefit amount for individuals who prior to May 5, 2010, sought the lesser HISA benefit for a nonservice-connected disability and who then seek the greater HISA benefit on or after that date for a service-connected disability, for a disability treated ''as if'' it were service connected, or based on having a disability rating of 50 percent or more for a service-connected disability.

VA has consistently interpreted section 1717 to allow veterans to apply for the greater HISA benefit if they were not previously eligible. Additionally, we have searched the legislative history and have not found an indication that our interpretation is contrary to Congress' intent. H.R. Conf. Rep. 102–871, which discusses the increase of HISA benefit amounts to $4,100 and $1,200, explains that ''a veteran who, prior to January 1, 1990, received the maximum amount of reimbursement authorized under the current limits of section 1717 is not entitled to additional monetary benefits by reason of amendments.'' Based on this explanation it is safe to assume that a veteran who did not receive the maximum amount—that is, veterans who had previously received benefits only under the lower statutory threshold—may be entitled to the greater benefit by reason of amendments. Therefore, our interpretation allowing beneficiaries who previously applied for the lesser benefit to apply for the greater benefit under proposed § 17.3105 is reasonable, particularly in the absence of any indication otherwise when Congress has expressly stated other limitations. This interpretation is also consistent with VA's efforts to provide the maximum assistance to beneficiaries, who would otherwise be unable to receive additional HISA funds that Congress has made available to address veterans' increased disability statuses and growing costs of construction.

We would not authorize the full increased HISA lifetime benefit amount for beneficiaries who applied for HISA benefits under section 1717(a)(2)(B), and then later apply and are eligible for the greater HISA benefits under section 1717(a)(2)(A); rather, proposed § 17.3105(e) would authorize an award up to the amount of HISA benefits that the beneficiary would be eligible for under proposed § 17.3105(c) minus the amount of HISA benefits previously used by the beneficiary. This will ensure that these beneficiaries do not receive more than the authorized lifetime HISA benefit amount. Additionally, in no instance will any beneficiary be approved for more than the highest amount specified in the statute and regulation.

The following example provides an illustration of the effect of proposed § 17.3105(e). A beneficiary has a service-connected disability that is originally determined to be less than 50 percent and for which the beneficiary does not require HISA benefits (e.g., visual impairment) and has a nonservice-connected disability for which HISA benefits would provide relief (e.g., beneficiary walks with a cane and cannot climb stairs). Such beneficiary may exhaust the HISA benefit available under § 17.3105(c) for the nonservice-connected disability to provide a ramp to assist in entering and exiting the beneficiary's home. Later, if that beneficiary's disability rating for his visual impairment is increased to 50 percent, the beneficiary would become eligible for an award up to the greater HISA benefit amount, which could be used to address either a service-connected or nonservice-connected disability. The new amount of HISA benefits available, however, would be limited to the difference between the greater HISA benefit amount and the amount of HISA benefits previously awarded.

In § 17.3105(e)(2), we would explain that a beneficiary who received HISA benefits as a servicemember may not receive additional HISA benefits simply because of a change in status from ''servicemember'' to ''veteran.'' We believe that Congress intended for VA to provide HISA benefits at the earliest point in time to servicemembers dealing with disabilities resulting from their service, not to provide them with a benefit that could later be duplicated as part of the array of benefits available to them based on their status as a veteran.

17.3120 Application for HISA Benefits

In proposed § 17.3120, we would state that, to apply for HISA benefits, the beneficiary must submit a complete application to VA, and we would identify all of the requirements for a complete HISA benefits application.

In proposed § 17.3120(a)(1), we would require submission of a prescription written or approved by a VA physician that identifies the specific improvement or structural alteration recommended and includes the diagnosis and medical justification for the improvement or structural alteration. VA relies on medical determinations to identify whether a beneficiary has a disability, and what treatments are appropriate for that disability. For approval of HISA benefits, we would require that the prescription be written or approved by a VA physician because VA physicians are highly qualified to determine what improvements or structural alterations would best serve those with disabilities common to veterans and servicemembers. Moreover, all veterans seeking HISA benefits must be eligible for care under section 1710(a) and therefore they are eligible for a determination by a VA physician. Servicemembers will be examined by a VA physician as part of the IDES process and may obtain the required prescription or approval of a prescription at that time. The requirement for a prescription is an appropriate, cost effective way to determine the necessity of the improvement or alteration as required

by 38 U.S.C. 1717(a)(2). VA typically delivers this prescription directly to the HISA program office on the beneficiary's behalf.

Proposed § 17.3120(a)(2) would require that a completed VA Form 10–0103, Veterans Application for Assistance in Acquiring Home Improvement and Structural Alterations, be included with the HISA benefits application. VA Form 10–0103 is the approved form for requesting HISA benefits and, when completed, provides VA with sufficient information to accurately identify the beneficiary and determine the beneficiary's eligibility for HISA benefits. That form is currently being modified to reflect the new requirements of this proposed rule, and we further address this information collection later in this rulemaking.

Proposed § 17.3120(a)(2) would indicate that a HISA application requires a completed and signed VA Form 10–0103, Veterans Application for Assistance in Acquiring Home Improvement and Structural Alterations. Additionally, this form is where the beneficiary may request payment in advance of construction of the improvement or structural alteration. This advance payment would provide the beneficiary with funds for up-front costs associated with the improvement or structural alteration. Specific details on advance payment are outlined in proposed § 17.3130.

In proposed § 17.3120(a)(3), we would require all applicants to submit a homeowner's statement indicating that the homeowner agrees to allow construction of the improvement or structural alteration on the homeowner's property. We would require that the statement be notarized if the beneficiary is not the owner of the property.

In general terms, the homeowner's statement provides verification that the improvement or structural alteration will be completed in a dwelling that the beneficiary is legally authorized to use as his or her home, as required by 38 U.S.C. 1717(a)(3). In cases where the beneficiary does not own the property, we believe that the notarized statement from the property owner may help protect the beneficiary against any future claims of unauthorized structural changes to the home. It will also help ensure that structural improvements or alterations are not provided for an unauthorized use under 38 U.S.C. 1717.

In proposed § 17.3120(a)(4), we would require veterans and servicemembers applying for HISA benefits to provide a written and itemized estimate of costs for the improvement or structural alteration. The itemized estimate will be evaluated to ensure that the items listed on it match with the beneficiary's prescription. This will allow VA to protect the integrity of the program and HISA benefit funds from potential abuse. VA would also use the itemized estimate of costs to determine the appropriate amount of an advance payment to the beneficiary made upon request under proposed § 17.3130, which is explained in greater detail below.

In proposed § 17.3120(a)(5), we would require that the beneficiary provide a color photograph of the unimproved site for the improvement or structural alteration. Together with the pre-award inspection conducted under proposed § 17.3120(b), this photograph will help ensure that the proposed improvement or structural alteration is appropriate to the site and will assist VA in preventing fraud. We would compare the photograph submitted with the application to the one included with the final payment request, as required in § 17.3130(b), to verify that the improvement or structural alteration was completed as indicated in the application.

Proposed § 17.3120(b) would require the beneficiary to consent to VA's inspection of the site of the proposed improvement or structural alteration. An in-home evaluation before construction begins would allow VA to make an administrative determination that the proposed improvement or structural alteration is reasonably designed to meet the needs created by the beneficiary's disability. We also intend to use the pre-approval inspection to verify that the proposed improvement or structural alteration has not been previously constructed and does not duplicate resources that are already in the beneficiary's home. Because HISA benefits are provided to allow beneficiaries to make necessary improvements or structural alterations, we believe it would be inappropriate to provide the HISA benefits if such improvements or structural alterations already exist. The statute authorizes the Secretary to ''furnish'' improvements and alterations, which we interpret to include the authority to cause them to be constructed via authorization of HISA payments, but to the extent the modifications already exist before a claim is made for the benefit, the improvements and alterations have already been furnished, and VA lacks authority to reimburse a beneficiary for them. Finally, the pre-approval inspection would allow VA to determine that the beneficiary's home can reasonably accommodate the improvement or structural alteration. VA may determine that the submitted documentation is sufficient to make all such determinations and that the in-home inspection would not be required.

VA may also conduct an inspection after the construction is finished as part of the final payment process under § 17.3130.

VA's inspections should not be confused with or interpreted as code enforcement or structural integrity inspections. As indicated above, the HISA benefit is not a construction benefit and VA does not have expertise in such matters. Issues of structural integrity and code compliance are integral to the agreement that the veteran, like any other homeowner, enters into with a contractor. HISA benefits may be used to pay for the expenses of inspections designed to ensure compliance with those matters, but VA's inspection is for administrative, not safety or enforcement, purposes.

Proposed § 17.3120(c) would state that VA will review only complete HISA benefits applications for approval and will notify the beneficiary if any required documentation is missing from the application. If the beneficiary does not provide the missing documentation to VA within 30 days, VA will notify the beneficiary that the application has been closed. VA will inform the applicant that the closed application may be re-opened by providing the previously missing information, thus minimizing any adverse impact on the applicant. However, because several key elements of the application, such as costs associated with the improvement or structural alteration, may change over time, we would require the applicant to provide updated information after any lengthy period of time. We believe that this process will encourage applicants to keep moving forward with their applications and increase the efficiency of program operations by eliminating repeated follow-up correspondence requesting information.

17.3125 Approving HISA Benefits Applications

Proposed § 17.3125(a) would establish the criteria that VA will use to approve a HISA benefits application.

Proposed § 17.3125(a)(1) would state that the beneficiary's application must meet the requirements of the regulations applicable to the HISA benefits program.

Proposed § 17.3125(a)(2) would require VA to determine that the proposed improvement or structural alteration is reasonably designed to address the needs of the beneficiary and is appropriate for the beneficiary's

home. This determination may be based on documentation provided by the beneficiary or through an in-home inspection, as authorized by § 17.3120(b).

Proposed § 17.3125(b) would describe the written notification that VA will provide to the beneficiary when a HISA benefits application is approved. The notification will include the total amount of the award of HISA benefits. VA will only authorize charges that VA considers to be reasonably designed to address the needs of the beneficiary and in keeping with the purpose of the HISA benefit. The notification will also indicate whether an advance payment is approved and will reiterate the beneficiary's obligation to use the advance payment only for the improvement or structural alteration defined in the application. Recipients will be reminded of their obligation to submit a request for final payment upon completion of the construction.

Notification of approval of HISA benefits will also include a notice of the right to appeal and information about how to pursue an appeal. We believe it necessary to provide this information even when approving an application to allow the beneficiary to appeal any part of VA's determination.

17.3126 Disapproving HISA Benefits Applications

In proposed § 17.3126, we would state that VA will disapprove any HISA benefits application that does not meet all of the criteria outlined in § 17.3125(a), which means that the application was either inconsistent with the regulations governing the HISA benefits program or that the proposed improvement or structural alteration is not found to be reasonably designed to address the needs of the beneficiary and/or is not appropriate for the beneficiary's home. VA will notify the beneficiary in writing of the decision, detailing the basis for the disapproval, and will provide notice to the beneficiary of his/her right to appeal the decision.

17.3130 HISA Benefits Payment Procedures

Under the HISA benefits program, two types of payments are authorized: advance and final. As previously discussed, the purpose of the advance payment is to provide the beneficiary with funds for up-front costs authorized under the HISA benefits program.

Proposed § 17.3130(a) would state that, upon request of the beneficiary, VA may make an advance payment equal to 50 percent of the total amount of HISA benefits VA has approved for the improvement or structural alteration. We believe that an advance payment of 50 percent is appropriate based on standard business practices and our experience with administering the HISA benefits program.

A beneficiary may request the advance payment by completing the appropriate space on VA Form 10–0103, as indicated in proposed § 17.3120(a)(2). Absent a request, VA will not make an advance payment of HISA benefits. VA will make the advance payment within 30 days of the application approval. Only one advance payment will be authorized per approved application. Because providing funds before the beneficiary has made any improvements or structural alterations may put HISA benefits at risk of misuse, VA Form 10–0103 includes a statement that the beneficiary requesting the advance payment must commit to use the funds as described in the application and to submit the request for final payment. VA reserves the right to seek reimbursement of the advanced HISA benefit amount if the beneficiary does not comply.

Proposed § 17.3130(b) states that the beneficiary must submit a complete final payment request to VA within 60 days after the application for HISA benefits is approved or, if an advance payment was provided, within 60 days after the advance payment is made by VA. Final payment would not be authorized until all elements of the complete final payment request are received by VA. To be complete, the final payment request must include a statement that the construction indicated in the application has been completed, a color photograph of the completed work, and documentation of the itemized actual costs for construction of the improvement or structural alteration.

VA would compare the color photograph of the completed improvement or structural alteration to the color photograph included with the HISA benefits application to substantiate that the improvement or structural alteration was completed. Documentation of the itemized actual costs of the construction will be used to determine the correct amount of the final payment.

Proposed § 17.3130(c) would describe the process that VA will follow after a complete final payment request is received. Proposed § 17.3130(c)(1) would state that VA may conduct an on-site inspection to determine that the improvement or structural alteration was actually completed and would indicate that no payment will be made unless construction has been completed.

In proposed § 17.3130(c)(2), we would explain the method of calculating the final payment. The final payment will equal the full approved HISA benefit amount or the total actual cost of the improvement or structural alteration, whichever is less. In all cases, the amount of any advance payment will be subtracted from the amount to be paid.

In proposed § 17.3130(c)(3), we would indicate that the beneficiary would be obligated to reimburse VA if the total actual cost of construction is less than the amount of any advance payment.

In proposed § 17.3130(c)(4), we would state that final payment on a HISA benefits application would preclude VA from furnishing additional HISA benefits under that application. Any unused approved HISA benefit amount on an application would be credited back to the beneficiary's lifetime HISA benefit balance and would be available for use under future applications. A beneficiary who has not exhausted the lifetime HISA benefit may submit a new application for remaining HISA benefits by once again following the process set forth in this regulation.

In proposed § 17.3130(d), we would address the consequences of the failure of the beneficiary to submit a final payment request. As indicated previously, when a beneficiary requests an advance payment on VA Form 10–0103, the beneficiary commits to use the funds according to the plans articulated in the application and to submit a final payment request. We believe that this commitment is necessary to ensure appropriate use of the HISA benefit and to protect the HISA benefit program from abuse. If a beneficiary who received an advance payment does not submit a final payment request, VA will send a notice as a reminder of the commitment to complete the process. We acknowledge that home improvement projects are often lengthy. We will allow for the beneficiary to explain any delays in the construction that may have led to the delay in submitting the final payment request. VA has every intention of allowing the beneficiary a reasonable amount of time in which to finalize construction of the improvement or structural alteration. If a final payment request is not received or if suitable explanations for delay are not provided, VA reserves the right to attempt collection of any HISA benefits funds paid in advance.

If a final payment request is not received from a beneficiary who did not request an advance payment, VA will close the application and will not pay HISA benefits on that application. Before closing the application, VA will send a notice to alert the beneficiary of

the impending action. If the beneficiary does not respond to the notice, providing adequate information to justify the delay, VA will proceed with closing the file and send a notice of closure to the beneficiary. The notice will provide the reason for closure and include information regarding the right to appeal the decision.

Proposed § 17.3130(e) would state that, if a VA-conducted inspection of the site of construction of the improvement or structural alteration reveals that the construction has not been completed as purported in a final payment request, VA may seek reimbursement of any advance payment amount made to the beneficiary. However, if the beneficiary shows that the failure to complete the project was the fault of the contractor, such as misconduct on the part of the contractor (including absconding with the funds) or bankruptcy of the contractor, VA will not seek to recover those funds from the beneficiary. Nor will VA credit the amount of the lost funds to the beneficiary's lifetime HISA benefits limit because they were paid out in accordance with the HISA program set forth in this regulation. The loss arose from the agreement for the construction of the improvement or structural alteration between the beneficiary and the contractor, and any attempt to recover the funds from the contractor must be made by the beneficiary.

Effect of Rulemaking

The Code of Federal Regulations, as proposed to be revised by this proposed rulemaking, would represent the exclusive legal authority on this subject. No contrary rules or procedures would be authorized. All VA guidance, including VHA Handbook 1173.14, would be read to conform with this proposed rulemaking if possible or, if not possible, such guidance would be superseded by this rulemaking.

Paperwork Reduction Act

This proposed rule includes collections of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521) that require approval by the Office of Management and Budget (OMB). Accordingly, under 44 U.S.C. 3507(d), VA has submitted a copy of this rulemaking and the related form to OMB for review.

OMB assigns a control number for each collection of information it approves. VA 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. VA Form 10–0103, Veterans Application for Assistance in Acquiring Home Improvement and Structural Alterations, was previously approved by OMB under OMB control number 2900–0188. This approval allows a collection of information requested in proposed § 17.3120. Proposed §§ 17.3120 and 17.3130 contain new collections of information under the Paperwork Reduction Act of 1995, which are reflected in an updated version of VA Form 10–0103 that has been submitted to OMB for review. If OMB does not approve the collections of information as requested, VA will immediately remove the provisions containing a collection of information or take such other action as is directed by OMB.

Comments on the collections of information contained in this proposed rule should be submitted to the Office of Management and Budget, Attention: Desk Officer for the Department of Veterans Affairs, Office of Information and Regulatory Affairs, Washington, DC 20503, with copies sent: by mail or hand delivery to the Director, Office of Regulation Policy and Management (02REG), Department of Veterans Affairs, 810 Vermont Ave. NW., Room 1068, Washington, DC 20420; by fax to (202) 273–9026; or through *www.Regulations.gov*. Comments should indicate that they are submitted in response to ''RIN 2900–AO17—Home Improvements and Structural Alterations (HISA) Benefits Program.''

OMB is required to make a decision concerning the collections of information contained in this proposed rule between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication. This does not affect the deadline for the public to comment on the proposed rule.

VA considers comments by the public on proposed collections of information in—

- Evaluating whether the proposed collections of information are necessary for the proper performance of the functions of VA, including whether the information will have practical utility;
- Evaluating the accuracy of VA's estimate of the burden of the proposed collections of information, including the validity of the methodology and assumptions used;
- Enhancing the quality, usefulness, and clarity of the information to be collected; and
- Minimizing the burden of the collections 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.

The proposed amendments to 38 CFR 17.3120 and 17.3130 contain collections of information under the Paperwork Reduction Act of 1995 for which we are requesting approval by OMB. These collections of information are described immediately following this paragraph, under their respective titles.

Title: Application for HISA Benefits.

Summary of collections of information: The proposed rule at § 17.3120 would require the beneficiary to submit VA Form 10–0103, a medical prescription, a statement from the homeowner (notarized, if the homeowner is not the beneficiary), an estimate of the costs for the improvement or structural alteration, and a color photograph of the unimproved site. VA Form 10–0103 is currently approved under OMB No. 2900–0188.

Description of the need for information and proposed use of information: This information is needed to ensure that the applicant meets the requirements provided in proposed §§ 17.3100 through 17.3130 and 38 U.S.C. 1717(a) and (d). Specifically, the medical prescription is needed to confirm the disability, and to help VA determine if the requested improvement or structural alteration is necessary for the treatment of the beneficiary's disability or necessary to provide access to and within the home. In those cases where the beneficiary is not the homeowner, the notarized statement will protect the beneficiary against any claims of unauthorized improvement or alteration made to the homeowner's property and provide verification that the improvement or structural alteration will be completed in a dwelling that the beneficiary is legally authorized to use as his/her home. When the beneficiary is the homeowner the statement validates that the improvement or structural alteration is being completed in the beneficiary's home. A cost estimate is needed for VA to determine if the proposed improvement or structural alteration is reasonably designed to address the needs of the beneficiary. A photograph of the unimproved site is needed to ensure that the proposed improvement or structural alteration is appropriate and help VA in preventing fraud.

Description of likely respondents: Veterans and servicemembers applying for HISA benefits.

Estimated number of respondents per year: 7,000.

Estimated frequency of responses per year: 1.

Estimated average burden per response: 5 minutes.

*Estimated total annual reporting and recordkeeping burden:*583 hours.

Title: HISA Benefits Payment Procedures.

Summary of collections of information: The proposed rule at § 17.3130 would require beneficiaries to submit a final payment packet to VA that consists of a statement by the beneficiary that the improvement or structural alteration was completed, a color photograph of the completed work, and documented evidence of total itemized actual costs.

Description of the need for information and proposed use of information: The information required under this collection will be used as verification that the improvement or structural alteration has been completed and will serve as record of the associated costs. VA will make payment of HISA benefits awards based on the documents required under this collection.

Description of likely respondents: Veterans and servicemembers.

Estimated number of respondents per year: Applications: 7,000.

Estimated frequency of responses per year: Applications: 1.

Estimated average burden per response: 5 minutes.

Estimated total annual reporting and recordkeeping burden: 583 hours.

Regulatory Flexibility Act

The Secretary hereby certifies that this proposed rule would not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. This proposed rule would not cause a significant economic impact on construction companies and their suppliers since only a small portion of the business of such entities concerns VA beneficiaries. Therefore, pursuant to 5 U.S.C. 605(b), this rulemaking is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

Executive Orders 12866 and 13563

Executive Orders 12866 and 13563 direct agencies to assess the costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, and other advantages; distributive impacts; and equity). Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. Executive Order 12866 (Regulatory Planning and Review) defines a ''significant regulatory action,'' requiring review by the Office of Management and Budget (OMB) unless OMB waives such review, as ''any regulatory action that is likely to result in a rule that may: (1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities; (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) Materially alter the budgetary impact of entitlements, 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 this Executive Order.''

The economic, interagency, budgetary, legal, and policy implications of this regulatory action have been examined, and it has been determined not to be a significant regulatory action under Executive Order 12866. VA's impact analysis can be found as a supporting document at *http://www.regulations.gov*, usually within 48 hours after the rulemaking document is published. Additionally, a copy of the rulemaking and its impact analysis are available on VA's Web site at *http://www1.va.gov/orpm/*, by following the link for ''VA Regulations Published.''

Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before issuing any rule that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any given year. This proposed rule would have no such effect on State, local, and tribal governments, or on the private sector.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance program numbers and titles for this rule are as follows: 64.005, Grants to States for Construction of State Home Facilities; 64.007, Blind Rehabilitation Centers; 64.008, Veterans Domiciliary Care; 64.009, Veterans Medical Care Benefits; 64.010, Veterans Nursing Home Care; 64.014, Veterans State Domiciliary Care; 64.015, Veterans State Nursing Home Care; 64.018, Sharing Specialized Medical Resources; 64.019, Veterans Rehabilitation Alcohol and Drug Dependence; 64.022, Veterans Home Based Primary Care; and 64.024, VA Homeless Providers Grant and per Diem Program.

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 18, 2013, for publication.

List of Subjects in 38 CFR Part 17

Administrative practice and procedure; Alcohol abuse; Alcoholism; Claims; Day care; Dental health; Drug abuse; Foreign relations; Government contracts; Grant programs-health; Grant programs-veterans; Health care; Health facilities; Health professions; Health records; Homeless; Medical and dental schools; Medical devices; Medical research; Mental health programs; Nursing homes; Philippines; Reporting and recordkeeping requirements; Scholarships and fellowships; Travel and transportation expenses; Veterans.

Dated: November 14, 2013.

William F. Russo,

Deputy Director, Regulation Policy and Management, Office of the General Counsel, Department of Veterans Affairs.

For the reasons set forth in the preamble, we propose to amend 38 CFR Part 17 as follows:

PART 17—MEDICAL

■ 1. The authority citation for part 17 continues to read as follows:

Authority: 38 U.S.C. 501, and as noted in specific sections.

■ 2. Add an undesignated center heading and §§ 17.3100 through 17.3130 following the authority citation at the end of § 17.1008 to read as follows:

Home Improvements and Structural Alterations (HISA) Program

Sec.

Home Improvements and Structural Alterations (HISA) Program

§ 17.3100 Purpose and scope.

(a) *Purpose.* The purpose of §§ 17.3100 through 17.3130 is to implement the Home Improvements and Structural Alterations (HISA) program. The purpose of the HISA benefits program is to provide eligible beneficiaries monetary benefits for improvements and structural alterations to their homes when such improvements and structural alterations:

(1) Are necessary for the continuation of the provision of home health treatment of the beneficiary's disability; or

(2) Provide the beneficiary with access to the home or to essential lavatory and sanitary facilities.

(b) *Scope.* 38 CFR 17.3100 through 17.3130 apply only to the administration of the HISA benefits program, unless specifically provided otherwise.

(Authority: 38 U.S.C. 501, 1717(a)(2))

§ 17.3101 Definitions.

For the purposes of the HISA benefits program (§§ 17.3100 through 17.3130):

Access to essential lavatory and sanitary facilities means having normal use of the standard structural components of those facilities.

Access to the home means the ability of the beneficiary to enter and exit the home and to maneuver within the home to at least one bedroom and essential lavatory and sanitary facilities.

Beneficiary means a veteran or servicemember who is awarded or who is eligible to receive HISA benefits.

Essential lavatory and sanitary facilities means one bathroom equipped with a toilet and a shower or bath, one kitchen, and one laundry facility.

HISA benefits means a monetary payment by VA to be used for improvements and structural alterations to the home of a beneficiary in accordance with §§ 17.3100 through 17.3130.

Home means the primary place where the beneficiary resides or, in the case of a servicemember, where the beneficiary intends to reside after discharge from service.

Improvement or structural alteration means a modification to a home or to an existing feature or fixture of a home, including repairs to or replacement of previously improved or altered features or fixtures.

Undergoing medical discharge means that a servicemember has been found unfit for duty due to a medical condition by their Service's Physical Evaluation Board, and a date of medical discharge has been issued.

(Authority: 38 U.S.C. 501, 1717)

§ 17.3102 Eligibility.

The following individuals are eligible for HISA benefits:

(a) A veteran who is eligible for medical services under 38 U.S.C. 1710(a).

(b) A servicemember who is undergoing medical discharge from the Armed Forces for a permanent disability that was incurred or aggravated in the line of duty in the active military, naval, or air service. A servicemember would be eligible for HISA benefits while hospitalized or receiving outpatient medical care, services, or treatment for such permanent disability.

(Authority: 38 U.S.C. 501, 1717)

§§ 17.3103–17.3104 [Reserved]

§ 17.3105 HISA benefit lifetime limits.

(a) *General.* Except as provided in paragraph (e) of this section, a beneficiary's HISA benefit is limited to the lifetime amount established in paragraphs (b), (c), or (d) of this section, as applicable. A beneficiary may use HISA benefits to pay for more than one home alteration, until the beneficiary exhausts his or her lifetime benefit. HISA benefits approved by VA for use in a particular home alteration but unused by the beneficiary will remain available for future use.

(b) *HISA benefits for a service-connected disability, a disability treated ''as if'' it were service connected, or for veterans with a service-connected disability rated 50 percent or more.*

(1) If a veteran:

(i) Applies for HISA benefits to address a service-connected disability;

(ii) Applies for HISA benefits to address a compensable disability treated ''as if'' it is a service-connected disability and for which the veteran is entitled to medical services under 38 U.S.C. 1710(a)(2)(C) (e.g., a disability acquired through treatment or vocational rehabilitation provided by VA); or

(iii) Applies for HISA benefits to address a nonservice-connected disability, if the beneficiary has a service-connected disability rated at least 50 percent disabling; and

(2) The veteran first applies for HISA benefits:

(i) Before May 5, 2010, then the veteran's lifetime HISA benefit limit is $4,100.

(ii) On or after May 5, 2010, then the veteran's lifetime HISA benefit limit is $6,800.

(c) *HISA benefits for any other disabilities.* If a veteran who is eligible for medical services under 38 U.S.C. 1710(a) applies for HISA benefits to address a disability that is not covered under paragraph (b) of this section, and the veteran first applies for HISA benefits:

(1) Before May 5, 2010, then the veteran's lifetime HISA benefit limit is $1,200; or

(2) On or after May 5, 2010, then the veteran's lifetime HISA benefit limit is $2,000.

(d) *Servicemembers.* If a servicemember is eligible for HISA benefits under § 17.3102(b), and the servicemember first applies:

(1) Before May 5, 2010, then the servicemember's HISA benefit lifetime limit is $4,100; or

(2) On or after May 5, 2010, then the servicemember's HISA benefit lifetime limit is $6,800.

(e) *Increases to HISA benefit lifetime limit.*

(1) A veteran who received HISA benefits under paragraph (c) of this section, and who subsequently qualifies for HISA benefits under paragraph (b)(1) of this section on or after May 5, 2010, due to a new award of disability compensation based on service connection or an increased disability rating, may apply for the increased lifetime benefit amount under paragraph (b)(2)(ii) of this section. The increased amount that will be available is $6,800 minus the amount of HISA benefits previously used by the beneficiary.

(2) A veteran who previously received HISA benefits as a servicemember is not eligible for a new lifetime HISA benefit amount based on his or her attaining veteran status, but the veteran may file a HISA claim for any HISA benefit amounts not used prior to discharge. The veteran's subsequent HISA award cannot exceed the applicable award amount under paragraphs (b), (c), or (e)(1) of this section, as applicable, minus the amount of HISA benefits awarded to the veteran while the veteran was a servicemember.

(Authority: 38 U.S.C. 501, 1717)

§§ 17.3106–17.3119 [Reserved]

§ 17.3120 Application for HISA benefits.

(a) *Application package.* To apply for HISA benefits, the beneficiary must submit to VA a complete HISA benefits application package. A complete HISA benefits application package includes all of the following:

(1) A prescription, which VA may obtain on the beneficiary's behalf, written or approved by a VA physician that includes all of the following:

(i) The beneficiary's name, address, and telephone number.

(ii) Identification of the prescribed improvement or structural alteration.

(iii) The diagnosis and medical justification for the prescribed improvement or structural alteration.

(2) A completed and signed VA Form 10–0103, Veterans Application for Assistance in Acquiring Home Improvement and Structural Alterations, including, if desired, a request for advance payment of HISA benefits.

(3) A signed statement from the owner of the property authorizing the improvement or structural alteration to the property. The statement must be notarized if the beneficiary submitting the HISA benefits application is not the owner of the property.

(4) A written itemized estimate of costs for labor, materials, permits, and inspections for the home improvement or structural alteration.

(5) A color photograph of the unimproved area.

(b) *Pre-award inspection of site.* The beneficiary must allow VA to inspect the site of the proposed improvement or structural alteration. VA will not approve a HISA application unless VA has either conducted a pre-award inspection or has determined that no such inspection is needed. No later than 30 days after receiving a complete HISA benefits application, VA will conduct the inspection or determine that no inspection is required.

(c) *Incomplete applications.* If VA receives an incomplete HISA benefits application, VA will notify the applicant of the missing documentation. If the missing documentation is not received by VA within 30 days after such notification, VA will close the application and notify the applicant that the application has been closed. The closure notice will indicate that the application may be re-opened by submitting the requested documentation and updating any outdated information from the original application.

(Authority: 38 U.S.C. 501, 1717)

(The Office of Management and Budget has approved the information collection requirements in this section under control number 2900–0188.)

§§ 17.3121–17.3124 [Reserved]

§ 17.3125 Approving HISA benefits applications.

(a) *Approval of application.* VA will approve the HISA benefits application if:

(1) The application is consistent with §§ 17.3100 through 17.3130, and

(2) VA determines that the proposed improvement or structural alteration is reasonably designed to address the needs of the beneficiary and is appropriate for the beneficiary's home, based on documentation provided and/or through a pre-award inspection of the home.

(b) *Notification of approval.* No later than 30 days after a beneficiary submits a complete application, VA will notify the beneficiary whether an application is approved. The notification will:

(1) State the total benefit amount authorized for the improvement or structural alteration.

(2) State the amount of any advance payment, if requested by the beneficiary, and state that the advance payment must be used for the improvements or structural alterations detailed in the application. The notification will also remind beneficiaries receiving advance payment of the obligation to submit the request for final payment upon completion of the construction.

(3) Provide the beneficiary with the notice of the right to appeal if they do not agree with VA's decision regarding the award.

(Authority: 38 U.S.C. 501, 1717, 7104)

§ 17.3126 Disapproving HISA benefits applications.

VA will disapprove a HISA benefits application if the complete HISA benefits application does not meet all of the criteria outlined in § 17.3125(a). Notification of the decision provided to the beneficiary will include the basis for the disapproval and notice to the beneficiary of his or her right to appeal.

(Authority: 38 U.S.C. 501, 7104)

§§ 17.3127–17.3129 [Reserved]

§ 17.3130 HISA benefits payment procedures.

(a) *Advance payment.* If the beneficiary has requested advance payment of HISA benefits in VA Form 10–0103, as provided in § 17.3120(a)(2), VA will make an advance payment to the beneficiary equal to 50 percent of the total benefit authorized for the improvement or structural alteration. VA will make the advance payment no later than 30 days after the HISA benefits application is approved. The beneficiary may receive only one advance payment for each approved HISA benefits application. A beneficiary must use the advance payment only for the improvement or structural alteration described in the application and must submit a final payment request, as defined in paragraph (b) of this section, to document such use after the construction is finished.

(b) *Final payment request.* No later than 60 days after the application is approved or, if VA approved an advance payment, no later than 60 days after the advance payment was made, the beneficiary must submit a complete final payment request to VA for payment. The complete final payment request must include:

(1) A statement by the beneficiary that the improvement or structural alteration, as indicated in the application, was completed;

(2) A color photograph of the completed work; and

(3) Documentation of the itemized actual costs for material, labor, permits, and inspections.

(c) *VA action on final payment request.*

(1) Prior to approving and remitting the final payment, VA may inspect (within 30 days after receiving the final payment request) the beneficiary's home to determine that the improvement or structural alteration was completed as indicated in the application. No payment will be made if the improvement or structural alteration has not been completed.

(2) No later than 30 days after receipt of a complete final payment request, or, if VA conducts an inspection of the home under paragraph (c)(1) of this section, no later than 30 days after the inspection, VA will make a determination on the final payment request. If approved, VA will remit a final payment to the beneficiary equal to the lesser of:

(i) The approved HISA benefit amount, less the amount of any advance payment, or

(ii) The total actual cost of the improvement or structural alteration, less the amount of any advance payment.

(3) If the total actual cost of the improvement or structural alteration is less than the amount paid to the beneficiary as an advance payment, the beneficiary will reimburse VA for the difference between the advance payment and the total actual costs.

(4) After final payment is made on a HISA benefits application, the application file will be closed and no

future HISA benefits will be furnished to the beneficiary for that application. If the total actual cost of the improvement or structural alteration is less than the approved HISA benefit, the balance of the approved amount will be credited to the beneficiary's remaining HISA benefits lifetime balance.

(d) *Failure to submit a final payment request.*

(1) If an advance payment was made to the beneficiary, but the beneficiary fails to submit a final payment request in accordance with paragraph (b) of this section within 60 days of the date of the advance payment, VA will send a notice to remind the beneficiary of the obligation to submit the final payment request. If the beneficiary fails to submit the final payment request or to provide a suitable update and explanation of delay within 30 days of this notice, VA may take appropriate action to collect the amount of the advance payment from the beneficiary.

(2) If an advance payment was not made to the beneficiary and the beneficiary does not submit a final payment request in accordance with paragraph (b) of this section within 60 days of the date the application was approved, the application will be closed and no future HISA benefits will be furnished to the beneficiary for that application. Before closing the application, VA will send a notice to the beneficiary of the intent to close the file. If the beneficiary does not respond with a suitable update and explanation for the delay within 30 days, VA will close the file and provide a final notice of closure. The notice will include information about the right to appeal the decision.

(e) *Failure to make approved improvements or structural alterations.* If an inspection conducted pursuant to paragraph (c)(1) of this section reveals that the improvement or structural alteration has not been completed as indicated in the final payment request, VA may take appropriate action to collect the amount of the advance payment from the beneficiary. VA will not seek to collect the amount of the advance payment from the beneficiary if the beneficiary provides documentation indicating that the project was not completed due to the fault of the contractor, including bankruptcy or misconduct of the contractor.

(Authority: 38 U.S.C. 501, 1717)

(The Office of Management and Budget has approved the information collection requirements in this section under control number 2900–0188.)

[FR Doc. 2013–27672 Filed 11–19–13; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R02–OAR–2013–0734, FRL–9903–06–Region 2]

Approval and Promulgation of Implementation Plans; New York State Ozone Implementation Plan Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a revision to the New York State Implementation Plan (SIP) for ozone concerning the control of volatile organic compounds. The SIP revision consists of amendments to the New York Codes. The intended effect of this action is to approve control techniques, required by the Clean Air Act, which will result in emission reductions that will help attain and maintain the national ambient air quality standards for ozone.

DATES: Comments must be received on or before December 20, 2013.

ADDRESSES: Submit your comments, identified by Docket Number EPA–R02–OAR–2013–0734, by one of the following methods:

- *www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *Email: Ruvo.Richard@epa.gov.*
- *Fax:* 212–637–3901.
- *Mail:* Mr. Richard Ruvo, Chief, Air Programs Branch, Environmental Protection Agency, Region 2 Office, 290 Broadway, 25th Floor, New York, New York 10007–1866.
- *Hand Delivery:* Mr. Richard Ruvo, Chief, Air Programs Branch, Environmental Protection Agency, Region 2 Office, 290 Broadway, 25th Floor, New York, New York 10007–1866. Such deliveries are only accepted during the Regional Office's normal hours of operation. The Regional Office's official hours of business are Monday through Friday, 8 a.m. to 4 p.m., excluding federal holidays.

Instructions: Direct your comments to Docket No. EPA–R02–OAR–2013–0734. 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 or any form of encryption, and be free of any defects or viruses. For additional information about EPA's public docket visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

Docket: All documents in the docket are listed in the *http://www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *http://www.regulations.gov* or in hard copy at the Environmental Protection Agency, Region 2 Office, Air Programs Branch, 290 Broadway, 25th Floor, New York, New York 10007–1866. EPA requests, if at all possible, that you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section to view the hard copy of the docket. You may view the hard copy of the docket Monday through Friday, 8 a.m. to 4 p.m., excluding federal holidays.

FOR FURTHER INFORMATION CONTACT: Kirk J. Wieber (*wieber.kirk@epa.gov*), Air Programs Branch, Environmental Protection Agency, 290 Broadway, 25th Floor, New York, New York 10007–1866, (212) 637–3381.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. What is required by the Clean Air Act (CAA) and how does it apply to New York?

A. Background

In 1997, EPA revised the health-based national ambient air quality standards (NAAQS or standard) for ozone, setting it at 0.08 parts per million averaged over an 8-hour period. EPA set the 8-hour ozone standard based on scientific evidence demonstrating that ozone causes adverse health effects at lower ozone concentrations and over longer periods of time than was understood when the pre-existing 1-hour ozone standard was set. EPA determined that the 8-hour standard would be more protective of human health, especially with regard to children and adults who are active outdoors, and individuals with a pre-existing respiratory disease, such as asthma.

On April 30, 2004 (69 FR 23858), EPA finalized its attainment/nonattainment designations for areas across the country with respect to the 8-hour ozone standard. These actions became effective on June 15, 2004. The three 8-hour ozone moderate nonattainment areas located in New York State are: The New York-Northern New Jersey-Long Island, NY-NJ-CT nonattainment area; the Poughkeepsie nonattainment area; and the Jefferson County nonattainment area. The New York portion of the New York-Northern New Jersey-Long Island, NY-NJ-CT nonattainment area is composed of the five boroughs of New York City and the surrounding counties of Nassau, Suffolk, Westchester and Rockland. This is collectively referred to as the New York City Metropolitan Area or NYMA. The Poughkeepsie nonattainment area is composed of Dutchess, Orange and Putnam counties.

These designations triggered the CAA's requirements under section 182(b) for moderate nonattainment areas to submit a demonstration of attainment, including implementing reasonably available control technology (RACT).

B. What are the moderate area requirements?

Section 182(b)(2)(A) provides that for moderate and above nonattainment areas, states must revise their SIPs to include RACT for each category of volatile organic compound (VOC) sources covered by a control techniques guidelines (CTG) document issued between November 15, 1990 and the date of attainment.

Additionally, CAA section 184(b)(1)(B) requires implementation of RACT statewide in states that are located within an Ozone Transport Region (OTR). New York is one of the several states located in the OTR required under the CAA to revise its SIP to include RACT requirements statewide for each of the source categories identified in the federal CTGs, including RACT for surface coating processes.

The EPA defines RACT as ''the lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.'' 44 FR 53761 (Sept. 17, 1979). In subsequent **Federal Register** notices, EPA has addressed how states can meet the RACT requirements of the CAA.

CAA section 183(e) directs EPA to list for regulation those categories of products that account for at least 80 percent of the VOC emissions, on a reactivity-adjusted basis, from consumer and commercial products in areas that violate the NAAQS for ozone (i.e., ozone nonattainment areas). EPA issued the list on March 23, 1995, and has revised the list periodically. See 60 FR 15264 (March 23, 1995); see also 71 FR 28320 (May 16, 2006), 70 FR 69759 (Nov. 17, 2005); 64 FR 13422 (Mar. 18, 1999).

II. What was included in New York's submittal?

On July 15, 2013, the New York State Department of Environmental Conservation (NYSDEC), submitted to EPA revisions to the SIP, which included state adopted revisions to Title 6 of the New York Code of Rules and Regulations (6 NYCRR) Part 228, ''Surface Coating Processes, Commercial and Industrial Adhesives, Sealants and Primers,'' with an effective date of June 5, 2013. These revisions are applicable statewide and will therefore provide volatile organic compound (VOC) emission reductions statewide and will help towards achieving attainment of the ozone standards in the NYMA and towards meeting the RACT requirements.

New York also included a negative declaration in its July 15, 2013 submittal. New York has certified, based on a review of operating permits and emissions inventory, no facilities exist in the State to which the Fiberglass Boat Manufacturing Materials CTG or the Industrial Cleaning Solvents CTG apply.

EPA recently approved a SIP revision for prior amendments to Part 228 on March 8, 2012 (77 FR 13974).

III. What is EPA's evaluation of Part 228, ''Surface Coating Processes, Commercial and Industrial Adhesives, Sealants and Primers''?

A. Background

New York State currently regulates VOCs emitted by surface coating processes under 6 NYCRR Subpart 228–1. The revisions to Part 228 update the current rule by incorporating the latest RACT requirements for surface coating processes established in seven different CTGs issued by EPA from April 1996 to September 2008. These CTGs establish presumptive RACT for surface coating processes in each of the product categories identified below:

(1) Wood Finishing Manufacturing Operations [EPA 453/R–96–007 (April 1996); 61 FR 25223 (May 20, 1996)];

(2) Flat Wood Paneling Coatings [EPA 453/R–06–004 (September 2006); 71 FR 58745 (Oct. 5, 2006)];

(3) Metal Furniture Coatings [EPA 453/R–07–005 (September 2007); 72 FR 57215 (Oct. 9, 2007)];

(4) Large Appliance Coatings [EPA 453/R–07–004 (September 2007); 72 FR 57215 (Oct. 9, 2007)];

(5) Paper, Film and Foil Coatings [EPA 453/R–07–003 (September 2007); 72 FR 57215 (Oct. 9, 2007)];

(6) Automobile and Light-Duty Truck Assembly Coatings [EPA–453/R–08–006 (September 2008); 73 FR 58481 (Oct. 7, 2008)]; and

(7) Miscellaneous Metal and Plastic Parts Coatings [EPA–453/R–08–003 (September, 2008); 73 FR 58481 (Oct. 7, 2008)].

B. What are the requirements of Part 228, ''Surface Coating Processes, Commercial and Industrial Adhesives, Sealants and Primers''?

Section 228–1.1, ''Applicability and Exemptions,'' was revised to reflect the applicability criteria specified in seven of EPA's final CTGs for specific coating processes. Consistent with the preexisting regulation, all surface coating facilities located in the NYMA, and the Orange County towns of Blooming Grove, Chester, Highlands, Monroe, Tuxedo, Warwick, and Woodbury, are subject to the regulation. Surface coating facilities located outside the above counties and towns have

specific applicability criteria for various surface coating processes. These criteria range from a facility using 55 gallons of coating or more per year up to having a potential to emit 50 tons or more of VOCs on an annual basis. Typically, only facilities that have actual emissions of three tons per year or more are subject to the control requirements of the revised regulation. All others are subject only to section 228–1.3, ''General Requirements.''

Section 228–1.2, ''Definitions,'' sets forth several definitions specific to subpart 228–1. This section includes many new definitions that are consistent with the federal CTGs, including several added coating types used in the updated coating processes. The definitions in Part 200 also apply unless they are inconsistent with subpart 228–1.

Section 228–1.3, ''General Requirements,'' is a new section added to subpart 228–1 which describes the minimum requirements applicable to all surface coating facilities. It combines provisions from the preexisting regulation related to: Opacity limit; recordkeeping; prohibition of sale or specification; and handling, storage and disposal of volatile organic compounds. It also sets forth acceptable application techniques common to many surface coating processes.

Section 228–1.4, ''Requirements for controlling VOC emissions using compliant materials,'' lists the maximum VOC content allowed for coatings used in surface coating processes. The revisions include additional requirements as well as exceptions specific to a coating process, coating type or application requirements.

Section 228–1.5, ''Requirements for controlling VOC emissions using add on controls or coating systems,'' provides alternatives to complying with the VOC content limits of section 228–1.4. Most coating processes are allowed alternative means of compliance. Pursuant to the revisions, they can comply with the regulation by: (1) Controlling their emissions using a capturing system followed by treatment of the VOCs; (2) using a combination of VOC content coatings compliant with section 228–1.4 along with non-compliant ones, and with or without added controls, in a ''coating system'' acceptable to the NYSDEC; or (3) providing a process-specific RACT demonstration, subject to the satisfaction of the NYSDEC, which shows that the requirements cannot be economically or technically achieved. Such process specific RACT demonstrations must be submitted to the EPA for approval as a revision to the SIP.

Section 228–1.6, ''Reports, sampling and analysis,'' specifies the requirements necessary to determine and maintain compliance with the regulation. This section allows the NYSDEC to have reasonable access to subject facilities to obtain samples of any material containing VOC in order to determine compliance, and specifies the test methods used for add on control systems to show compliance with the applicable requirements.

Revisions to subpart 228–2 make clarifying changes and are non-substantive. Also, the NYSDEC determined that subsection 228–2.7(a)(1), the labeling provision requiring that manufacturers specify the category name, is unnecessary and therefore removed that provision.

C. What is EPA's evaluation?

Part 228 contains the required elements for a federally enforceable rule: Emission limitations, compliance procedures and test methods, compliance dates and record keeping provisions.

Part 228 includes provisions that prohibit the selling, supplying, offering for sale, soliciting, using, specifying or requiring the use of a non-compliant coating on a part or product at a facility in New York, unless allowed by other provisions of Part 228. Part 228 also includes provisions for handling, storage and disposal of VOC's. Facilities also have compliance options including the option of using add-on control equipment provided it achieves 90 percent control.

EPA has evaluated New York's submittal for consistency with the CAA, EPA regulations, and EPA policy and guideline documents. EPA has determined that Part 228 is as effective in regulating the source categories as the following CTG's:

(1) Wood Furniture Manufacturing Operations [EPA 453/R–96–007 (April 1996); 61 FR 25223 (May 20, 1996)];

(2) Flat Wood Paneling Coatings [EPA 453/R–06–004 (September 2006); 71 FR 58745 (Oct. 5, 2006)];

(3) Metal Furniture Coatings [EPA 453/R–07–005 (September 2007); 72 FR 57215 (Oct. 9, 2007)];

(4) Large Appliance Coatings [EPA 453/R–07–004 (September 2007); 72 FR 57215 (Oct. 9, 2007)];

(5) Paper, Film and Foil Coatings [EPA 453/R–07–003 (September 2007); 72 FR 57215 (Oct. 9, 2007)];

(6) Automobile and Light-Duty Truck Assembly Coatings [EPA–453/R–08–006 (September 2008); 73 FR 58481 (Oct. 7, 2008)]; and

(7) Miscellaneous Metal and Plastic Parts Coatings [EPA–453/R–08–003 (September, 2008); 73 FR 58481 (Oct. 7, 2008)].

EPA has determined that the VOC content limits associated with the various surface coating processes included in the revised Part 228 are consistent with the VOC content limits recommended in the applicable surface coating CTG's, as are all of the other recommended control options (i.e., add-on controls efficiency, work practices for coating-related activities and work practices for cleaning materials) and applicability thresholds. Therefore, EPA proposes to approve it as part of the SIP and as meeting the requirement to adopt a RACT rule for the CTG categories listed above.

With regards to New York's negative declaration for Fiberglass Boat Manufacturing Materials and Industrial Cleaning Solvents, EPA agrees with New York's evaluation that no facilities exist in the State to which the Fiberglass Boat Manufacturing Materials CTG apply. However, EPA is still reviewing the negative declaration as it applies to the Industrial Cleaning Solvents CTG and will discuss our evaluation in the future.

As previously noted, EPA recently approved a SIP revision for prior amendments to Part 228 on March 8, 2012 (77 FR 13974).

IV. What is EPA's conclusion?

EPA has evaluated New York's July 15, 2013 SIP revision submittal for consistency with the CAA, EPA regulations, and EPA policy and guideline documents. EPA proposes that the revisions made to Title 6 of the New York Code of Rules and Regulations (6 NYCRR) Part 228, ''Surface Coating Processes, Commercial and Industrial Adhesives, Sealants and Primers,'' with an effective date of June 5, 2013, meet the SIP requirements of the CAA and fulfill the recommended controls identified in the applicable CTGs. EPA is proposing to approve these revisions and is also proposing to approve New York's July 15, 2013 negative declaration, which certifies that based on a review of operating permits and emissions inventory, no facilities exist in the State to which the Fiberglass Boat Manufacturing Materials CTG apply. Therefore, New York will not have to incorporate provisions consistent with that CTG into Part 228 or any other regulation.

V. Statutory and Executive Order Reviews

Under the CAA, the Administrator is required to approve a SIP submission

that complies with the provisions of the Act and applicable federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this proposed action merely approves 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) because application of those requirements would be inconsistent with the 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 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, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Oxides of nitrogen, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: November 8, 2013.

Judith A. Enck,

Regional Administrator, Region 2.

[FR Doc. 2013–27679 Filed 11–19–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 80

[EPA–HQ–OAR–2013–0479; FRL–9903–10–OAR]

RIN 2060–AR76

Public Hearing for the 2014 Standards for the Renewable Fuel Standard Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Announcement of public hearing.

SUMMARY: The EPA is announcing a public hearing to be held for the proposed rule 2014 Standards for the Renewable Fuel Standard Program, which EPA will publish separately in the **Federal Register**. The hearing will be held in Washington, DC on December 5, 2013. In the separate notice of proposed rulemaking EPA has proposed amendments to the renewable fuel standard program regulations to establish annual percentage standards for cellulosic biofuel, biomass-based diesel, advanced biofuel, and renewable fuels that would apply to all gasoline and diesel produced in the U.S. or imported in the year 2014. In addition, the separate proposal includes a proposed biomass-based diesel applicable volume for 2015.

DATES: The public hearing will be held on December 5, 2013 at the location noted below under **ADDRESSES**. The hearing will begin at 9 a.m. and end when all parties present who wish to speak have had an opportunity to do so. Parties wishing to testify at the hearing should notify the contact person listed under **FOR FURTHER INFORMATION CONTACT** by November 26, 2013. Additional information regarding the hearing appears below under **SUPPLEMENTARY INFORMATION**.

ADDRESSES: The hearing will be held at the following location: Hyatt Regency Crystal City, 2799 Jefferson Davis Highway, Arlington, VA 22202 (phone number 703–413–6718). A complete set of documents related to the proposal will be available for public inspection at the EPA Docket Center, located at 1301 Constitution Avenue NW., Room 3334, Washington, DC between 8:30 a.m. and 4:30 p.m., Monday through Friday, excluding legal holidays. A reasonable fee may be charged for copying. Documents will also be available through the electronic docket system at *http://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT: Julia MacAllister, Office of Transportation and Air Quality, Assessment and Standards Division, Environmental Protection Agency, 2000 Traverwood Drive, Ann Arbor, MI 48105; telephone number: (734) 214–4131; Fax number: (734) 214–4816; Email address: *macallister.julia@epa.gov*.

SUPPLEMENTARY INFORMATION: The proposal for which EPA is holding the public hearing has been published separately in the **Federal Register**.

Public Hearing: The public hearing will provide interested parties the opportunity to present data, views, or arguments concerning the proposal (which can be found at *http://www.epa.gov/otaq/fuels/renewablefuels/index.htm*). The EPA may ask clarifying questions during the oral presentations but will not respond to the presentations at that time. Written statements and supporting information submitted during the comment period will be considered with the same weight as any oral comments and supporting information presented at the public hearing. Written comments must be received by the last day of the comment period, as specified in the notice of proposed rulemaking.

How can I get copies of this document, the proposed rule, and other related information?

The EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2013–0479. The EPA has also developed a Web site for the Renewable Fuel Standard (RFS) program, including the notice of proposed rulemaking, at the address given above. Please refer to the notice of proposed rulemaking for detailed information on accessing information related to the proposal.

Dated: November 14, 2013.

Christopher Grundler,

Director, Office of Transportation and Air Quality, Office of Air and Radiation.

[FR Doc. 2013–27827 Filed 11–19–13; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 13–249; FCC 13–139]

Revitalization of the AM Radio Service

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: In this document, the Commission adopted a Notice of Proposed Rulemaking (NPRM), seeking comment on a number of procedures designed to revitalize the AM broadcast radio service, and to ease regulatory burdens on existing AM broadcasters. The Commission also solicits further comments and suggestions designed to foster the revitalization of the AM broadcast radio service.

DATES: Comments may be filed no later than January 21, 2014 and reply comments may be filed no later than February 18, 2014. Written comments on the Paperwork Reduction Act proposed information collection requirements must be submitted by the public, Office of Management and Budget (OMB), and other interested parties on or before January 21, 2014.

ADDRESSES: You may submit comments, identified by MB Docket No. 13–249, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Federal Communications Commission's Web site: http://www.fcc.gov/cgb/ecfs/.* Follow the instructions for submitting comments.
- *Email: ecfs@fcc.gov.* Include the docket number in the subject line of the message. See the **SUPPLEMENTARY INFORMATION** section of this document for detailed information on how to submit comments by email.
- *Mail:* 445 12th Street SW., Washington, DC 20554.
- *People with Disabilities:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by email: *FCC504@fcc.gov* or phone: 202–418–0530 or TTY: 202–418–0432.

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

PRA comments should be submitted to Cathy Williams, Federal Communications Commission via email at *PRA@fcc.gov* and *Cathy.Williams@fcc.gov* and Nicholas A. Fraser, Office of Management and Budget via fax at 202–395–5167 or via email to *Nicholas_A._Fraser@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Peter Doyle, Chief, Media Bureau, Audio Division, (202) 418–2700; Thomas Nessinger, Senior Counsel, Media Bureau, Audio Division, (202) 418–2700.

For additional information concerning the Paperwork Reduction Act information collection requirements contained in this document, contact Cathy Williams at 202–418–2918, or via the Internet at *Cathy.Williams@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rulemaking (NPRM), FCC 13–139, adopted October 29, 2013, and released October 31, 2013.

Initial Paperwork Reduction Act of 1995 Analysis

This NPRM contains proposed information collection requirements. It will be submitted to the Office of Management and Budget (OMB) for review under section 3507(d) of the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13, 109 Stat 163 (1995). The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and OMB to comment on the proposed information collection requirements contained in this NPRM, as required by the PRA. Public and agency comments on the PRA proposed information collection requirements are due January 21, 2014. Comments should address: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, 116 Stat 729 (2002), *see* 44 U.S.C. 3506(c)(4), the Commission seeks specific comment on how it might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.''

To view a copy of this information collection request (ICR) submitted to OMB: (1) Go to the Web page *http://www.reginfo.gov/public/do/PRAMain*, (2) look for the section of the Web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the Title of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

The following information collection requirements would be initiated if the proposed rules contained in the NPRM are adopted.

OMB Control Number: 3060–xxxx.

Title: AM Station Modulation Dependent Carrier Level (MDCL) Notification Form; FCC Form 338.

Form Number: FCC Form 338.

Type of Review: New information collection.

Respondents: Business or other for-profit entities; Not-for-profit institutions.

Number of Respondents and Responses: 100 respondents and 100 responses.

Estimated Hours per Response: 1 hour.

Frequency of Response: On occasion reporting requirement.

Total Annual Burden: 100 hours.

Total Annual Costs: None.

Obligation to Respond: Required to obtain or retain benefits. The statutory authority for this information collection is contained in Sections 154(i), 303, 310 and 533 of the Communications Act of 1934, as amended.

Nature and Extent of Confidentiality: There is no need for confidentiality required with this collection of information.

Privacy Impact Assessment: No impact(s).

Needs and Uses: On October 31, 2013, the Commission released the Notice of Proposed Rule Making, *Revitalization of the AM Radio Service* (NPRM), FCC 13–139, MB Docket No. 13–249. In the NPRM, the Commission recognized that in September 2011, the Media Bureau (Bureau) had released an MDCL Public Notice, in which it stated that it would permit AM stations, by rule waiver or experimental authorization, to use transmitter control techniques that vary either the carrier power level or both the carrier and sideband power levels as a function of the modulation level. This allows AM licensees to reduce power consumption while maintaining audio quality and their licensed station coverage areas. These techniques are

known as Modulation Dependent Carrier Level (MDCL) control technologies.

There are two basic types of MDCL control technologies. In one type, the carrier power is reduced at low modulation levels and increased at higher modulation levels. In the other type, there is full carrier power at low modulation levels and reduced carrier power and sideband powers at higher modulation levels. Use of any of these MDCL control technologies reduces the station's antenna input power to levels not permitted by 47 CFR 73.1560(a).

The MDCL Public Notice permitted AM station licensees wanting to use MDCL control technologies to seek either a permanent waiver of 47 CFR 73.1560(a) for those licensees already certain of the particular MDCL control technology to be used, or an experimental authorization pursuant to 47 CFR 73.1510 for those licensees wishing to determine which of the MDCL control technologies would result in maximum cost savings and minimum effects on the station's coverage area and audio quality. Since release of the MDCL Public Notice, 33 permanent waiver requests and 20 experimental requests authorizing use of MDCL control technologies have been granted by the Bureau.

AM station licensees using MDCL control technologies have reported significant savings on electrical power costs and few, if any, perceptible effects on station coverage area and audio quality. Accordingly, the NPRM tentatively concluded that use of MDCL control technologies reduces AM broadcasters' operating costs while maintaining a station's current level of service to the public, without interference to other stations. The Commission therefore, proposed wider implementation of MDCL control technologies by amending 47 CFR 73.1560(a), to provide that an AM station may commence operation using MDCL control technology without prior Commission authority, provided that the AM station licensee notifies the Commission of the station's MDCL control operation within 10 days after commencement of such operation using the Bureau's Consolidated Database System (CDBS). The NPRM solicits comments on the proposed rule change, as well as on the potential adverse effects of allowing AM stations to commence MDCL control technology operation without prior Commission authority. The NPRM also seeks comment as to the potential adverse effects, if any, of MDCL control technology implementation on other AM stations.

Consistent with the NPRM's proposal to allow AM broadcasters to implement MDCL technologies without prior authorization, by electronic notification within 10 days of commencing MDCL operations, the Commission created FCC Form 338, AM Station Modulation Dependent Carrier Level (MDCL) Notification. In addition to the standard general contact information, FCC Form 338 solicits minimal technical data, as well as the date that MDCL control operation commenced. This new information collection regarding FCC Form 338 needs OMB review and approval.

The following rule section is covered by this information collection and requires OMB approval:

47 CFR 73.1560(a)(1) specifies the limits on antenna input power for AM stations. AM stations using MDCL control technologies are not required to adhere to these operating power parameters. AM stations may, without prior Commission authority, commence MDCL control technology use, provided that within ten days after commencing such operation, the licensee submits an electronic notification of commencement of MDCL operation using FCC Form 338.

Summary of Notice of Proposed Rulemaking

1. The AM broadcast service is the oldest broadcasting service. For decades, it has been an integral part of American culture. Today, AM radio remains an important source of broadcast entertainment and information programming, particularly for locally oriented content. AM broadcasters provide unique, community-based programming to distinguish themselves from other media sources in an increasingly competitive mass media market, such as all-news/talk, all-sports, foreign language, and religious programming formats. Local programming is also prevalent on the AM dial, including discussions of local news, politics and public affairs, traffic announcements, and coverage of community events such as high school athletic contests.

2. The sustainability of the AM broadcast service has been threatened by the migration of AM listeners to newer media services, due to AM's technical limitations and the relative lack of consumer-friendly features such as real-time data and information displays. The AM band is also subject to interference concerns not faced by other broadcast sources. First, due to the nighttime propagation characteristics of AM signals, many AM stations are unable to operate at night, and many others must reduce operating power substantially and/or use a complex directional antenna system in order to avoid interference to co- and adjacent-channel AM stations at night. As a result, many AM stations are unable to serve sizeable portions of their audiences in the evening hours, and still others can provide no protected nighttime service. Second, reinforced structures, such as buildings with steel frames or aluminum siding, can block AM signals, hindering AM reception in urban areas where such structures are prevalent. Third, AM radio is particularly susceptible to interference from electronic devices of all types, including such ubiquitous items as TV sets, vehicle engines, fluorescent lighting, computers, and power lines, and noise from those sources is only expected to increase as electronic devices continue to proliferate. This combination of higher fidelity alternatives and increased interference to AM radio has led to a steady decline in listenership to AM radio, which was once the dominant form of audio entertainment. By 2010, AM listenership had decreased to just 17 percent of radio listening hours, with the decline being sharpest among younger listeners. The popularity of AM stations versus FM facilities is also on the decline: AM listening dropped by roughly 200,000 listeners between 2011 and 2012, while FM listenership increased during that time. Between 1990 and 2010, the number of AM stations decreased by 197 stations while the number of FM stations almost doubled.

3. The Commission has previously made efforts to revitalize the AM band. In 1991 the Commission adopted a comprehensive AM improvement plan. *Review of the Technical Assignment Criteria for the AM Broadcast Service,* Report and Order, 6 FCC Rcd 6273, 6275 (1991). That plan included three principal elements. First, new and revised AM technical standards were promulgated to reduce interference within AM stations' primary service areas. Second, ten ''expanded band'' frequencies (situated between 1605–1705 kHz) were opened to relocate select AM stations whose migration to those frequencies would significantly abate interference in the existing AM band. Finally, various measures were adopted affording broadcasters greater latitude and incentives to reduce interference through non-technical means. Additionally, in the past several years the Commission has instituted several discrete changes in its AM rules and policies designed to further

enhance the AM service or reduce regulatory and technical burdens on AM broadcasters. These include streamlined procedures for employing alternative antennas, proposing community of license modifications, and directional antenna proofs of performance. These also include the authorization of rebroadcasting AM primary stations over FM translator stations, and the authorization of Modulation Dependent Carrier Level (MDCL) control technologies. On the heels of these AM improvement measures, the Commission initiated this rulemaking to consider additional options for revitalizing the AM band, in view of the significant technological, policy, and economic changes that have occurred in AM broadcasting since the Commission last did so in 1991. The NPRM sets forth some specific technical proposals and, where appropriate, proposed rule revisions. The Commission seeks comment on these proposals, as well as any other ideas for improving the quality of the AM radio service.

4. Open FM Translator Filing Window Exclusively for AM Licensees and Permittees. Under the Commission's current rules, AM stations are allowed to use authorized FM translator stations (i.e., those now licensed or authorized with construction permits that have not expired) to rebroadcast their AM signals, provided that no portion of the 60 dBμ contour of any such FM translator station extends beyond the lesser of (a) a 25-mile radius from the AM transmitter site, and (b) the 2 millivolts per meter (mV/m) daytime contour of the AM station. When an AM broadcaster acquires an FM translator, the broadcaster typically must relocate the translator both to meet the station's needs and to comply with the coverage contour requirements outlined above. Under the Commission's current FM translator rules, changes to FM translator facilities can be either major or minor. A major change is one either proposing a translator frequency more than three channels from its currently authorized transmitting frequency that is also not an intermediate frequency, or a physical move to a location at which the proposed 1 mV/m contour does not overlap with the currently authorized 1 mV/m contour, as well as any change in frequency relocating an unbuilt translator station from the non-reserved band to the reserved band, or vice-versa. 47 CFR 74.1233(a)(1). Applications for such major changes may only be made during specific announced filing windows. 47 CFR 74.1233(d)(2)(i). However, an FM translator owner may make a minor change—which meets both channel and contour overlap requirements described above—at any time.

5. The regulatory distinction between major and minor changes has led some translator licensees to attempt what would otherwise be dismissed as impermissible major changes, by filing multiple minor modification applications to ''hop'' the translator to new locations. Although not specifically prohibited by rule, this practice subverts the purpose of the Commission's minor change requirement and, therefore, the Commission's Media Bureau has concluded that the Commission may deny applications resulting in multiple ''hops'' pursuant to Section 308(a) of the Communications Act of 1934, as amended (47 U.S.C. 308(a)). At the same time, however, the contour overlap requirements for relocating FM translators, coupled with the fill-in coverage area restrictions on locating FM translators for use by AM broadcasters, limit the supply of available FM translators for individual AM licensees. Although a new FM translator filing window might alleviate this situation, opening the window to all applicants would require AM broadcasters seeking to establish new fill-in translators to compete at auction with other, non-AM broadcaster applicants, many of whom might foreclose opportunities for AM-rebroadcast translators by proposing mutually exclusive translator facilities, while others might apply within the contours of AM stations for the specific purpose of obstructing a local AM broadcaster from acquiring a translator station, forcing it to do business with the winning bidder. While there is a public interest in robust and competitive auctions in services subject to our competitive bidding procedures, there is also a compelling public interest in maintaining the vitality and utility of the AM service.

6. Accordingly, the Commission tentatively concluded that it should afford an opportunity, restricted to AM licensees and permittees, to apply for and receive authorizations for new FM translator stations for the sole and limited purpose of enhancing their existing service to the public. It therefore proposed to open a one-time filing window during which only AM broadcasters may participate, and in which each may apply for one, and only one, new FM translator station, in the non-reserved FM band (FM Channels 221–300), to be used solely to re-broadcast the broadcaster's AM signal to provide fill-in and/or nighttime service. The Commission proposed that the window would have the following conditions and limitations:

a. Eligible applicants must be AM broadcast licensees or permittees, and may apply for only one FM translator per AM station. The Commission tentatively concluded that this requirement is necessary, as AM broadcasters forced to rely on translators owned by other licensees and permittees run the risk that the FM translator owner might choose, for example, to relocate the translator to an area that does not fill in the AM station's daytime signal contour, or might opt to rebroadcast another primary station.

b. Applications for FM translators in this window must strictly comply with the existing fill-in coverage area technical restrictions on FM translators for AM stations, that is, must be located so that no part of the 60 dBμ contour of the FM translator will extend beyond the smaller of a 25-mile radius from the AM station's transmitter site, or the AM station's daytime 2 mV/m contour.

c. Any FM translator station authorized pursuant to this window will be permanently linked to the AM primary station acquiring it. That is, the FM translator station may only be authorized to the licensee or permittee of the AM primary station it rebroadcasts, rather than an independent party; the FM translator may only be used to rebroadcast the signal of the AM station to which it is linked (or originate nighttime programming during periods when a daytime-only AM station is not operating); and the authorization for such an FM translator station will only be issued subject to the condition that it may not be assigned or transferred except in conjunction with the primary AM station that it re-broadcasts and with which it is commonly owned. The Commission tentatively concluded that these conditions are necessary to accomplish the goals of the proposed filing window, as stated above. It makes little sense to provide AM broadcasters with an opportunity to enhance their service by applying for and receiving authorizations for new FM translator stations if those stations may then be assigned or transferred to independent parties unaffiliated with the primary AM stations, or used to rebroadcast other primary station signals.

The Commission seeks comment on these proposals.

7. The Commission seeks comment as to whether this window can be limited to AM incumbents, as proposed. The Commission tentatively concluded that this eligibility restriction is consistent with the rights of potential applicants

under *Ashbacker Radio Co.* v. *FCC,* 326 U.S. 327 (1945), which establishes a right to a hearing when two bona fide applications are mutually exclusive. The United States Court of Appeals for the District of Columbia Circuit has held that 47 U.S.C. 309(e) ''does not preclude the FCC from establishing threshold standards to identify qualified applicants and excluding those applicants who plainly fail to meet the standards.'' *Hispanic Information and Telecommunications Network* v. *FCC,* 865 F.2d 1289, 1294 (D.C. Cir. 1989). Moreover, the subsequent enactment of auction authority under section 309(j) of the Communications Act, 47 U.S.C. 309(j), reaffirmed the Commission's ''obligation in the public interest to continue to use . . . threshold qualifications . . . in order to avoid mutual exclusivity in application and licensing proceedings.'' 47 U.S.C. 309(j)(6)(E).

8. The Commission believes that the proposed requirements outlined in the NPRM are narrowly tailored to address the daunting technical and competitive challenges that AM broadcasters face, to provide efficient and expeditious assistance to such broadcasters and, thus, to promote a more robust and sustainable AM broadcast service. These conditions would sharply limit the number of filings, resulting in fewer mutually exclusive proposals and faster application processing, and would also prevent speculative filings, an issue of some concern from the Commission's experience with the FM translator applications received in Auction 83. In contrast, an open window could frustrate the goal of providing expeditious relief to AM broadcasters. It will be necessary to undertake a close review of FM translator licensing rules before opening a general FM translator window. Although the Commission intends to revise the FM translator rules, and to provide further opportunities for all interested applicants to apply for FM translator permits, it has tentatively concluded that an applicant-limited and technically limited window such as proposed here will provide immediate benefits to the AM service without materially affecting future FM translator window applicants. The Commission invites comment on these tentative conclusions. Specifically, the Commission asks commenters to address the problems faced by AM stations in today's marketplace, whether a window such as that proposed would significantly alleviate any problems identified, and whether commenters believe that further modifications to the proposed parameters for the window are necessary to address those specific problems (for example, additional or different requirements to be met by potential applicants; limitation of eligibility to licensees or permittees of certain class stations, e.g., Class C and D stations only, or to ''stand alone'' AM stations). Commenters may also discuss their experiences with using FM translators to augment AM service under existing rules, and whether there are currently a sufficient number of FM translator stations that are technically suited to meet the demand for AM fill-in service. The Commission also requests that commenters address the impact of such an FM translator window on FM full-power licensees, small businesses, businesses owned by minority groups and women, other FM translator licensees, and low-power FM (LPFM) broadcasters. Are there any obstacles or disadvantages to opening an FM translator filing window exclusively for AM licensees and permittees?

9. Given the unqualified success of the Commission's introduction of cross-service FM translators in 2009, the Commission believes that a narrowly tailored filing window for such FM translators, as proposed herein, could yield significant public interest benefits with little to no detriment either to the FM translator service or to licensing opportunities for LPFM stations, especially since the filing window proposed here will follow the 2013 LPFM filing window. The Commission solicits comment on both the proposal to open a filing window and the operational details of such a window, as well as the effects on the FM, FM translator, and LPFM services. The Commission also seeks comment on whether, between the relaxation of the limitation on FM translators that can be used to rebroadcast AM station signals, and the AM-only FM translator window proposed here, there will no longer be a need for so-called ''Mattoon Waivers.'' If the Commission does end the Mattoon Waiver policy, should it be eliminated upon adoption of the proposed AM-only translator window or upon the opening of that window?

10. Modify Daytime Community Coverage Standards for Existing AM Stations. Under the daytime community coverage rule, a commercial radio station must provide daytime coverage to its entire community of license (47 CFR 73.24(i), 73.315(a)), although the Commission has a longstanding policy to waive the rule, so long as the requesting licensee makes an appropriate showing that it will encompass 80 percent of the community of license's area or population within the station's 5 mV/m contour. The Commission adopted this rule in order to provide sufficient signal coverage to the designated community of license. The Minority Media Telecommunications Council (MMTC), in a 2009 petition for rulemaking filed with the Commission, suggested that this rule, along with the inherent difficulties of finding suitable tower sites in urban areas, actually harms the public interest by ''limit[ing] commercial stations from changing sites and making other improvements that benefit the public interest.'' *Review of Technical Policies and Rules Presenting Obstacles to Implementation of Section 307(b) of the Communications Act and to the Promotion of Diversity and Localism,* MMTC Radio Rescue Petition for Rulemaking, RM–11565, at 15 (Jul. 20, 2009) (Radio Rescue Petition). If a commercial station wants to change its site or make improvements, it must demonstrate that the station would cover at least 80 percent of the community from the new site. MMTC maintains that this is often impossible and usually leads to protracted and resource-intensive waiver proceedings.

11. MMTC proposed that the Commission amend the daytime AM coverage standard to require a station to provide coverage to 50 percent of its community of license with a signal of at least 60 dBμ, contending that under this standard, the remaining 50 percent of the community, in nearly all cases, would still receive a very listenable signal. MMTC argued that the proposed rule modification could provide AM stations with greater flexibility in making station improvements without frustrating the rule's original purpose, and would provide AM broadcasters, including small, women, and minority broadcasters, with additional flexibility for site location. The Commission has previously noted that sites suitable for AM antennas are increasingly difficult (and expensive) to find. Additionally, when the Commission modified the community coverage rule for noncommercial educational (NCE) FM stations in 2000, it recognized that permitting NCE FM stations to cover 50 percent of the community of license ''should ensure sufficient flexibility in siting facilities and reaching target audiences.'' *Streamlining of Radio Technical Rules in Parts 73 and 74 of the Commission's Rules,* Second Report and Order, 15 FCC Rcd 21649, 21670 (2000).

12. While agreeing with MMTC that AM tower siting has become increasingly difficult, especially for those AM stations requiring multi-tower arrays and those located in and near large urban areas, the Commission also

recognized the value of principal community coverage as part of the commitment to broadcast localism and the fair, efficient, and equitable distribution of radio service under 47 U.S.C. 307(b). The Commission stated its belief that an applicant for a new AM facility or change of community of license, as part of its due diligence when evaluating its proposal for new service, should specify a transmitter site that enables daytime and nighttime coverage under existing standards, namely, coverage of 100 percent of the community of license with a principal community signal (5 mV/m) during the day, and coverage of 80 percent of the community of license with a nighttime interference-free (NIF) signal at night. The Commission has previously held that AM coverage of less than 80 percent of the residential area of a community is generally considered to be inadequate, and saw no reason to allow an applicant proposing a new AM station or community of license change to propose facilities with sub-standard signal coverage. An applicant for a new AM station or community of license change should be able to evaluate whether it is able to secure transmission facilities that will enable it to provide adequate community coverage; if it cannot do so, it should not propose a new station. An existing station, however, especially one that has been in the same location for many years, may not have the same flexibility to provide community coverage, due to changes in city boundaries and population distribution, and perhaps due to the loss of unique transmitter sites and the unavailability of acceptable new sites.

13. The Commission therefore proposed to modify the daytime community coverage requirement contained in 47 CFR 73.24(i), for licensed AM facilities only, to require that the station cover either 50 percent of the population or 50 percent of the area of the community of license with a daytime 5 mV/m principal community signal. The Commission seeks comment on this proposed rule change. Specifically, what would be the effect on AM broadcasters and the public in general of modifying the rule? Commenters should describe and, if possible, quantify the costs and benefits of this proposal to broadcasters and the public. Would modifying the rule improve broadcaster flexibility in siting AM facilities and reaching target audiences? Would modification of the rule provide greater benefits to small AM stations and minority broadcasters? Conversely, would modification of the rule provide sub-standard signal quality to significant portions of a community of license? Would it be better to modify the daytime community coverage standard for all AM application types, including those for new stations and those seeking to change community of license? Alternatively, should the Commission retain the existing AM daytime coverage requirements for all stations, subject to waiver on an appropriate showing? The Commission asks that broadcasters discuss with specificity issues they have encountered when they try to comply with the daytime community coverage rule, particularly instances in which the rule may have prevented them from implementing beneficial station improvements.

14. Modify Nighttime Community Coverage Standards for Existing AM Stations. Under the Commission's current rules, many AM radio stations are required to reduce their power or cease operating at night in order to avoid interference to other AM radio stations. See 47 CFR 73.182. During daytime hours, AM signals travel principally by groundwave conduction over the surface of the earth, and generally can be heard within a maximum radius of 100 miles. However, at night AM signals that are broadcast at the same power level reflect from the ionosphere back to the earth, and can travel over hundreds of miles. Thus, if an AM station maintained its daytime operating power level at night, significant ''skywave'' interference to other AM stations would result. As a result, most AM radio stations are required by the Commission's rules to reduce their power, sometimes drastically, or to cease operating at night altogether to avoid interference to other AM stations. However, the Commission's nighttime coverage rule also requires that non-Class D AM broadcasters maintain a signal at night sufficient to cause 80 percent of the area or population of the broadcaster's principal community to be ''encompassed by the nighttime 5 mV/m contour or the nighttime interference-free contour, whichever value is higher.'' 47 CFR 73.24(i). Effectively, this means that AM broadcasters must continue serving the bulk of their community of license at night even though the Commission's rules mandate reduced maximum broadcast power levels.

15. In the Radio Rescue Petition, MMTC observed, first, that requiring separate coverage requirements for daytime and nighttime significantly reduces the transmitter sites available to an AM station. Although one site may be optimal for daytime coverage, it may not meet the specifications required to comply with the nighttime coverage rule. As a result, some stations must operate two separate sites in order to comply with the rule. Second, MMTC argues that the nighttime coverage rule makes it more difficult for an AM broadcaster to relocate its station's antenna. When an antenna site becomes unusable—for example, due to increased interference caused by urban development in the surrounding area—the station may attempt to move to a more remote site. This attempt might be unsuccessful because changes in community and population coverage would take the station out of compliance with the nighttime coverage rule. Third, the nighttime coverage rule provides an entry barrier by requiring that broadcasters either demonstrate substantial compliance with the rule in an application for a new site or submit a waiver request demonstrating that the FCC should grant an exception to the rule.

16. As stated above, the Commission acknowledged the difficulties faced by existing AM broadcasters with regard to antenna siting. It also recognized, however, the value of nighttime service to communities, especially those with little or no FM or other local nighttime AM service. In fact, because of their service limitations the Commission no longer authorizes new Class D AM stations, which are daytime-only or provide only secondary, unprotected nighttime service. 47 CFR 73.21(a)(3). The Commission also stated that applicants for new AM stations, or those proposing to change their community of license, should provide some level of nighttime service, for the same reasons set forth above in the daytime AM coverage section. That is, an applicant proposing new service or a new community of license should be able to base its decision on whether it can find a site from which it can provide the required coverage, whereas an incumbent station may be constrained from finding a new site from which to cover a community that may have grown since the station was first licensed. The Commission therefore tentatively concluded that the nighttime coverage requirement should be eliminated for existing licensed AM stations, and should be modified to require that new AM stations and AM stations seeking a change to their communities of license cover either 50 percent of the population or 50 percent of the area of the community of license with a nighttime 5 mV/m signal or an NIF contour, whichever value is higher. The Commission seeks comment on this

proposal. Is the rule mandating minimum nighttime coverage for existing AM stations still necessary and desirable in light of the difficulties it poses and the number of waivers that are needed? What would be the benefit, if any, to AM broadcasters and to the public in general of eliminating the nighttime coverage requirement? What negative consequences to other AM stations or to the public in general, if any, would result from eliminating the rule? Would eliminating the rule, as MMTC has suggested, afford AM stations much greater flexibility in site selection and ability to move farther away from developed and costly downtown areas? Would eliminating the rule allow AM broadcasters to reduce their costs by improving their ability to move out of areas with high property values? Conversely, would eliminating the rule deprive communities of needed nighttime service? Should the Commission require the station's nighttime transmitter site and nighttime interference-free contour to be completely within the station's predicted daytime protected 0.5 mV/m or 2 mV/m contour, to ensure that the station serves at least part of the area in the vicinity of its community of license?

17. To the extent commenters believe that the nighttime coverage rule has continued utility, but perhaps merits modification other than that proposed here, they are asked to submit proposals for such modification, and to discuss how a modified nighttime coverage rule might benefit AM broadcasters and serve the public. For example, rather than eliminating the rule entirely, should the Commission consider relaxing the coverage requirement from 80 percent to 50 percent for existing stations, as the Commission did when adopting the rules for the AM expanded band, and as proposed above for daytime coverage? Would an across-the-board nighttime 50 percent coverage rule, as the Commission concluded in adopting the standard for the expanded AM band, insure a signal of significant quality to the community of license and the added flexibility to locate facilities at cost effective locations? Would the same be true for all AM broadcasters, whether in the standard or the expanded band? Alternatively, should the Commission retain the AM nighttime coverage requirements in their current form, subject to waiver on a case-by-case basis and on an appropriate showing? Would the waiver process impose a significant burden on broadcasters encountering difficulties in providing adequate nighttime service? Should nighttime coverage requirements be retained for those stations that are the sole local transmission service at a community, or that provide the only nighttime service to a community or to a substantial population? Commenters should describe and, if possible, quantify the costs and benefits to broadcasters and the public of any rule modifications they support or propose.

18. Eliminate the AM Ratchet Rule. Commission rules currently require that Class A and B stations comply with certain interference reduction requirements. One of these requirements is commonly known as the ''ratchet rule.'' This rule effectively requires that an AM broadcaster seeking to make facility changes, which would modify its AM signal, demonstrate that the improvements will result in an overall reduction in the amount of skywave interference that it causes to certain other AM stations. 47 CFR 73.182(a) n.1. In other words, the AM station proposing the modification must ''ratchet back'' its radiation at the pertinent vertical angle in the direction of certain other AM stations. The Commission adopted this rule to reduce interference in the AM band, but as discussed below, it appears that the rule may not have achieved its intended goal.

14. In 2009, two broadcast engineering firms filed a petition with the Commission proposing to eliminate the ratchet rule. *Modification of Section 73.182(q), Footnote 1, to Promote Improvement of Nighttime Service by AM Radio Stations by Eliminating the ''Ratchet Clause,''* Petition for Rulemaking, RM–11560 (Aug. 25, 2009) (''Ratchet Rule Petition''). The petitioners contended that the ratchet rule since its inception has been a ''serious impediment for stations wishing to make modifications to alleviate nighttime coverage difficulties due to noise and man-made interference.'' Ratchet Rule Petition at second unnumbered page, paragraph 3. According to the petitioners, the ratchet rule tends to discourage service improvements in general, because a station seeking to improve its service by transmitter relocation, pattern change, or other means as a practical matter must reduce its power to comply with the rule. This, argued the petitioners, more often than not results in a net loss of nighttime interference-free service. Moreover, the petitioners contended that the rule unduly disadvantages AM stations that have been on the air the longest, and that therefore have the lowest nighttime interference levels and largest coverage areas, in favor of reducing interference to newer stations that agreed to accept existing levels of interference when they began operations.

15. Eight commenters on the Ratchet Rule Petition agreed that the ratchet rule should be repealed as it does not reduce harmful AM interference, and in fact inhibits AM facility modifications. The Commission's experience since the ratchet rule was adopted appears to bear out the arguments presented in the Ratchet Rule Petition and in the comments regarding the rule's efficacy. There is no dispute that the reduction in radiation required by the ratchet rule causes harm due to loss of nighttime coverage area to licensed stations that must relocate their transmitting facilities. Approximately 60 percent of the AM stations currently governed by the ratchet rule, and that apply to relocate their transmitting facilities, seek waiver of the rule in order to avoid nighttime coverage area losses so severe that the station could provide no more than nominal nighttime service. The Commission therefore tentatively concluded that the ratchet rule should be deleted, and proposed deleting note 1 to 47 CFR 73.182(q). The Commission seeks comment on this conclusion and proposed rule change. Is elimination of the ratchet rule both feasible and desirable? What would be the benefit to AM broadcasters, and to the listening public, of eliminating the rule? Would there be negative consequences to other AM stations and/or to listeners if the proposal to eliminate the ratchet rule were to be adopted? Does the ratchet rule, as the petitioners and commenters assert, tend to discourage service improvements in general? Conversely, does the ratchet rule continue to serve a valuable function in reducing the interference imposed by AM stations on other systems? Would elimination of the rule allow a broadcaster to change its facilities in ways that might increase the levels of interference that the broadcaster imposes on other stations beyond an acceptable threshold? Or are sufficient safeguards in place to prevent that result?

16. Alternatively, are there aspects of the ratchet rule that are worth retaining, such that the Commission should modify the rule instead of deleting it, and if so what modifications should be made? Commenters are asked to discuss their specific experiences with the ratchet rule and any instances in which the rule prevented them or their clients from making beneficial station improvements. Commenters should also describe and, if possible, quantify the costs and benefits of this proposal, and any suggested alternatives, to broadcasters and to their service to the public. To the extent commenters prefer

modifying the ratchet rule to deleting it, they are urged to submit proposals for modifying the ratchet rule in order to allow broadcasters more latitude to make such improvements.

17. Permit Wider Implementation of Modulation Dependent Carrier Level Control Technologies. In September 2011, the Media Bureau released a Public Notice (MDCL Public Notice), in which it stated that it would permit AM stations, by rule waiver or experimental authorization, to use transmitter control techniques that vary either the carrier power level or both the carrier and sideband power levels as a function of the modulation level. This allows AM licensees to reduce power consumption while maintaining audio quality and their licensed station coverage areas. These techniques are known as Modulation Dependent Carrier Level (MDCL) control technologies or algorithms. There are two basic types of MDCL control technologies. In one, the carrier power is reduced at low modulation levels and increased at higher modulation levels. Adaptive Carrier Control (ACC), Dynamic Amplitude Modulation (DAM), and Dynamic Carrier Control (DCC) are examples of this type of MDCL control technology. In the other type, there is full carrier power at low modulation levels and reduced carrier power and sideband powers at higher modulation levels. Amplitude Modulation Companding (AMC) is this type of MDCL control technology. Use of any of these MDCL control technologies reduces the station's antenna input power to levels not permitted by 47 CFR 73.1560(a). The MDCL Public Notice permitted AM station licensees wanting to use MDCL control technologies to seek either a permanent waiver of 47 CFR 73.1560(a) for those licensees already certain of the particular MDCL control technology to be used, or an experimental authorization pursuant to 47 CFR 73.1510 (now governed by 47 CFR 5.203) for those licensees wishing to determine which of the MDCL control technologies would result in maximum cost savings and minimum effects on the station's coverage area and audio quality. Since release of the MDCL Public Notice, 33 permanent waiver requests and 20 experimental requests authorizing use of MDCL control technologies have been granted.

18. AM station licensees using MDCL control technologies have reported significant savings on electrical power costs and few, if any, perceptible effects on station coverage area and audio quality. Based on the absence of either reported negative effects of using MDCL control technologies or interference complaints from other AM stations, we tentatively conclude that use of MDCL control technologies reduces AM broadcasters' operating costs while maintaining a station's current level of service to the public, without interference to other stations. The Commission therefore proposed to amend 47 CFR 73.1560(a) to provide that an AM station may commence operation using MDCL control technology (MDCL control operation) without prior Commission authority, provided that the AM station licensee notifies the Commission of the station's MDCL control operation within 10 days after commencement of such operation using the Bureau's Consolidated Database System (CDBS). Additionally, regardless of the MDCL control technology employed, the Commission proposed to require that the AM station's transmitter must achieve full licensed power at some audio input level, or when the MDCL control technology is disabled. This requirement will permit stations to use energy-saving MDCL technologies, which preserve licensed coverage areas, while distinguishing between such operations and simple reductions in transmitter power, which do not. The Commission further proposed to require an AM station using MDCL control technology to disable it before field strength measurements on the station are taken by the licensee or others. The Commission seeks comment on this proposal, including the benefits and potential harms of this proposal to broadcasters and its impact on service to the public, as well as potential cost savings to broadcasters. The Commission also seeks comment as to what notice an AM licensee or permittee employing MDCL control technology should receive from the Commission prior to measurements or inspections by Commission staff, and as to what the AM station's obligations should be in such situations. AM stations not using MDCL control technologies are required to adhere to the limits on antenna input power currently specified in 47 CFR 73.1560(a). Comments are sought on the proposed rule change, as well as on the potential adverse effects of allowing AM stations to commence MDCL control technology operation without prior Commission authority. The Commission also seeks comment as to the potential adverse effects, if any, of MDCL control technology implementation on other AM stations.

19. Two domestic AM transmitter manufacturers currently offer MDCL control technologies for use with their transmitters. Other AM transmitter manufacturers may be developing MDCL control technologies for use with their transmitters and, reportedly, other third-party vendors offer or are planning to offer external MDCL control adapters. Should the Commission require an AM station licensee to use only an MDCL control technology developed and implemented by the manufacturer of the station's transmitter, or should it allow a station to use an MDCL control technology developed and implemented by another provider? Although the Commission currently does not require an AM station licensee to disclose the make and model of its transmitter, should it require an AM licensee commencing operation using MDCL control technology to inform the Commission of the make and model of its transmitter, as well as the particular MDCL control technology being used?

20. In the MDCL Public Notice, the Commission stated that initial tests by transmitter manufacturers showed that MDCL control technologies are compatible with hybrid AM digital operation at the transmitter; that the National Radio System Committee (NRSC) had recently convened a subcommittee to investigate the effects of MDCL control technologies on the hybrid AM digital signal, especially at the receiver; and that receiver compatibility tests were underway. Based on these facts, the Commission permitted AM stations operating hybrid AM digital facilities to implement MDCL control technologies, provided that the hybrid signal continues to comply with the spectral emissions mask requirements in 47 CFR 73.44, and that the relative level of the analog AM signal to the digital AM signal remains constant. In April 2013, the NRSC published the NRSC MDCL Guideline, in which it concluded that, ''[c]onsidering the effect that MDCL has on the signal, as well as the practical limitations of transmitter technology, caution is advised when implementing hybrid AM IBOC with MDCL.'' NRSC MDCL Guideline NRSC–G101, ''AM Modulation-Dependent Carrier Level (MDCL) Usage Guideline,'' at 16. The NRSC cites the potential for increased out-of-band emissions and reduction of signal quality of the hybrid AM digital signal when stations operating hybrid AM analog and digital facilities implement MDCL control technologies, and reports that further studies regarding the compatibility of MDCL control technologies and hybrid AM digital operation will be undertaken. Since the effects of MDCL control technology on hybrid AM digital operation have not been conclusively

determined, and the Commission has received no interference complaints about AM stations operating with both MDCL control technology and hybrid digital facilities since release of the MDCL Public Notice, the Commission tentatively concluded that it should continue to permit all AM stations, including those operating hybrid AM analog and digital facilities, to implement MDCL control technologies without prior Commission authority. The continued operation of AM stations using MDCL control technology with hybrid AM digital facilities will allow further testing to determine the effect of the simultaneous use of MDCL control technologies and hybrid AM analog and digital facilities. The Commission seeks comment on this proposal.

20. Modify AM Antenna Efficiency Standards. The Commission's minimum efficiency standards impose minimum requirements regarding the effective field strength of AM broadcast stations. See 47 CFR 73.45, 73.186, 73.189. Under the Commission's rules, ''[a]ll applicants for new, additional, or different AM station facilities and all licensees requesting authority to change the transmitting system site of an existing station must specify an antenna system, the efficiency of which complies with the requirements for the class and power of station.'' 47 CFR 73.45(a). 47 CFR 73.189, which is referenced in 47 CFR 73.45(a), explains that to satisfy the efficiency requirements, an antenna system must ''meet minimum height requirements, or . . . meet[] the minimum requirements with respect to field strength.'' 47 CFR 73.189(b)(1). Thus, if an AM broadcaster's antenna does not satisfy the minimum height requirements, the broadcaster is required to ensure that the broadcast tower's effective field strength satisfies the minimum requirements contained in 47 CFR 73.184.

21. MMTC proposes that the Commission replace ''minimum efficiency'' for AM antennas with ''minimum radiation'' in mV/m, thereby allowing AM stations to use very short antennas and enjoy more flexibility in site selection, including rooftop installations. Radio Rescue Petition at 20. Under MMTC's formulation, an AM broadcaster would only be required to show that the broadcast station produces a certain minimum level of radiation, contending that if the minimum radiation is achieved, efficiency levels are immaterial. MMTC states that the minimum efficiency standard originated in the 1920s when electric power was in short supply but land was abundantly available; now, however, MMTC contends that the relative availability of land and electric power are exactly reversed, necessitating re-evaluation of the regulation. MMTC believes that the current rule works a hardship on lower-frequency stations because larger antennas are needed to meet the efficiency standards at lower frequencies, which have longer wavelengths. Replacing the minimum efficiency standard with a minimum radiation standard, according to MMTC, would allow AM stations to use very short antennas and enjoy more flexibility in site selection, which in turn will enable small businesses and entrepreneurs to continue their operations by increasing power and using less land, thus providing the opportunity to move closer to larger, more viable areas.

22. The Commission has previously observed that parcels of land suitable for AM towers and ground systems are less abundant and more expensive today than in the early days of radio broadcasting some 70–80 years ago, especially in and near urbanized areas. However, the Commission questioned MMTC's other premise, that electricity is more plentiful and more readily available, finding that it is not well established in the record of the Radio Rescue Petition proceeding. The Commission also observed that the MMTC proposal is unclear as to both the exact problems that MMTC perceives with current regulations, the specifics of the rule or rules it proposes to eliminate or replace, and why its proposed solution is preferable. While MMTC's proposal calls for a ''minimum radiation'' standard expressed in mV/m, current rules already provide such a standard as an alternative to the minimum antenna heights set forth therein. 47 CFR 73.189(b)(1) states that good engineering practice requires an AM applicant either ''to install a new antenna system or to make changes in the existing antenna system which will meet the minimum height requirements, or submit evidence that the present antenna system meets the minimum requirements with respect to field strength, before favorable consideration will be given thereto.'' Thus, for Class B, Class D, and Alaskan Class A AM stations, an antenna must either meet the minimum height requirements set forth in curves A, B, and C of Figure 7 of 47 CFR 73.190, or must provide a minimum effective field strength of 282 mV/m for 1 kilowatt at 1 kilometer from the transmitter. 47 CFR 73.189(b)(2)(ii). The rules already provide for non-standard antennas, as long as they meet minimum field strength standards. It is unclear how the current rules differ from MMTC's proposed ''minimum radiation'' standard.

23. However, while the record as to this proposal was not sufficiently developed to propose wholesale rule changes at this time, and accepting MMTC's claim that scarcity of land and height restrictions may restrict some AM broadcasters, especially those at lower frequencies and thus longer wavelengths, from installing antenna systems that can meet current Commission standards for AM transmissions, the Commission believed that reducing the existing minimum effective field strength values in 47 CFR 73.189(b) would offer AM broadcasters some relief by enabling them to propose shorter antennas. The Commission therefore seeks comment as to whether it should reduce the minimum field strength values set forth in 47 CFR 73.182(m) and 73.189(b)(2)(i)–(iii) by approximately 25 percent, and revise 47 CFR 73.182(m) and 73.189(b)(2) accordingly. 47 CFR 73.182(m) and Note (2), 73.189(b)(2)(i)–(iii). The new minimum field strength values would be as follows: for Class C stations, and stations in Alaska, Hawaii, Puerto Rico, and the U.S. Virgin Islands on 1230, 1240, 1340, 1400, 1450, and 1490 kHz that were formerly Class C and were redesignated as Class B pursuant to 47 CFR 73.26(b), the minimum effective field strength would be 180 mV/m for 1 kW at 1 km (90 mV/m for 0.25 kW at 1 km); for Class A (Alaska), Class B, and Class D stations other than those covered in 47 CFR 73.189(b)(2)(i), the minimum effective field strength would be 215 mV/m for 1 kW at 1 km; and for Class A stations, a minimum effective field strength of 275 mV/m for 1 kW at 1 km.

24. What would be the benefit to AM broadcasters, or to the listening public, of reducing these values? What would be the impact on the public and the ability of stations to provide service to their communities? Would some other reduction be more appropriate? Would modifying the current minimum efficiency standards have negative consequences for other AM stations or the public? Have broadcasters, in particular those with lower-frequency stations, experienced difficulties in complying with the current rules? Would the proposed rule modifications provide AM broadcasters with more flexibility in site selection? The Commission asks that broadcasters discuss their specific experiences with the minimum efficiency standards and any instances in which the rules prevented or impeded a station from

changing location or using a lower-cost or more site-specific antenna system. The Commission also asks that commenters describe and, if possible, quantify the costs of the current minimum efficiency standards, and the corresponding benefits of this proposal or any suggested alternatives.

25. To the extent that commenters believe that the minimum field strength values should be reduced further, eliminated entirely, or that other rule modifications be employed to provide AM broadcasters the relief sought by MMTC, the Commission asks that commenters provide specifics as to any proposed replacement or alternative standard for AM transmission systems, including radiation and/or field strength standards, antenna input power, and minimum specifications for AM towers and ground systems, and the respective potential costs and benefits of such proposals. The Commission seeks comment on technical and policy considerations that may limit the extent to which it can lessen efficiency requirements; specifically, it also seeks comment as to the potential interference and stability ramifications of lower efficiency transmission systems. Would such systems produce higher levels of skywave, groundwave, blanketing, or other forms of interference? Are the methods described in the current rules sufficient to assess the performance of systems of electrically very short antennas, or would other rule changes be required to permit the use of such antennas? Would they produce excess heat that would harm the transmission systems? Would they produce greater amounts of radio frequency radiation, requiring amendments to the Commission's fencing and other rules? Is there a limit to the extent to which AM antenna systems' efficiency can be lowered, to the point where such systems are no longer stable and cannot produce predictable radiation patterns? If so, are there potential rule modifications that can afford AM broadcasters the flexibility to build less efficient antenna systems than those specified by the standards in the rules, but without allowing them to expend needless time and expense on ultimately unstable transmission systems? The Commission requests that commenters provide details as to any proposed rule modifications, additions, or deletions.

26. The Commission encourages all interested parties to comment on the specific proposals set forth in the NPRM, including the specific issues and questions posed by each, and to provide detailed analyses and exhibits in support of their comments. Commenters should describe and, to the extent possible, quantify both the costs and the benefits to the industry and to the public that would result from these proposals and any alternatives suggested in the comments. However, the foregoing proposals are not intended to be an exhaustive recitation of all the possible means of revitalizing the AM service. Rather, they constitute concrete proposals that can be implemented expeditiously to assist AM broadcasters in providing needed radio service to the public. The Commission recognizes that there are other ideas that have been proposed to assist in revitalizing AM radio. These include: changes to nighttime skywave protection for Class A AM stations; adopting rules to permit the permanent licensing of AM synchronous transmission systems; permitting or requiring stations to convert to all-digital AM operation; and modification of the pre-sunrise/post-sunset AM operating rules. These more complex suggested reforms would require additional comment, research, and analysis. The Commission therefore encourages parties to submit comments in this docket for the purpose of advancing these and other specific proposals to revitalize the AM service. In particular, the Commission asks parties to provide any proposals to improve the long-term future of the AM service, emphasizing that any such submissions should contain details as to the rule additions, deletions, or modifications sought, as well as specifics as to the reasons underlying any proposals submitted.

27. Comments and Reply Comments. Pursuant to §§ 1.415 and 1.419 of the Commission's rules (47 CFR 1.415, 1.419), interested parties must file comments on or before January 21, 2014, and must file reply comments on or before February 18, 2014. Comments may be filed using: (1) The Commission's Electronic Comment Filing System (ECFS); (2) the Federal Government's eRulemaking Portal, or (3) by filing paper copies.

28. Comments may be filed electronically using the Internet by accessing the ECFS: *http://fjallfoss.fcc.gov/ecfs2/*, or the Federal eRulemaking Portal: *http://www.regulations.gov*. Filers should follow the instructions provided on the Web sites for submitting comments. For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet email. To get filing instructions for email comments, commenters should send an email to *ecfs@fcc.gov*, and should include the following words in the body of the message, ''get form.'' A sample form and directions will be sent in response.

29. Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number. Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

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

31. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority Mail must be addressed to 445 12th Street SW., Washington, DC 20554.

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

33. The full text of the Notice of Proposed Rulemaking is available for inspection and copying during normal business hours in the FCC Reference Information Center, Room CY–A257, 445 12th Street SW., Washington, DC 20554. The complete text may be purchased from the Commission's copy contractor, Best Copy and Printing, Inc., 445 12th Street SW., Room CY–B402, Washington, DC 20554. The full text may also be downloaded at: *http://hraunfoss.fcc.gov/edocs_public/attachmatch/FCC-09-30.pdf*. Alternative formats are available to persons with disabilities by contacting Martha Contee at (202) 418–0260 or TTY (202) 418–2555.

34. *Ex Parte* Rules. The proceeding this NPRM initiates shall be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with 47 CFR 1.1206(b). In proceedings governed by 47 CFR 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

35. Initial Regulatory Flexibility Analysis. The Regulatory Flexibility Act of 1980, as amended (RFA), requires that a regulatory flexibility analysis be prepared for notice and comment rule making proceedings, unless the agency certifies that ''the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.'' The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. A ''small business concern'' is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA).

36. As required by the RFA, 5 U.S.C. 603, the Commission has prepared this Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on a substantial number of small entities by the policies proposed in the NPRM. Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments on the NPRM set forth above. The Commission will send a copy of this entire NPRM, including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (SBA). See 5 U.S.C. 603(a). In addition, the NPRM and the IRFA (or summaries thereof) will be published in the **Federal Register**. Id.

37. Need For, and Objectives of, the Proposed Rules. This rulemaking proceeding is initiated to obtain further comments concerning certain proposals designed to revitalize the AM broadcast radio service. It is based in part on proposals raised in Petitions for Rule Making filed by various parties, including duTreil, Lundin & Rackley, Inc., Hatfield & Dawson Consulting Engineers, LLC, and the Minority Media and Telecommunications Council. Specifically, the Commission seeks comment on the following: (1) Whether to open a one-time window for AM licensees and permittees to apply for FM translator stations to fill in parts of their signal contours; (2) whether to reduce the daytime community signal coverage requirements for existing AM stations to 50 percent of the area of the community of license or 50 percent of the community's population; (3) whether to eliminate the nighttime community coverage requirement for all AM stations; (4) whether to eliminate the AM ''ratchet rule,'' which requires an AM broadcaster seeking to make changes, which would modify its AM signal, to demonstrate that the improvements will result in an overall reduction in the amount of skywave interference that it causes to certain other AM stations; (5) whether to allow AM broadcasters to commence operation using MDCL control technologies without prior Commission authorization, by notifying the Commission within 10 days after initiating such operation; and (6) whether to modify the Commission's AM antenna efficiency standards by reducing the minimum field strength values set forth in the rules. Additionally, the Commission seeks comment on any additional proposals designed to reduce burdens upon AM broadcasters, or to enhance AM service to the public.

38. Legal Basis. The authority for this proposed rulemaking is contained in sections 1, 2, 4(i), 303, 307, and 309(j) of the Communications Act of 1934, 47 U.S.C. 151, 152, 154(i), 303, 307, and 309(j).

39. Description and Estimate of the Number of Small Entities to Which the Proposed Rules Will Apply. The RFA directs the Commission to provide a description of and, where feasible, an estimate of the number of small entities that will be affected by the proposed rules. 5 U.S.C. 603(b). The RFA generally defines the term ''small entity'' as encompassing the terms ''small business,'' ''small organization,'' and ''small governmental entity.'' 5 U.S.C. 601(6). In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. 5 U.S.C. 601(3). A small business concern is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA). 15 U.S.C. 632.

40. Radio Stations. The proposed policies could apply to radio broadcast licensees, and potential licensees of radio service. The SBA defines a radio broadcast station as a small business if such station has no more than $7 million in annual receipts. See 13 CFR 121.201, NAICS Code 515112. Business concerns included in this industry are those primarily engaged in broadcasting aural programs by radio to the public. Id. According to Commission staff review of the BIA Publications, Inc. Master Access Radio Analyzer Database as of August 2, 2013, about 10,811 (97 percent) of 11,162 commercial radio station have revenues of $7 million or less and thus qualify as small entities under the SBA definition. In assessing whether a business concern qualifies as small under the above definition, business (control) affiliations must be included. 13 CFR 121.103(a)(1). Our estimate, therefore, likely overstates the number of small entities that might be affected by our action, because the revenue figure on which it is based does not include or aggregate revenues from affiliated companies. In addition, an element of the definition of ''small business'' is that the entity not be dominant in its field of operation. We

are unable at this time to define or quantify the criteria that would establish whether a specific radio station is dominant in its field of operation. Accordingly, the estimate of small businesses to which rules may apply do not exclude any radio station from the definition of a small business on this basis and therefore may be over-inclusive to that extent. Also as noted, an additional element of the definition of ''small business'' is that the entity must be independently owned and operated. We note that it is difficult at times to assess these criteria in the context of media entities and our estimates of small businesses to which they apply may be over-inclusive to this extent.

41. FM translator stations and low power FM stations. The proposed policies could affect licensees of FM translator stations, as well as potential licensees in this radio service. The same SBA definition that applies to radio broadcast licensees would apply to these stations. The SBA defines a radio broadcast station as a small business if such station has no more than $7 million in annual receipts. See 13 CFR 121.201, NAICS Code 515112. Currently, there are approximately 6,053 licensed FM translator and booster stations. In addition, there are approximately 646 applicants with pending applications filed in the 2003 translator filing window. Given the nature of these services, we will presume that all of these licensees and applicants qualify as small entities under the SBA definition.

42. Description of Projected Reporting, Recordkeeping and Other Compliance Requirements. The proposed rule and procedural changes may, in some cases, impose different reporting requirements on potential radio licensees and permittees, insofar as they would require or allow certain AM applicants to demonstrate their qualifications to apply for an FM translator station meeting the current rules for FM translator use by AM stations. However, the information to be filed is already familiar to broadcasters, and the specific information requested to apply for a new FM translator station involves engineering similar to that of full-power FM stations (and, in fact, less complex than the engineering for a full-power AM station), so any additional burdens would be minimal. Reducing the AM daytime signal coverage requirements should not increase burdens on AM broadcasters; they would still have to calculate their signal contours and the populations covered, but the percentage of the community that must be covered would be lower, so to the extent that broadcasters find it difficult to cover 80 to 100 percent of the community of license with a 5 mV/m signal, burdens should be decreased. Likewise, eliminating the nighttime community coverage requirement will decrease burdens on AM broadcasters, who would no longer have to provide calculations of their nighttime interference-free or 5 mV/m contours. Elimination of the ''ratchet rule'' would substantially decrease burdens on AM broadcasters seeking to make changes to their facilities, by eliminating the requirement that they reduce skywave interference to certain other broadcasters. Should the Commission adopt its proposal to allow AM broadcasters to use MDCL technologies without prior authorization, this would reduce burdens on such broadcasters, who would no longer have to apply for waivers or experimental authorizations, but would need only to inform the Commission through the Media Bureau's electronic Consolidated Data Base System (CDBS). Finally, if the Commission were to adopt its proposal to reduce the minimum efficiency standards for AM broadcasters, this would reduce burdens on such broadcasters by affording them more flexibility in antenna siting and construction.

43. Steps Taken to Minimize Significant Impact on Small Entities, and Significant Alternatives Considered. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities. 5 U.S.C. 603(b). In the NPRM, the Commission seeks to assist AM broadcasters by providing them with an opportunity to acquire single-purpose FM translator stations to fill in their signal contours; by providing relief from community signal coverage requirements (day and night) which may have become problematic due to geographic and population shifts and a dearth of land suitable for AM transmission systems; by eliminating the ''ratchet rule'' that imposes interference-amelioration requirements as a quid-pro-quo for certain facility improvements, but which has had the effect of discouraging such improvements; by simplifying the process of initiating energy-saving MDCL technologies; and by reducing the minimum effective field strength values for AM stations. The Commission seeks comment as to whether its goal of revitalizing the AM service could be effectively accomplished through these means. The Commission is open to consideration of alternatives to the proposals under consideration, as set forth herein, including but not limited to alternatives that will minimize the burden on AM broadcasters, most of whom are small businesses. There may be unique circumstances these entities may face, and we will consider appropriate action for small broadcasters when preparing a Report and Order in this matter.

44. Federal Rules Which Duplicate, Overlap, or Conflict With, the Commission's Proposals. None.

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

Federal Communications Commission.

Marlene H. Dortch,

Secretary.

[FR Doc. 2013–27838 Filed 11–19–13; 8:45 am]

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Notices

Federal Register
Vol. 78, No. 224
Wednesday, November 20, 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.

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Notice of Public Meeting of the Assembly of the Administrative Conference of the United States

AGENCY: Administrative Conference of the United States.

ACTION: Notice.

SUMMARY: Pursuant to the Federal Advisory Committee Act (5 U.S.C. App.), the Assembly of the Administrative Conference of the United States will hold a meeting to consider three proposed recommendations and one proposed statement, and to conduct other business. This meeting will be open to the public.

DATES: The meeting will take place on Thursday, December 5, 2013, 2:00 p.m. to 6:00 p.m., and on Friday, December 6, 2013, 9:00 a.m. to 12:00 noon. Please note that the meeting may adjourn early if all business is finished.

ADDRESSES: The meeting will be held at the Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581 (Main Conference Room).

FOR FURTHER INFORMATION CONTACT: Shawne McGibbon, General Counsel (Designated Federal Officer), Administrative Conference of the United States, Suite 706 South, 1120 20th Street NW., Washington, DC 20036; Telephone 202–480–2088; email *smcgibbon@acus.gov.*

SUPPLEMENTARY INFORMATION: The Administrative Conference of the United States makes recommendations to federal agencies, the President, Congress, and the Judicial Conference of the United States regarding the improvement of administrative procedures (5 U.S.C. 594). The membership of the Conference, when meeting in plenary session, constitutes the Assembly of the Conference (5 U.S.C. 595).

Agenda: The Assembly will discuss and consider three recommendations and one statement, as described below:

- *Improving the Timeliness of OIRA Regulatory Review.* This proposed statement highlights potential mechanisms for improving review times for rules under review by the Office of Information and Regulatory Affairs (OIRA), including promoting enhanced coordination between OIRA and agencies prior to the submission of rules, encouraging increased transparency concerning the reasons for delayed reviews, and ensuring that OIRA has adequate staffing to complete reviews in a timely manner.
- *Remand Without Vacatur.* This proposed recommendation examines the judicial remedy of remand without vacatur on review of agency action and equitable factors that may justify its application. It also offers guidance for courts that remand agency actions and for agencies responding to judicial remands.
- *Social Media in Rulemaking.* This proposed recommendation provides guidance to agencies on whether, how, and when social media might be used both lawfully and effectively to support rulemaking activities.
- *The GPRA Modernization Act of 2010: Examining Constraints to, and Providing Tools for, Cross-Agency Collaboration.* This proposed recommendation examines perceived and real constraints to cross-agency collaboration under the Government Performance and Results Act (GPRA) Modernization Act and highlights tools available to help agencies collaborate. It offers guidance to help increase transparency, improve information sharing, and facilitate better agency reporting under the Act. The recommendation is also aimed at enhancing the role of agency attorneys and other agency staff in facilitating cross-agency collaboration.

Additional information about the proposed recommendations and the order of the agenda, as well as other materials related to the meeting, can be found at the 59th Plenary Session page on the Conference's Web site: (*http://www.acus.gov/meetings-and-events/plenary-meeting/59th-plenary-session*).

Public Participation: The Conference welcomes the attendance of the public at the meeting, subject to space limitations, and will make every effort to accommodate persons with disabilities or special needs. Members of the public who wish to attend in person are asked to RSVP online at the 59th Plenary Session Web page listed above, no later than two days before the meeting, in order to facilitate entry. Members of the public who attend the meeting may be permitted to speak only with the consent of the Chairman and the unanimous approval of the members of the Assembly. If you need special accommodations due to disability, please inform the Designated Federal Officer noted above at least 7 days in advance of the meeting. The public may also view the meeting through a live webcast, which will be available at: *http://acus.granicus.com/ViewPublisher.php?view_id=2.* In addition, the public may follow the meeting on our Twitter feed *@acusgov* or hashtag *#59thPlenary.*

Written Comments: Persons who wish to comment on any of the proposed recommendations may do so by submitting a written statement either online by clicking ''Submit a Comment'' on the 59th Plenary Session Web page listed above or by mail addressed to: December 2013 Plenary Session Comments, Administrative Conference of the United States, Suite 706 South, 1120 20th Street NW., Washington, DC 20036. Written submissions must be received at least 7 days prior to the meeting to assure consideration by the Assembly.

Dated: November 15, 2013.

Shawne McGibbon,

General Counsel.

[FR Doc. 2013–27815 Filed 11–19–13; 8:45 am]

BILLING CODE 6110–01–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2013–0052]

Notice of Decision To Authorize the Importation of Swiss Chard From Colombia Into the Continental United States

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public of our decision to authorize the importation into the continental United States of Swiss chard from Colombia. Based on the findings of a pest risk analysis, which we made available to the public for review and comment through a previous notice, we have determined that the application of one or more designated phytosanitary measures will be sufficient to mitigate the risks of introducing or disseminating plant pests or noxious weeds via the importation of Swiss chard from Colombia.

DATES: *Effective:* November 20, 2013.

FOR FURTHER INFORMATION CONTACT: Ms. Dorothy Wayson, Senior Regulatory Policy Specialist, Plant Health Programs, PPQ, APHIS, 4700 River Road Unit 133, Riverdale, MD 20737–1231; (301) 851–2036.

SUPPLEMENTARY INFORMATION:

Background

Under the regulations in ''Subpart-Fruits and Vegetables'' (7 CFR 319.56–1 through 319.56–61, referred to below as the regulations), the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture prohibits or restricts the importation of fruits and vegetables into the United States from certain parts of the world to prevent plant pests from being introduced into and spread within the United States.

Section 319.56–4 of the regulations contains a performance-based process for approving the importation of commodities that, based on the findings of a pest risk analysis (PRA), can be safely imported subject to one or more of the designated phytosanitary measures listed in paragraph (b) of that section. Under that process, APHIS publishes a notice in the **Federal Register** announcing the availability of the PRA that evaluates the risks associated with the importation of a particular fruit or vegetable. Following the close of the 60-day comment period, APHIS may begin issuing permits for importation of the fruit or vegetable subject to the identified designated measures if: (1) No comments were received on the PRA; (2) the comments on the PRA revealed that no changes to the PRA were necessary; or (3) changes to the PRA were made in response to public comments, but the changes did not affect the overall conclusions of the analysis and the Administrator's determination of risk.

In accordance with that process, we published a notice[1] in the **Federal Register** on July 8, 2013 (78 FR 40688–40689, Docket No. APHIS–2013–0052), in which we announced the availability, for review and comment, of a PRA that evaluated the risks associated with the importation into the continental United States of Swiss chard (*Beta vulgaris* ssp. *cicla* (L.) Koch) from Colombia. The PRA consisted of a risk assessment identifying pests of quarantine significance that could follow the pathway of importation of Swiss chard from Colombia into the continental United States and a risk management document identifying phytosanitary measures to be applied to that commodity to mitigate the pest risk. We solicited comments on the notice for 60 days ending on September 6, 2013. We did not receive any comments by that date.

Therefore, in accordance with the regulations in § 319.56–4(c)(2)(ii), we are announcing our decision to authorize the importation into the continental United States of Swiss chard from Colombia subject to the following phytosanitary measures:

- The Swiss chard must be imported in commercial consignments only;
- The Swiss chard is subject to inspection at the port of entry; and
- The Swiss chard must be accompanied by a phytosanitary certificate issued by the national plant protection organization of Colombia with the additional declaration stating that the consignment was inspected and found free of *Copitarsia incommoda* and *Liriomyza huidobrensis.*

These conditions will be listed in the Fruits and Vegetables Import Requirements database (available at *http://www.aphis.usda.gov/favir*). In addition to these specific measures, Swiss chard from Colombia will be subject to the general requirements listed in § 319.56–3 that are applicable to the importation of all fruits and vegetables.

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

Done in Washington, DC, this 13th day of November 2013.

Michael C. Gregoire,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2013–27703 Filed 11–19–13; 8:45 am]

BILLING CODE 3410–34–P

[1] To view the notice and the PRA, go to *http://www.regulations.gov/#!docketDetail;D=APHIS-2013-0052.*

COMMISSION ON CIVIL RIGHTS

State Advisory Committees; Request for Applications

AGENCY: United States Commission on Civil Rights.

ACTION: Notice of period during which individuals may apply to be appointed to the Nevada Advisory Committee; request for applications.

SUMMARY: Because the terms of the members of the Hawaii Advisory Committee are expiring as of March 16, 2014, the United States Commission on Civil Rights hereby invites any individual who is eligible to be appointed to apply. The memberships covered by this notice are exclusively for the Nevada Advisory Committee, and applicants must be residents of Nevada to be considered. Letters of interest must be received by the Western Regional Office of the U.S. Commission on Civil Rights no later than January 18, 2013. Letters of interest must be sent to the address listed below.

DATES: Letters of interest for membership on the Nevada Advisory Committee should be received no later than January 18, 2013.

ADDRESSES: Send letters of interest to: U.S. Commission on Civil Rights, Western Regional Office, 300 North Los Angeles Street, Suite 2010, Los Angeles, CA 90012. Letter can also be sent via email to *atrevino@usccr.gov.*

FOR FURTHER INFORMATION CONTACT: Peter Minarik, Acting Regional Director, Western Regional Office, (213) 894–3437, *pminarik@usccr.gov.*

SUPPLEMENTARY INFORMATION: The Nevada Advisory Committees (SAC) is a statutorily mandated advisory committee of the U.S. Commission on Civil Rights pursuant to 42 U.S.C. 1975a. Under the charter for the SAC, the purpose is to provide advice and recommendations to the U.S. Commission on Civil Rights (Commission) on a broad range of civil rights matters in its respective state that pertain to alleged deprivations of voting rights or discrimination or denials of equal protection of the laws because of race, color, religion, sex, age, disability, or national origin, or the administration of justice. SACs also provide assistance to the Commission in its statutory obligation to serve as a national clearinghouse for civil rights information.

The SAC consists of not more than 19 members, each of whom will serve a two-year term. Members serve as unpaid Special Government Employees who are reimbursed for travel and expenses. To

be eligible to be on a SAC, applicants must be residents of Nevada and have demonstrated expertise or interest in civil rights issues.

The Commission is an independent, bipartisan agency established by Congress in 1957 to focus on matters of race, color, religion, sex, age, disability, or national origin. Its mandate is to:

- Investigate complaints from citizens that their voting rights are being deprived,
- Study and collect information about discrimination or denials of equal protection under the law,
- Appraise federal civil rights laws and policies,
- Serve as a national clearinghouse on discrimination laws,
- Submit reports and findings and recommendations to the President and the Congress, and
- Issue public service announcements to discourage discrimination.

The Commission invites any individual who is eligible to be appointed a member of the Nevada Advisory Committee covered by this notice to send a letter of interest and a resume to the address above.

Dated: November 15, 2013.

David Mussatt,

Acting Chief, Regional Programs Coordination Unit.

[FR Doc. 2013–27817 Filed 11–19–13; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Tennessee Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that a meeting of the Tennessee Advisory Committee (Committee) to the Commission will be held on December 11, 2013, at the Nashville Public Library, 615 Church Street, Nashville, TN 37219. The meeting is scheduled to begin at 2:00 p.m. EST and adjourn at approximately 3:30 p.m. EST. The purpose of the meeting is to discuss the Committee's report on ex-felon voting rights and plan other Committee projects.

Members of the public are entitled to submit written comments. The comments must be received in the Southern Regional Office of the Commission by January 11, 2014. The address is Southern Regional Office, U.S. Commission on Civil Rights, 61 Forsyth Street SW., Suite 16T126, Atlanta, GA 30303. Persons wishing to email their comments or who desire additional information should contact Peter Minarik, Regional Director of the Southern Regional Office, at (404) 562–7000 (or for hearing impaired TDD 913–551–1414), or by email to *pminarik@usccr.gov.* Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

Records generated from this meeting may be inspected and reproduced at the Southern Regional Office, as they become available, both before and after the meeting. Persons interested in the work of this advisory committee are advised to go to the Commission's Web site, *www.usccr.gov,* or to contact the Southern Regional Office at the above email or street address. The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission and FACA.

Dated: November 15, 2013.

David Mussatt,

Acting Chief, Regional Programs Coordination Unit.

[FR Doc. 2013–27818 Filed 11–19–13; 8:45 am]

BILLING CODE 6335–01–P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Oregon Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a meeting of the Oregon Advisory Committee to the Commission (Committee) will convene by conference call at 10:30 a.m. Pacific Time and adjourn at approximately 11:30 a.m. on December 9, 2013. The purpose of the meeting is to decide whether: (A) The Committee will do an overview examination of six topics—(i) immigration and the administration of justice, (ii) equal educational opportunity, (iii) civil rights of the mentally ill, (iv) human trafficking, (v) standing your ground laws, and (vi) women's rights issues; or (B) the Committee will focus on doing a more in-depth study on just one of these issues; or (C) the Committee will do an overview, but of just three or four of the possible six topics.

This meeting is available to the public through the following toll-free call-in number: 877–446–3914, conference ID: 5498730. Any interested member of the public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–977–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to submit written comments. The comments must be received in the regional office by January 9, 2014. The address is U.S. Commission on Civil Rights, Western Regional Office, 300 North Los Angeles St., Suite 2010, Los Angeles, CA 90012. Comments may be emailed to *atrevino@usccr.gov.*

Records generated by this meeting may be inspected and reproduced at the Western Regional Office, as they become available, both before and after the meeting, and they will be uploaded onto the database at *www.facadatabase.gov.* Persons interested in the work of this advisory committee are advised to go to the Commission's Web site, *www.usccr.gov,* or to contact the Western Regional Office at the above email or street address.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission and FACA.

Dated: November 15, 2013.

David Mussatt,

Acting Chief, Regional Programs Coordination Unit.

[FR Doc. 2013–27819 Filed 11–19–13; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Agenda and Notice of Public Meeting of the Hawaii Advisory Committee

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA) that a meeting of the Hawaii Advisory Committee (Committee) to the Commission will convene by conference call at 10:00 a.m. Hawaiian Time (1:00 p.m. Pacific Time) on December 6, 2013. The purpose of the meeting is for the Committee to discuss a report to the Commission on language access as a civil right.

This meeting is available to the public through the following toll-free call-in number: 877–446–3914, conference ID: 9935615. Any interested member of the

public may call this number and listen to the meeting. Callers can expect to incur charges for calls they initiate over wireless lines, and the Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Persons with hearing impairments may also follow the proceedings by first calling the Federal Relay Service at 1–800–977–8339 and providing the Service with the conference call number and conference ID number.

Members of the public are entitled to submit written comments. The comments must be received in the regional office by January 6, 2014. The address is U.S. Commission on Civil Rights, Western Regional Office, 300 North Los Angeles St., Suite 2010, Los Angeles, CA, 90012. Comments may be emailed to *atrevino@usccr.gov.*

Records generated from this meeting may be inspected and reproduced at the Western Regional Office, as they become available, both before and after the meeting. Persons interested in the work of this advisory committee are advised to go to the Commission's Web site, *www.usccr.gov,* or to contact the Western Regional Office at the above email or street address.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission and FACA.

Dated: November 15, 2013.

David Mussatt,

Acting Chief, Regional Programs Coordination Unit.

[FR Doc. 2013–27820 Filed 11–19–13; 8:45 am]

BILLING CODE 6335–01–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: Gulf of Alaska Trawl Groundfish Fishery Rationalization Social Study.

OMB Control Number: None.

Form Number(s): NA.

Type of Request: Regular submission (request for a new information collection).

Number of Respondents: 1,574.

Average Hours per Response: Survey, 1 hour; unstructured interview or meeting, 30 minutes.

Burden Hours: 1,168.

Needs and Uses: This request is for a new information collection.

The North Pacific Fishery Management Council (NPFMC) is currently debating designs of a new rationalization program for the Gulf of Alaska trawl groundfish fishery and is expected to take final action on a new program in late 2014 or early 2015. These types of management programs are known to have extensive beneficial outcomes for fish stocks. Literature shows that there are mixed outcomes for the people participating in the fishery. Fishery participants may suffer negative social impacts. Sufficient non-economic social science data will be collected to describe the fishery prior to the management change, to collect baseline data. This information will be used to inform the program design and compared to a data collection post rationalization in order to detect any changes in the system as a result of the management change. With the pre- and post-rationalization data, social impacts may be measured. The collection of this data will provide fisheries managers with social science data which is typically unavailable or available in limited quality. This research aims to collect extensive data about the people in the fishery for the maximum benefit to all parties, including fisheries.

Affected Public: Individuals or households; business or other for-profit organizations.

Frequency: One time.

Respondent's Obligation: Voluntary.

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: November 14, 2013.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2013–27765 Filed 11–19–13; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

Census Bureau

Proposed Information Collection; Comment Request; Generic Clearance for Customer Satisfaction Research

AGENCY: U.S. Census Bureau, Commerce.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: To ensure consideration, written comments must be submitted on or before December 31, 2013.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *jjessup@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Rebecca E. Vilky, 301–763–2162, U.S. Census Bureau, HQ–8H172F, Washington, DC 20233–0500 (or via email at *rebecca.e.vilky@census.gov*).

SUPPLEMENTARY INFORMATION:

I. Abstract

The Census Bureau is requesting an extension of the generic clearance to conduct customer satisfaction research which may be in the form of mailed or electronic questionnaires and/or focus groups, telephone interviews, or web-based interviews.

The Census Bureau has ranked a customer-focused environment as one of its most important strategic planning objectives. The Census Bureau routinely needs to collect and analyze customer feedback about its products and services to better align them to its customers' needs and preferences. Several programs, products, and distribution channels have been designed and/or redesigned based on feedback from its various customer satisfaction research efforts.

Each research design is reviewed for content, utility, and user-friendliness by a variety of appropriate staff (including

research design and subject-matter specialists). The concept and design are tested by internal staff and a select sample of respondents to confirm its appropriateness, user-friendliness, and to estimate burden (including hours and cost) of the proposed collection of information. Collection techniques are discussed and included in the research, concept, and design discussion to define the most time-, cost-efficient and accurate collection media.

The clearance operates in the following manner: a block of burden hours is reserved at the beginning of the clearance period. The particular activities that will be conducted under the clearance are not specified in advance because they would not be known at the beginning of the clearance period. The Census Bureau provides detailed information to the Office of Management and Budget (OMB) about the specific activities a minimum of two weeks prior to the planned start date of the collection. OMB provides any comments it may have prior to the start date of the planned activity. At the end of each year, a report is submitted to OMB that summarizes the number of hours used as well as the nature and results of the activities completed under the clearance.

II. Method of Collection

This research may be in the form of mailed or electronic questionnaires and/or focus groups, telephone or web-based interviews.

III. Data

OMB Control Number: 0607–0760.

Form Number: Various.

Type of Review: Regular submission.

Affected Public: Individuals or households, State or local governments, farms, business or other for-profit organizations, federal agencies or employees, and not-for-profit institutions.

Estimated Number of Respondents: 30,000.

Estimated Time per Response: 10 minutes.

Estimated Total Annual Burden Hours: 5,000.

Estimated Total Annual Cost: There is no cost to respondents, except for their time to answer the questions.

Respondents Obligation: Voluntary.

Legal Authority: Executive Order 12862.

IV. Request for Comments

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: November 14, 2013.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2013–27696 Filed 11–19–13; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–909]

Certain Steel Nails From the People's Republic of China: Final Results of Expedited First Sunset Review of the Antidumping Duty Order

AGENCY: Enforcement and Compliance, formerly Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: On July 1, 2013, the Department of Commerce (the ''Department'') initiated the first five-year (''sunset'') review of the antidumping duty order on certain steel nails from the People's Republic of China (''PRC'') pursuant to section 751(c) of the Tariff Act of 1930, as amended (the ''Act'').[1] As a result of this sunset review, the Department finds that revocation of the antidumping duty order on certain steel nails from the PRC would be likely to lead to continuation or recurrence of dumping at the levels indicated in the ''Final Results of Review'' section of this notice.

DATES: *Effective Date:* November 20, 2013.

FOR FURTHER INFORMATION CONTACT: Jerry Huang, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: 202–482–4047.

SUPPLEMENTARY INFORMATION:

Background

On July 31, 2013, the Department received an adequate substantive response from domestic interested party Mid Continent Nail Corporation (''Petitioner'') within the deadline specified in 19 CFR 351.218(d)(3)(i).[2] We received no responses from respondent interested parties. As a result, the Department conducted an expedited (120-day) sunset review of the order, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2). As explained in the memorandum from the Assistant Secretary for Enforcement and Compliance, the Department has exercised its discretion to toll deadlines for the duration of the closure of the Federal Government from October 1, through October 16, 2013.[3] Therefore, all deadlines in this segment of the proceeding have been extended by 16 days. If the new deadline falls on a non-business day, in accordance with the Department's practice, the deadline will become the next business day.[4] The revised deadline for the final results of this sunset review is now November 14, 2013.

Scope of the Order

The merchandise covered by the order includes certain steel nails having a shaft length up to 12 inches. Certain steel nails subject to the order are currently classified under the Harmonized Tariff Schedule of the United States (''HTSUS'') subheadings 7317.00.55, 7317.00.65 and 7317.00.75. While the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of the order is dispositive.

For a full description of the scope, *see* ''Certain Steel Nails From the People's Republic of China: Issues and Decision Memorandum for the Final Results of Expedited First Sunset Review of the Antidumping Duty Order,'' from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and

[1] *See Initiation of Five-Year (''Sunset'') Review,* 78 FR 39256 (July 1, 2013).

[2] *See* Petitioner's July 31, 2013 submission.

[3] *See* Memorandum for the Record from Paul Piquado, Assistant Secretary for the Enforcement and Compliance, ''Deadlines Affected by the Shutdown of the Federal Government'' (October 18, 2013).

[4] *See* Notice of Clarification: Application of ''Next Business Day'' Rule for Administrative Determination Deadlines Pursuant to the Tariff Act of 1930, As Amended, 70 FR 24533 (May 10, 2005).

Compliance, dated concurrently with this notice (''Issues and Decision Memorandum'').

Analysis of Comments Received

All issues raised in this review are addressed in the Issues and Decision Memorandum. The issues discussed in the Issues and Decision Memorandum include the likelihood of continuation or recurrence of dumping and the magnitude of the margins likely to prevail if the order was to be revoked. Parties may find a complete discussion of all issues raised in the review and the corresponding recommendations in this public memorandum which is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Services System (''IA ACCESS''). Access to IA ACCESS is available to registered users at *http://iaaccess.trade.gov* and is available to all parties in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Decision Memorandum can be accessed directly on the Web at *http://enforcement.trade.gov/frn*. The signed Decision Memorandum and the electronic versions of the Decision Memorandum are identical in content.

Final Results of Review

We determine that revocation of the order would be likely to lead to continuation or recurrence of dumping at the following weighted-average percentage margins:

Exporter	Weighted-average margin (percent)
Xingya Group	21.24
Jisco Corporation	21.24
Koram Panagene Co., Ltd	21.24
Handuk Industrial Co., Ltd	21.24
Kyung Dong Corp	21.24
Xi'an Metals & Minerals Import and Export Co., Ltd	21.24
Hebei Cangzhou New Century Foreign Trade Co., Ltd	21.24
Chongqing Hybest Tools Group Co., Ltd	21.24
China Silk Trading & Logistics Co., Ltd	21.24
Beijing Daruixing Global Trading Co., Ltd	21.24
Huanghua Jinhai Hardware Products Co., Ltd	21.24
Beijing Daruixing Nail Products Co., Ltd	21.24
Beijing Tri-Metal Co., Ltd	21.24
Cana (Tianjin) Hardware Ind., Co., Ltd	21.24
China Staple Enterprise (Tianjin) Co., Ltd	21.24
Hengshui Mingyao Hardware & Mesh Products Co, Ltd	21.24
Nanjing Dayu Pneumatic Gun Nails Co., Ltd	21.24
Qidong Liang Chyuan Metal Industry Co., Ltd	21.24
Romp (Tianjin) Hardware Co., Ltd	21.24
Shandong Dinglong Import & Export Co., Ltd	21.24
Tianjin Jinchi Metal Products Co., Ltd	21.24
Tianjin Jurun Metal Products Co., Ltd	21.24
Zhejiang Gem-Chun Hardware Accessory Co., Ltd	21.24
Huanghua Xionghua Hardware Products Co., Ltd	21.24
Zhaoqing Harvest Nails Co., Ltd	21.24
SDC International Australia Pty., Ltd	21.24
Tianjin Universal Machinery Imp & Exp Corporation	21.24
Certified Products International Inc	21.24
Dezhou Hualude Hardware Products Co., Ltd	21.24
Shanxi Tianli Industries Co	21.24
Suntec Industries Co., Ltd	21.24
Sinochem Tianjin Imp & Exp Shenzhen Corp	21.24
Qingdao D&L Group Ltd	21.24
Tianjin Xiantong Material & Trade Co., Ltd	21.24
Zhongshan Junlong Nail Manufactures Co., Ltd	21.24
Shandong Minmetals Co., Ltd	21.24
Shouguang Meiqing Nail Industry Co., Ltd	21.24
S-mart (Tianjin) Technology Development Co., Ltd	21.24
Tianjin Lianda Group Co., Ltd	21.24
Union Enterprise (Kunshan) Co., Ltd	21.24
Beijing Hong Sheng Metal Products Co., Ltd	21.24
PT Enterprise Inc	21.24
Shanxi Hairui Trade Co., Ltd	21.24
Shanxi Pioneer Hardware Industrial Co., Ltd	21.24
Shanxi Yuci Broad Wire Products Co., Ltd	21.24
Yitian Nanjing Hardware Co., Ltd	21.24
Chiieh Yung Metal Ind. Corp	21.24
Shanghai Seti Enterprise International Co., Ltd	21.24
Shanghai Curvet Hardware Products Co., Ltd	21.24
Shanghai Tengyu Hardware Tools Co., Ltd	21.24
Xuzhou CIP International Group Co., Ltd	21.24
Wuhu Shijie Hardware Co., Ltd	21.24
Wuhu Xin Lan De Industrial Co., Ltd	21.24
Tianjin Zhonglian Metals Ware Co., Ltd	21.24
Huarong Hardware Products Co., Ltd	21.24
Mingguang Abundant Hardware Products Co., Ltd	21.24
Shandong Oriental Cherry Hardware Group Co., Ltd	21.24
Shandong Oriental Cherry Hardware Import and Export Co., Ltd	21.24
Shanghai Chengkai Hardware Product. Co., Ltd	21.24
Shanghai Jade Shuttle Hardware Tools Co., Ltd	21.24
Shanghai Yueda Nails Industry Co., Ltd	21.24
Besco Machinery Industry (Zhejiang) Co., Ltd	21.24
The Stanley Works (Langfang) Fastening Systems Co., Ltd	21.24
Guangdong Foreign Trade Import & Export Corporation	21.24
Tianjin Jinghai County Hongli Industry and Business Co., Ltd	21.24
PRC-Wide Rate	118.04

Administrative Protective Order

This notice also serves as the only reminder to parties subject to the administrative protective order (''APO'') of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return of destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

This sunset review and notice are in accordance with sections 751(c), 752(c), and 771(i)(1) of the Act.

Dated: November 13, 2013.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2013–27824 Filed 11–19–13; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Ohio State University, et al.; Notice of Consolidated Decision on Applications for Duty-Free Entry of Scientific Instruments

This is a decision pursuant to Section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89–651, as amended by Pub. L. 106–36; 80 Stat. 897; 15 CFR

part 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 3720, U.S. Department of Commerce, 14th and Constitution Ave. NW., Washington, DC.

Comments: None received. Decision: Approved. We know of no instruments of equivalent scientific value to the foreign instruments described below, for such purposes as each is intended to be used, that was being manufactured in the United States at the time of its order.

Docket Number: 13–017. Applicant: Ohio State University, Columbus, OH 43210. Instrument: Cryo-SEM System with Aquilo Preparation Chamber. Manufacturer: Quorum Technologies, United Kingdom. Intended Use: See notice at 78 FR 37206–07, June 20, 2013. Comments: None received. Decision: Approved. We know of no instruments of equivalent scientific value to the foreign instruments described below, for such purposes as this is intended to be used, that was being manufactured in the United States at the time of order. Reasons: The instrument will be fitted to an existing dual beam focused ion beam (FIB) instrument in order to provide a new capability for 3–D imaging and analysis of polymeric materials and biomaterials at cryogenic temperatures below −109 degrees Celsius. The required performance characteristics for this instrument are a highly stable, thermally isolated nitrogen gas-cooled stage which attaches to the SEM stage and is capable of reaching a temperature range of +100 to −190 degrees Celsius, a separately cooled cold trap with independent temperature control capable of reaching temperatures below −190 degrees Celsius, a cryo-preparation, cryo-transfer chamber that is directly attached to the SEM, but with the turbomolecular vacuum pumping and advanced gas cooling system mounted remotely, as well as a high vacuum system consisting of a remotely positioned 70L/s turbomolecular pumping system capable of achieving a vacuum of 10^{-6} mbar or better in the directly attached cryopreparation, cryo-transfer chamber. The instrument will be used for cryo-imaging that will provide new insights in the study of biocompatibility and failure of orthopaedic implants, and also the evaluation of new materials and implant surfaces for tissue engineering applications. The cryo-preparation, cryo-transfer and cryo-imaging capabilities will enable minimally invasive approaches to be used to investigate structures and interfaces in their near-native vitreous state.

Docket Number: 13–019. Applicant: California State University Northridge, Northridge, CA 91330. Instrument: Ultrahigh Vacuum Low Temperature Scanning Tunneling Microscope. Manufacturer: Unisoku Co., Ltd., Japan. Intended Use: See notice at 78 FR 37206–07, June 20, 2013. Comments: None received. Decision: Approved. We know of no instruments of equivalent scientific value to the foreign instruments described below, for such purposes as this is intended to be used, that was being manufactured in the United States at the time of order. Reasons: The instrument will be used to study the electronic and spin-related phenomena (Kondo effect, spin flip, spin injection, etc.) in low dimensional materials including grapheme (one atomic layer of carbon atoms), magnetic materials (transition metals iron, cobalt, nickel and corresponding phthalocyanine molecules), and topological insulators. The techniques to be implemented include depositing magnetic atoms or molecules on grapheme and measuring scanning tunneling spectroscopy of these magnetic impurities on grapheme, growing grapheme on ferromagnetic materials (cobalt, iron) and measuring the spin-polarization of grapheme induced by the ferromagnetic materials, as well measuring the scanning tunneling spectroscopy on topological insulators. The capabilities required for these experiments that this instrument fulfills include a high magnetic field of 8 Tesla, and measurements at low temperature (<5 Kelvin).

Docket Number: 13–020. Applicant: University of Texas at Austin, Austin, TX 78712–1415. Instrument: V-Gait Dual Belt Instrumented Treadmill. Manufacturer: Motek Medial, the Netherlands. Intended Use: See notice at 78 FR 37206–07, June 20, 2013. Comments: None received. Decision: Approved. We know of no instruments of equivalent scientific value to the foreign instruments described below, for such purposes as this is intended to be used, that was being manufactured in the United States at the time of order. Reasons: The instrument will be used to identify structure/properties relationships of polymer based solar cells or for the structural analysis of polymer/nanoparticle hybrid materials for the development of high-density storage devices, as well as to study the self-assembly of bio-polymer systems for drug-delivery system development.

Docket Number: 13–023. Applicant: Max Planck Florida Institute, Jupiter, FL 33458. Instrument: Quanta 250 FEG SEM (D8421). Manufacturer: FEI Company, Czech Republic. Intended Use: See notice at 78 FR 37206–07, June 20, 2013. Comments: None received. Decision: Approved. We know of no instruments of equivalent scientific value to the foreign instruments described below, for such purposes as this is intended to be used, that was being manufactured in the United States at the time of order. Reasons: The instrument will be used for the fabrication of atomic force microscope cantilevers and electron beam deposition. The cantilevers are made from silicon or silicon nitride, with the radius of the tip curvature on the order of nanometers. Electron-beam deposition is a process of decomposing gaseous molecules by electron beam leading to deposition of non-volatile fragments onto a nearby substrate. The electron beam is usually provided by a scanning electron microscope that results in high spatial accuracy (less than one nanometer), and the possibility to produce free-standing, three-dimensional structures. The cantilevers are observed by the scanning electron microscope. The chamber of the scanning electron microscope is filled with carbon gases. Then the electron from the scanning microscope focuses on the tip of cantilevers to deposit an amorphous carbon. The instrument needs to work with high beam parking precision (~1 nanometer) in the environment in which the material deposition is produced in relatively low vacuum.

Dated: November 12, 2013.

Gregory W. Campbell,

Director, Subsidies Enforcement Office, Enforcement and Compliance.

[FR Doc. 2013–27831 Filed 11–19–13; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–926]

Sodium Nitrite From the People's Republic of China: Final Results of the Expedited First Sunset Review of the Countervailing Duty Order

AGENCY: Enforcement and Compliance, formerly Import Administration, International Trade Administration, Department of Commerce.

DATES: *Effective Date:* November 20, 2013.

SUMMARY: The Department of Commerce (''the Department'') finds that revocation of the countervailing duty (''CVD'') order on sodium nitrite from the People's Republic of China (''PRC'') would be likely to lead to the continuation or recurrence of net countervailable subsidies.

FOR FURTHER INFORMATION CONTACT: Jacqueline Arrowsmith or Myrna Lobo, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–5255 or 482–2371, respectively.

SUPPLEMENTARY INFORMATION:

Background

On July 1, 2013, the Department initiated the first sunset review of the CVD order on sodium nitrite from the PRC, pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act'').[1] The Department received a notice of intent to participate from General Chemical LLC, (''Petitioner''), within the deadline specified in 19 CFR 351.218(d)(1)(i). The Department also received an adequate substantive response to the notice of initiation from domestic interested parties, *i.e.,* Petitioner, within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i). The Department did not receive submissions from other interested parties. As a result, pursuant to 19 CFR 351.218(e)(1)(ii)(C)(2), the Department is conducting an expedited (120-day) sunset review of the *CVD Order.*

As explained in the memorandum from the Assistant Secretary for Enforcement and Compliance, the Department has exercised its discretion to toll deadlines for the duration of the closure of the Federal Government from October 1, through October 16, 2013.[2] Therefore, all deadlines in this segment of the proceeding have been extended by 16 days.

Scope of the Order

The merchandise covered by this order is sodium nitrite in any form, at any purity level. A full description of the scope of the order is contained in the Decision Memorandum.[3]

The Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's centralized electronic service system (''IA ACCESS''). IA ACCESS is available to registered users at *http://iaaccess.trade.gov* and in the Department's Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Decision Memorandum can be accessed directly on the Internet at *http://enforcement.trade.gov/frn/index.html.* The signed Decision Memorandum and the electronic versions of the Decision Memorandum are identical in content.

Analysis of Comments Received

All issues raised in this review are addressed in the Decision Memorandum. The issues include the likelihood of continuation or recurrence of a countervailable subsidy, and the net countervailable subsidy likely to prevail if the order was revoked.

Final Results of Review

Pursuant to sections 752(b)(1) and (3) of the Act, the Department determines that revocation of the CVD order on sodium nitrite from the PRC would be likely to lead to continuation or recurrence of countervailable subsidies at the following net countervailable subsidy rates:

Manufacturers/exporters/producers	Net countervailable subsidy rate (percent)
Shanxi Jiaocheng Hongxing Chemical Co., Ltd. (Shanxi Jiaocheng)	169.01
Tianjin Soda Plant Tianjin Port Free Trade Zone Pan Bohai International Trading Co., Ltd. (Tianjin Soda Plant)	169.01
All others	169.01

This notice also serves as the only reminder to parties subject to administrative protective order (''APO'') of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials or conversion to judicial protective orders is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

The Department is issuing and publishing these final results and this notice in accordance with sections 751(c), 752(b), and 777(i)(1) of the Act.

Dated: November 13, 2013.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2013–27828 Filed 11–19–13; 8:45 am]

BILLING CODE 3510–DS–P

[1] *See Initiation of Five-Year (''Sunset'') Reviews,* 78 FR 39256 (July 1, 2013); *see also Sodium Nitrite from the People's Republic of China: Countervailing Duty Order,* 73 FR 50595 (August 27, 2008) (''*CVD Order*'').

[2] *See* Memorandum for the Record from Paul Piquado, Assistant Secretary for Enforcement and Compliance, ''Deadlines Affected by the Shutdown of the Federal Government.''

[3] *See* ''Issues and Decision Memorandum for the Final Results of the Expedited First Sunset Review of the Countervailing Duty Order on Sodium Nitrite from the People's Republic of China,'' from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, dated concurrently with and hereby adopted by this notice (''Decision Memorandum'').

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–965]

Drill Pipe From the People's Republic of China: Notice of Court Decision Not in Harmony With Final Determination of Sales at Less Than Fair Value and Notice of Amended Final Determination of Sales at Less Than Fair Value Pursuant to Court Decision

AGENCY: Enforcement and Compliance, formerly Import Administration, International Trade Administration, Department of Commerce

SUMMARY: On November 4, 2013, the United States Court of International Trade (''Court'' or ''CIT'') issued its final judgment in *Downhole Pipe* v. *United States,*[1] sustaining the Department of Commerce's (Department) *Remand Results.*[2] Consistent with the decision of the United States Court of Appeals for the Federal Circuit (''Federal Circuit'') in *Timken Co.,* v. *United States,* 893 F.2d 337 (Fed. Cir. 1990) (''*Timken*''), as clarified by *Diamond Sawblades Mfrs. Coalition* v. *United States,* 626 F.3d 1374 (Fed. Cir. 2010) (''*Diamond Sawblades*''), the Department is notifying the public that the final CIT judgment in this case is not in harmony with the Department's *Final Determination* [3] and is amending the *Final Determination* with respect to the surrogate values (''SV'') for drill pipe green tubes and the labor wage rate in the less-than-fair-value investigation.

DATES: *Effective Date:* November 14, 2013.

FOR FURTHER INFORMATION CONTACT: Alexander Montoro, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade

[1] *Downhole Pipe & Equipment, LP, and DP-Master Manufacturing Co., Ltd.,* v. *United States, and VAM Drilling USA, Texas Steel Conversion, Inc., Rotary Drilling Tools, TMK IPSCO, and U.S. Steel Corp.,* Court No. 1–00081, Slip Op. 13–134 (November 4, 2013) (''*Downhole Pipe* v. *United States*'').

[2] *See Final Results of Redetermination Pursuant to Court Remand: Drill Pipe from the People's Republic of China Downhole Pipe & Equip LP,* v. *United States,* Court No. 11–00081, Slip op. 12–141 (CIT 2012), dated May 13, 2013 (''*Remand Results*'').

[3] *See Drill Pipe From the People's Republic of China: Final Determination of Sales at Less Than Fair Value and Critical Circumstances,* 76 FR 1966 (January 11, 2011) (''*Final Determination*'').

Administration, Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–0238.

SUPPLEMENTARY INFORMATION: On May 13, 2013, the Department filed the *Remand Results,* in which the Department selected Indian imports under HTS 7304.59.20 as the SV for drill pipe green tube. In addition, the Department revised the labor wage rate and applied the wage rate methodology from *Labor Methodologies*.[4] On November 4, 2013, the Court sustained the Department's *Remand Results*.[5]

Timken Notice

In its decision in *Timken,* 893 F.2d at 341, as clarified by *Diamond Sawblades,* the Federal Circuit has held that, pursuant to section 516A(e) of the Tariff Act of 1930, as amended (''the Act''), the Department must publish a notice of a court decision not ''in harmony'' with a Department determination, and must suspend liquidation of entries pending a ''conclusive'' court decision. The Court's November 4, 2013, judgment constitutes a final decision of the Court that is not in harmony with the Department's *Final Determination.* This notice is published in fulfillment of the publication requirement of *Timken.* Accordingly, the Department will continue the suspension of liquidation of the subject merchandise pending the expiration of the period of appeal, or if appealed, pending a final and conclusive court decision. Since the *Final Determination,* the Department has recalculated the normal values to reflect these changes and, as a result of this redetermination, the antidumping duty cash deposit rate for DP-Master Co. Ltd., is 149.36 percent.

Amended Final Determination

Because there is now a final court decision, we are amending the *Final Determination.* As a result of this redetermination, the antidumping duty cash deposit rate for DP-Master Co. Ltd., is 149.36 percent and we will instruct U.S. Customs and Border Protection accordingly. This notice is issued and published in accordance with sections 516A(e)(1), 735, and 777(i)(1) of the Act.

[4] 1 *See Dorbest, Ltd.* v. *United States,* 604 F.3d 1363, 1372 (Fed. Cir. 2010) (''*Dorbest*''); *see also Antidumping Methodologies in Proceedings Involving Non-Market Economies: Valuing the Factor of Production: Labor,* 76 FR 36092 (June 21, 2011) (''*Labor Methodologies*'').

[5] *See Downhole Pipe* v. *United States.*

Dated: November 13, 2013.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2013–27829 Filed 11–19–13; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Civil Nuclear Trade Advisory Committee (CINTAC) Meeting

AGENCY: ITA, DOC.

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda for a meeting of the CINTAC.

DATES: The meeting is scheduled for Wednesday, December 4, 2013, at 9:00 a.m. Eastern Standard Time (EST). The public session is from 3:00 p.m.–4:00 p.m.

ADDRESSES: The meeting will be held in Room 4830, U.S. Department of Commerce, Herbert Clark Hoover Building, 1401 Constitution Ave. NW., Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Mr. David Kincaid, Office of Energy & Environmental Industries, ITA, Room 4053, 1401 Constitution Ave. NW., Washington, DC 20230. (Phone: 202–482–1706; Fax: 202–482–5665; email: *david.kincaid@trade.gov*).

SUPPLEMENTARY INFORMATION:

Background: The CINTAC was established under the discretionary authority of the Secretary of Commerce and in accordance with the Federal Advisory Committee Act (5 U.S.C. App.), in response to an identified need for consensus advice from U.S. industry to the U.S. Government regarding the development and administration of programs to expand United States exports of civil nuclear goods and services in accordance with applicable U.S. laws and regulations, including advice on how U.S. civil nuclear goods and services export policies, programs, and activities will affect the U.S. civil nuclear industry's competitiveness and ability to participate in the international market.

Topics to be considered: The agenda for the December 4, 2013 CINTAC meeting is as follows:

Closed Session (9:00 a.m.–3:00 p.m.).

1. Discussion of matters determined to be exempt from the provisions of the Federal Advisory Committee Act relating to public meetings found in 5 U.S.C. App. (10)(a)(1) and 10(a)(3).

Public Session (3:00 p.m.–4:00 p.m.).

1. International Trade Administration's Civil Nuclear Trade Initiative Update.
2. Civil Nuclear Trade Promotion Activities Discussion.
3. Public comment period.

The meeting will be disabled-accessible. Public seating is limited and available on a first-come, first-served basis. Members of the public wishing to attend the meeting must notify Mr. David Kincaid at the contact information below by 5:00 p.m. EST on Friday, November 29, 2013 in order to pre-register for clearance into the building. Please specify any requests for reasonable accommodation at least five business days in advance of the meeting. Last minute requests will be accepted, but may be impossible to fill.

A limited amount of time will be 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 two (2) minutes per person, with a total public comment period of 30 minutes. Individuals wishing to reserve speaking time during the meeting must contact Mr. Kincaid and submit a brief statement of the general nature of the comments and the name and address of the proposed participant by 5:00 p.m. EST on Friday, November 29, 2013. If the number of registrants requesting to make statements is greater than can be reasonably accommodated during the meeting, ITA may conduct a lottery to determine the speakers. Speakers are requested to bring at least 20 copies of their oral comments for distribution to the participants and public at the meeting.

Any member of the public may submit pertinent written comments concerning the CINTAC's affairs at any time before and after the meeting. Comments may be submitted to the Civil Nuclear Trade Advisory Committee, Office of Energy & Environmental Industries, Room 4053, 1401 Constitution Ave. NW., Washington, DC 20230. For consideration during the meeting, and to ensure transmission to the Committee prior to the meeting, comments must be received no later than 5:00 p.m. EST on November 29, 2013. Comments received after that date will be distributed to the members but may not be considered at the meeting.

Copies of CINTAC meeting minutes will be available within 90 days of the meeting.

Edward A. O'Malley,

Director, Office of Energy and Environmental Industries.

[FR Doc. 2013–27586 Filed 11–19–13; 8:45 am]

BILLING CODE 3510–DR–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XC992

Gulf of Mexico Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) will hold a Webinar of the Outreach and Education Advisory Panel.

DATES: The Webinar will be held from 10 a.m. to 1:30 p.m. Friday, December 6, 2013.

ADDRESSES: *Meeting address:* This meeting will be held via Webinar; visit *https://www4.gotomeeting.com/register/787609511* to register.

Council address: Gulf of Mexico Fishery Management Council, 2203 North Lois Avenue, Suite 1100, Tampa, FL, 33607.

FOR FURTHER INFORMATION CONTACT: Charlene Ponce, Public Information Officer; Gulf of Mexico Fishery Management Council; telephone: (813) 348–1630; fax: (813) 348–1711; email: *Charlene.Ponce@gulfcouncil.org.*

SUPPLEMENTARY INFORMATION: The items of discussion in the individual meeting agenda are as follows:

- Election of Officers
- Discussion regarding enlisting logistical assistance from Advisory Panel members for Gulf-wide stakeholder meetings.
- Other business

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305© of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

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: November 15, 2013.

Tracey L. Thompson,

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

[FR Doc. 2013–27800 Filed 11–19–13; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XC988

North Pacific Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The North Pacific Fishery Management Council (Council) and its advisory committees will hold public meetings, December 9–16, in Anchorage, AK.

DATES: The meetings will be held Monday, December 9 through Monday, December 16, 2013. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: The meetings will be held at the Hilton Hotel, 500 West 3rd Avenue, Anchorage, AK.

Council address: North Pacific Fishery Management Council, 605 W. 4th Avenue, Suite 306, Anchorage, AK 99501–2252.

FOR FURTHER INFORMATION CONTACT: David Witherell, Council staff; telephone: (907) 271–2809.

SUPPLEMENTARY INFORMATION: The Council will begin its plenary session at 8 a.m. on Wednesday, December 11, continuing through Monday, December 16, 2013. The Scientific Statistical Committee (SSC) will begin at 8 a.m. on Monday, December 9 and continue through Wednesday, December 11, the Council's Advisory Panel (AP) will begin at 8 a.m. on Tuesday, December 10 and continue through Friday, December 13. Ecosystem Committee will meet Tuesday, December 10, 2013, at 8 a.m., Birch/Willow room. Enforcement Committee will meet Tuesday, December 10, 2013, 1 p.m., Birch/Willow room. All meetings are open to the public, except executive sessions.

Council Plenary Session: The agenda for the Council's plenary session will include the following issues. The Council may take appropriate action on any of the issues identified.

1. *Executive Director's Report*

NMFS Management Report (including Update on final 2014 annual deployment plan, update on observer/tendering issue; and update on Limited Access Privilege Program (LAPP) cost recovery; Right of First Refusal (ROFR) clarification from February 2013 Council motion, update on at-sea scales rule; and Essential Fish Habitat (EFH) consultation update (T)) ADF&G Report (including review of Board of Fisheries scallop and pollock proposals, Halibut Subsistence Report) NOAA Enforcement report

U.S. Coast Guard (USCG) Report

Safety report from National Institute Occupational Safety & Health (NIOSH) (T)

U.S. Fish and Wildlife Service (USFWS) Report

Protected Species Report (including Steller Sea Lion (SSL) Environmental Impact Statement (EIS) and Biological Opinion (BiOp0 update)

2. *Charter Halibut Issues:* Recommendations for 2014 charter halibut management measures.

3. *Groundfish Issues:* Initial review of Round Island Transit; Final action Gulf of Alaska Rockfish Chinook cap rollover; Initial review of Grenadier management.

4. *Final groundfish specifications:* Discussion paper on Eastern Gulf of Alaska (EGOA) skate fishery and GOA octopus fishery; Adopt final harvest specifications for Gulf of Alaska groundfish; Adopt final harvest specifications for Bering Sea Aleutian Islands groundfish.

5. *Fishing Cooperatives Issues:* Discussion paper on Cooperative reporting requirements; Bering Sea Aleutian Island Crab cooperative reports; crew provisions, etc.

6. *Miscellaneous Issues:* Discussion paper on Bering Sea Aleutian Island Crab right of first refusal (ROFR) contract clarifications; Discussion paper on Gulf of Alaska pot gear for sablefish; develop workplan for Amendment 80 program 5-year review; Ecosystem Committee report on Ecosystem Based Fishery Management/Ecosystem Based

Management EBFM/EBM; review Exempted Fishing Permit (EFP) for electronic Monitoring (T); Individual Fishing Quota (IFQ) Implementation Committee report.

7. *Staff Tasking:* Review Committees and tasking

The Advisory Panel will address most of the same agenda issues as the Council except B reports.

The SSC agenda will include the following issues:

1. GOA and BSAI Groundfish Specifications
2. Round Island Transit
3. Grenadier management
4. Ecosystem Committee report on EBFM/EBM
5. Review of EFP for EM
6. Amendment 80 Workplan

In addition to providing ongoing scientific advice for fishery management decisions, the SSC functions as the Councils primary peer review panel for scientific information as described by the Magnuson-Stevens Act section 302(g)(1)(e), and the National Standard 2 guidelines (78 FR 43066). The peer review process is also deemed to satisfy the requirements of the Information Quality Act, including the OMB Peer Review Bulletin guidelines.

The Agenda is subject to change, and the latest version will be posted at *http://www.alaskafisheries.noaa.gov/npfmc/*. Background documents, reports, and analyses for review are posted on the Council Web site in advance of the meeting. The names and organizational affiliations of SSC members are also posted on the Web site.

Although non-emergency issues not contained in this agenda may come before this group for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), those issues may not be the subject of formal action during these meetings. Actions will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Gail Bendixen at (907) 271–2809 at least 7 working days prior to the meeting date.

Dated: November 15, 2013.

Tracey L. Thompson,

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

[FR Doc. 2013–27797 Filed 11–19–13; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XC987

North Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of a conference call of the North Pacific Fishery Management Council's Scallop Plan Team.

SUMMARY: The Scallop Plan Team (SPT) will hold a teleconference (907–271–2896). You can listen at the Council office in room 205.

DATES: The teleconference will be held on December 3, 2013, from 9 a.m. to 12 p.m.

ADDRESSES: The teleconference will be held at the Old Federal Building, 605 W 4th Avenue, Room 205, Anchorage, AK.

Council address: North Pacific Fishery Management Council, 605 W. 4th Ave., Suite 306, Anchorage, AK 99501–2252.

FOR FURTHER INFORMATION CONTACT: Diana Stram, Council staff, telephone: (907) 271–2809.

SUPPLEMENTARY INFORMATION:

Agenda: The SPT will review and comment on proposed State of Alaska state waters scallop FMP.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Gail Bendixen at (907) 271–2809 at least 7 working days prior to the meeting date.

Dated: November 14, 2013.

Tracey L. Thompson,

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

[FR Doc. 2013–27711 Filed 11–19–13; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Meeting of the Defense Advisory Committee on Women in the Services (DACOWITS)

AGENCY: Department of Defense.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing this notice to announce that the following Federal Advisory Committee meeting of the Defense Advisory Committee on Women in the Services (DACOWITS) will take place. The purpose of the meeting is to vote on the Committee's Annual Report and to receive briefings and updates relating to the Committee's current work.

DATES: Wednesday, December 4, 2013, from 8:30 a.m. to 5:15 p.m.; Thursday, December 5, 2013, from 8:00 a.m. to 11:30 a.m.

ADDRESSES: Sheraton National Hotel-Pentagon City, 900 South Orme St., Arlington, VA 22204.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Bowling or DACOWITS Staff at 4000 Defense Pentagon, Room 5A734, Washington, DC 20301–4000. *Robert.d.bowling1.civ@mail.mil*. Telephone (703) 697–2122. Fax (703) 614–6233.

SUPPLEMENTARY INFORMATION:

Pursuant to 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), and Section 10(a), Public Law 92–463, as amended, notice is hereby given of a forthcoming meeting of the Defense Advisory Committee on Women in the Services (DACOWITS).

The purpose of the meeting is to vote on the Committee's Annual Report and to receive briefings and updates relating to the Committee's current work. The Committee will receive an update from the Sexual Assault Prevention and Response Office (SAPRO) on the 2013 SAPR Strategic Plan. The Committee will also receive briefings from the Services on their implementation of methods to assess commander's performance on evaluations. Additionally, the Committee will receive a briefing from the National Guard Bureau on same-sex benefits. The Committee will also receive briefings from the Marine Corps on the WISR Implementation/Infantry Training Battalion and the Combat Fitness Test. The Committee will receive a briefing from TRADOC on gender neutral physical standards. Finally, the

Committee will present their 2013 Annual Report and 2014 study topics.

Pursuant to 41 CFR 102–3.105(j) and 102–3.140, and section 10(a)(3) of the Federal Advisory Committee Act of 1972, interested persons may submit a written statement for consideration by the Defense Advisory Committee on Women in the Services. Individuals submitting a written statement must submit their statement to the point of contact listed at the address in **FOR FURTHER INFORMATION CONTACT** no later than 5:00 p.m., Monday, December 2, 2013. If a written statement is not received by Monday, December 2, 2013, prior to the meeting, which is the subject of this notice, then it may not be provided to or considered by the Defense Advisory Committee on Women in the Services until its next open meeting. The Designated Federal Officer will review all timely submissions with the Defense Advisory Committee on Women in the Services Chair and ensure they are provided to the members of the Defense Advisory Committee on Women in the Services. If members of the public are interested in making an oral statement, a written statement should be submitted. After reviewing the written comments, the Chair and the Designated Federal Officer will determine who of the requesting persons will be able to make an oral presentation of their issue during an open portion of this meeting or at a future meeting. Pursuant to 41 CFR 102–3.140(d), determination of who will be making an oral presentation is at the sole discretion of the Committee Chair and the Designated Federal Officer and will depend on time available and if the topics are relevant to the Committee's activities. Two minutes will be allotted to persons desiring to make an oral presentation. Oral presentations by members of the public will be permitted only on Wednesday, December 4, 2013 from 4:45 p.m. to 5:15 p.m. in front of the full Committee. The number of oral presentations to be made will depend on the number of requests received from members of the public.

Pursuant to 5 U.S.C. 552b and 41 CFR 102–3.140 through 102–3.165, this meeting is open to the public, subject to the availability of space.

Due to difficulties finalizing the meeting notice for the scheduled meeting of the Defense Advisory Committee on Women in the Services for December 4–5, 2013, the requirements of 41 CFR 102–3.150(a) were not met. Accordingly, the Advisory Committee Management Officer for the Department of Defense, pursuant to 41 CFR § 102–3.150(b), waives the 15-calendar day notification requirement.

Meeting agenda:

Wednesday, December 4, 2013, From 8:30 a.m. to 5:15 p.m.

—Welcome, Introductions, Announcements
—Briefing—Request for Information Update
—Briefing—SAPRO Update
—Briefing—Services Implementation Methods on Evaluation of Commander's Performance
—Briefing—National Guard Same Sex Benefits
—Briefing—WISR Implementation/ Marine Corps Infantry Training Battalion
—Briefing—Marine Corps Combat Fitness Test
—Briefing—TRADOC Gender-Neutral Standards Update
—Public Comment Period

Thursday, December 5, 2013, From 8:00 a.m. to 11:30 a.m.

—Announcements
—Committee Presents 2013 Annual Report and 2014 Study Topics

Dated: November 15, 2013.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2013–27781 Filed 11–19–13; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2013–OS–0039]

Privacy Act of 1974; System of Records

AGENCY: Defense Intelligence Agency, DoD.

ACTION: Notice to add a System of Records.

SUMMARY: The Defense Intelligence Agency is proposing the add a system to its existing inventory of records systems subject to the Privacy Act of 1974, as amended. The Defense Intelligence Agency proposes to add a new system of records notice, LDIA 13–0001, Conflict Management Programs, to its existing inventory of records systems subject to the Privacy Act of 1974, as amended. This system manages the Equal Opportunity (EO) Program, Alternate Dispute Resolution Program (ADR), Employee Grievance System, and Reasonable Accommodation (RA) cases.

DATES: This proposed action will be effective on December 23, 2013 unless comments are received which result in a contrary determination. Comments will be accepted on or before December 20, 2013.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

- *Federal Rulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive; East Tower, 2nd Floor, Suite 02G09, Alexandria, VA 22350–3100.

Instructions: All submissions received must include the agency name and docket number 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: Ms. Theresa Lowery at Defense Intelligence Agency, DAN 1–C, 600 MacDill Blvd., Washington, DC 20340–0001 or by phone at (202) 231–1193.

SUPPLEMENTARY INFORMATION: The Defense Intelligence Agency system of records notices subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT**.

The proposed system report, as required by 5 U.S.C. 552a of the Privacy Act of 1974, as amended, was submitted on February 21, 2013, to the House Committee on Oversight and Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: November 12, 2013.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

LDIA 13–0001

SYSTEM NAME:

Conflict Management Programs

SYSTEM LOCATION:

Defense Intelligence Agency (DIA), 200 MacDill Blvd., Washington, DC 20340–0001.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DIA civilians, military assignees, and contractors.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individuals name, Social Security Number (SSN), and associated case numbers. Files contain all records and documents relative to each program to include statements of witnesses, reports of interviews and hearings and examiner's findings, recommendations, decisions and related correspondence or exhibits.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Law 107–174, Notification and Federal Employee Antidiscrimination and Retaliation (No FEAR) Act; PL 104–320, The Administrative Dispute Resolution Act (ADRA); 29 CFR 1614, Federal Sector Equal Employment Opportunity; 5 U.S.C. Part I, Chapter 5, Subchapter IV, Alternative Means of Dispute Resolution in Administrative Process; Title 1 and Title V of the Americans with Disabilities Act (ADA); E.O. 12067, Federal Equal Opportunity Programs; E.O. 12988, Civil Justice Reform; Intelligence Community Directive 106, Intelligence Community Equal Employment; DoDD 1440.1, The DoD Civilian Equal Employment Opportunity Program; DoDD 1350.2, The Department of Defense Military Equal Opportunity Program; DoDD 5145.5, Alternative Dispute Resolution Act (ADR); DIA Instruction 5145.001, Conflict Management Program; DIA Manual 60–1: Administrative Investigations; DIA Directive 1020.000, DIA Equal Employment Opportunity Diversity Program; DIA Instruction 1426.002, Employee Grievance System and E.O. 9397 (SSN), as amended.

PURPOSE(S):

To manage the Equal Opportunity (EO) Program, Alternate Dispute Resolution Program (ADR), Employee Grievance System, and Reasonable Accommodation (RA) cases.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974, as amended, these records contained herein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C 552(b)(3) as follows:

The DoD Blanket Routine Uses set forth at the beginning of the DIAs compilation of systems of records notices may apply to this system.

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

STORAGE:

Paper and electronic storage media.

RETRIEVABILITY:

By last name, SSN and/or case file number.

SAFEGUARDS:

Records are stored in office buildings protected by guards, controlled screenings, and use of visitor registers, electronic access, and/or locks. Access to records is limited to individuals who are properly screened, and cleared on a need-to-know basis in the performance of their duties. Passwords and User IDs are used to control access to the system data, and procedures are in place to deter and detect browsing and unauthorized access. Physical and electronic access is limited to persons responsible for servicing and authorized to use the system.

RETENTION AND DISPOSAL:

Equal Opportunity Records, Temporary: Destroy 4 years after resolution of case.

Alternate Dispute Resolution Records, Temporary: Destroy 3 years after settlement is implemented or case is discontinued.

Reasonable Accommodation Records, Temporary: Destroy 3 years after employee separation from the Agency, or all appeals have been concluded whichever is later.

Employee Grievance Records, Temporary: Destroy four years after the grievance is closed.

Electronic records are deleted from the system; paper records are destroyed by shredding, burning or pulping.

SYSTEM MANAGER(S) AND ADDRESS:

Directorate for Human Capital, and the Equal Opportunity and Diversity Office, Defense Intelligence Agency, 200 MacDill Blvd., Washington, DC 20340–0001.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries to the DIA Freedom of Information Act Office (DAN–1A), Defense Intelligence Agency, 200 MacDill Blvd., Washington, DC 20340–0001.

Request should contain the individual's full name, current address, and telephone number.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system of records should address written inquiries to the DIA Freedom of Information Act Office, Defense Intelligence Agency (DAN–1A), 200 MacDill Blvd., Washington, DC 20340–0001.

Request should contain the individual's full name, current address, and telephone number.

CONTESTING RECORD PROCEDURES:

DIAs rules for accessing records, for contesting contents and appealing initial agency determinations are published in DIA Instruction 5400.001 Defense Intelligence Agency Privacy Program; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Agency officials, individuals, and witnesses.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Investigatory material compiled for law enforcement purposes, other than material within the scope of subsection 5 U.S.C. 552a(j)(2), may be exempt pursuant to 5 U.S.C. 552a(k)(2). However, if an individual is denied any right, privilege, or benefit for which he would otherwise be entitled by Federal law or which he would otherwise be eligible, as a result of maintenance of the information, the individual will be provided access to the information except to the extent that disclosure would reveal the identity of a confidential source. This exemption provides limited protection of investigative reports maintained in a system of records used in personnel or administrative actions.

Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for federal civilian employment, military service, federal contracts, or access to classified information may be exempt pursuant to 5 U.S.C. 552a(k)(5), but only to the extent that such material would reveal the identity of a confidential source.

An exemption rule for this record system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) and published in 32 CFR part 319. For more information, contact the system manager.

[FR Doc. 2013–27512 Filed 11–19–13; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Navy

[Docket ID: USN–2013–0027]

Submission for OMB Review; Comment Request

ACTION: Notice.

SUMMARY: The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

DATES: Consideration will be given to all comments received by December 20, 2013.

FOR FURTHER INFORMATION CONTACT: Fred Licari, 571–372–0493.

SUPPLEMENTARY INFORMATION:

Title, Associated Form and OMB Number: JAGC Application Survey; OMB Control Number 0703–0059.

Type of Request: Extension.

Number of Respondents: 800.

Responses per Respondent: 1.

Annual Responses: 800.

Average Burden per Response: 45 minutes.

Annual Burden Hours: 600.

Needs and Uses: The U.S. Navy Judge Advocate General requires a method to improve recruiting and accession board processes to recruit and select the best individuals as judge advocates. A survey will allow the JAG Corps to assess whether certain traits and/or behaviors are indicators of future success in the JAG Corps. If the survey results reveal statistically significant personal indicators of success, then those factors can provide a reliable basis for focusing recruiting efforts and making more efficient selection decisions.

Affected Public: Individuals applying for a commission as an officer in the U.S. Navy Judge General's Corps.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet Seehra.

Written comments and recommendations on the proposed information collection should be sent to Ms. Jasmeet Seehra at the Office of Management and Budget, Desk Officer for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

You may also submit comments, identified by docket number and title, by the following method:

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

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.

DoD Clearance Officer: Ms. Patricia Toppings.

Written requests for copies of the information collection proposal should be sent to Ms. Toppings at WHS/ESD Information Management Division, 4800 Mark Center Drive, East Tower, Suite 02G09, Alexandria, VA 22350–3100.

Dated: November 15, 2013.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2013–27810 Filed 11–19–13; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF DEFENSE

Department of the Navy

Cancellation of the Notice of Intent To Prepare an Environmental Impact Statement for Construction and Operation of an Outlying Landing Field To Support Carrier Air Wing Aircraft at Naval Air Station Oceana and Naval Station Norfolk, VA

AGENCY: Department of the Navy, DoD.

ACTION: Notice.

SUMMARY: The Department of the Navy (DoN) hereby cancels its Notice of Intent to Prepare an Environmental Impact Statement (EIS) for Construction and Operation of an Outlying Landing Field (OLF) in northeastern North Carolina and southeastern Virginia. The purpose of the OLF was to support carrier-based air wing aircraft squadrons stationed at and transient to Naval Air Station (NAS) Oceana and Naval Station (NS) Norfolk, VA. Navy Auxiliary Landing Field Fentress remains the single, local DoN OLF for Field Carrier Landing Practice (FCLP) training for all fixed-wing, carrier-based air wing aircraft operating from NAS Oceana and NS Norfolk Chambers Field.

SUPPLEMENTARY INFORMATION: In a Notice of Intent published on April 9, 2008 (73 FR 19196), the DoN announced its intent to prepare an EIS to evaluate the potential environmental consequences of constructing and operating an OLF to support FCLP training requirements for carrier-based fixed-wing aircraft at NAS Oceana and NS Norfolk Chambers Field, Virginia. On August 28, 2009, the DoN delayed release of the Draft OLF EIS in order to allow inclusion of a noise analysis for the F–35C (Joint Strike Fighter) in the EIS. The DoN suspended the Draft OLF EIS on January 27, 2011 pending better defined East Coast F–35C homebasing and training requirements.

The current decision to cancel the suspended OLF EIS does not address the future requirement for an additional DoN East Coast OLF. When the DoN identifies East Coast F–35C homebasing and training requirements, the future long-term need for an additional OLF will be determined. At present, an EIS to support the East Coast homebasing of the F–35C is anticipated to begin no earlier than 2017, rather than 2014 as was announced in 2011. If a decision is made at some future date to pursue an additional OLF in conjunction with the East Coast F–35C homebasing, a new siting study would also have to be conducted. It is unknown at this time whether any, or all, of the five sites considered in the canceled OLF EIS would be considered in the future.

FOR FURTHER INFORMATION CONTACT: Mr. Ted Brown, Public Affairs Office, Commander, U.S. Fleet Forces Command, 1562 Mitcher Avenue, Suite 250, Norfolk, VA 23551–2487, telephone 757–836–3600; facsimile 757–836–3601.

Dated: November 14, 2013.

N.A. Hagerty-Ford,

Commander, Office of the Judge Advocate General, U.S. Navy, Federal Register Liaison Officer.

[FR Doc. 2013–27806 Filed 11–19–13; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF DEFENSE

Department of the Navy

[Docket ID: USN–2013–0038]

Privacy Act of 1974; System of Records

AGENCY: Department of the Navy, DoD.

ACTION: Notice to add a new System of Records.

SUMMARY: The Department of the Navy proposes to add a new system of records in its inventory of record systems subject to the Privacy Act of 1974, as amended. The blanket (k)(1) exemption applies to this systems of records to accurately describe the basis for exempting disclosure of classified information that is or may be contained in the records.

DATES: The proposed action will be effective on December 23, 2013 unless

comments are received which result in a contrary determination. Comments will be accepted on or before December 20, 2013.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

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

* *Mail:* Federal Docket Management System Office, 4800 Mark Center Drive, East Tower, 2nd Floor, Suite 02G09, Alexandria, VA 22350–3100.

Instructions: All submissions received must include the agency name and docket number 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: Ms. Robin Patterson, Department of the Navy, DNS–36, 2000 Navy Pentagon, Washington, DC 20350–2000 or call at (202) 685–6545.

SUPPLEMENTARY INFORMATION: The Department of the Navy notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address in **FOR FURTHER INFORMATION CONTACT**. The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on November 21, 2012, to the House Committee on Oversight and Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: November 12, 2013.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

NM03800–1

SYSTEM NAME:

Naval Global Maritime, Foreign, Counterterrorism and Counter Intelligence Operation Records.

SYSTEM LOCATION:

Primary location: Commander, Office of Naval Intelligence, 4251 Suitland, MD 20395–2000.

Decentralized segments are located at United States Naval organizations worldwide. Official mailing addresses are published as an appendix to the Navy's compilation of system of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Citizens, lawful permanent residents, and non-U.S. citizens associated with vessels, facilities, companies, organizations, and ports, or known, suspected, or alleged to be involved in contraband trafficking (arms, narcotics, and otherwise), illegal migrant activity (smuggling, trafficking, and otherwise), or terrorist activity or piracy in the maritime sector; crew and passengers of maritime vessels defined by the International Maritime Office and various United States and international notices of arrival; individuals identified by the Department of the Navy (DON), other Department of Defense (DoD), Homeland Security, Foreign Allies and Partner personnel during Maritime Interception or Security Operations, vessel boardings, conducting aircraft over-flights, sightings and reports; individuals identified as a potential threat to United States interest in the Maritime Domain sector.

Entities as defined above includes active duty military personnel of the DON including current civilian employees, contract, temporary, part-time, advisory, citizen and foreign nationals located both in the United States and in overseas areas; other Department of Defense employees, and contractors; other named department service members, employees and contractors; other Allied Country, Partnered Country, and Organization service members, employees and contractors; and individuals involved in, or of interest to, foreign intelligence, counterintelligence, counterterrorism, counternarcotics, counter piracy, and counter proliferation operations or analytical projects, as well as individuals involved in intelligence activities and/or training activities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, nationality, address, email address, home and/or work telephone numbers, cell phone information, identification numbers (e.g. Social Security Number (SSN) and DoD ID Number), Department of Defense number, Passport, Seaman's paper), date of birth, place of birth, photograph, biometrics, personal documents, vehicle license data, relationship to vessels and facilities, relationship to other individuals, companies, government agencies and organizations, involvement with violations of laws and international treaties; associations with vessels involved in contraband, trafficking (arms, narcotics, and otherwise), illegal migrant activity (smuggling, trafficking, and otherwise), unlawful acts within the maritime sector; and associations with other individuals who are known, suspected, or alleged to be involved in contraband trafficking (arms, narcotics, and otherwise), illegal migrant activity (smuggling, trafficking, and otherwise), terrorist activities, or any other unlawful act within the maritime sector.

Information on individuals, companies, vessels, or entities associated with the maritime industry to include: Vessel owners, vessel operators, vessel characteristics, crewmen, passengers, facility owners, facility managers, facility employees; or affiliation with the maritime community, commodities handled, equipment, location certificates, approvals, inspection data, pollution incidents, casualties, and violation of laws and international treaties.

Information on individuals, vessels or entities associated with external watch lists (e.g., law enforcement, biometric, terrorist, and otherwise) on individuals, companies, vessels, or entities associated with threats to the DON, the United States, or United States interest in the Maritime Domain.

Investigative material, correspondence, and other documentation pertaining to investigative or analytical efforts by DON, other United States government agencies, organizations, individuals, and allied or partner countries to identify or counter any foreign intelligence and terrorist threats to the DON, the United States, or United States Interest in the Maritime Domain.

Records relating to ship arrival notifications, crew and passenger lists, boarding reports, threat lists, analytical, operational, biographic, policy, management, training, administrative and operational support related to intelligence, counterterrorism, counternarcotics, force protection, critical infrastructure protection, research and technology protection, research and development protection, threat analysis, raw intelligence reports and risk assessments.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 5013, Secretary of the Navy; 10 U.S.C. ch 15, National Security Act of 1947, as amended; Executive Order 12333, United States Intelligence Activities; National Security Presidential Directive 41/Homeland Security Presidential Directive 13

(NSPD–41/HSPD–13), Maritime Commerce Security Plan for the National Strategy for Maritime Security; 50 U.S.C. ch 36, The Foreign Intelligence Surveillance Act of 1978; DoD Directive 5240.1–R, Procedures Governing the Activities of DoD Intelligence Components that Affect United States Persons; and E.O. 9397 (SSN), as amended.

PURPOSES(S):

To carry out the National Plan to Achieve Maritime Domain Awareness by providing an effective understanding of anything associated with the Maritime Domain and identifying threats as early and as distant from the shores of the United States as possible.

To carry out the Global Maritime Intelligence Initiative (GMII) Plan using existing capabilities to integrate all available intelligence regarding potential threats to United States interest in the Maritime Domain.

The maritime intelligence enterprise, the focus of this system, is a federation of departments, agencies, and organizations with a maritime and/or maritime intelligence focus with operational entities frequently being the source of critical information need for intelligence analysis. In the United States this Global Maritime Community of Interest (GMCOI) intelligence enterprise includes entities with the Department of Homeland Security, Department of Defense, Department of State, the Intelligence Community (IC), Department of Justice, Department of Energy, and other United States government departments with responsibilities for international maritime trade, and foreign security and intelligence services.

Internationally, this GMCOI intelligence enterprise includes the entities within the countries allied with the United States or with countries and organizations with bi-lateral partnerships with the United States with responsibility for international maritime trade, security, and intelligence services.

To support Maritime Security Operations (MSO) directed to protect and counter maritime piracy and other threats to U.S. interest in the Maritime Domain.

To document and maintain records on intelligence, counterintelligence, counterterrorism, and counternarcotics operations relating to the protection of national security, DoD personnel, facilities and equipment, to include information systems. To detect, identify, and neutralize foreign intelligence and international terrorist, drug smuggling, or piracy threats to United States interests in the Maritime Domain, the DoD, and United States Naval mission. To maintain records on information operations, foreign intelligence, counterintelligence, counterterrorism, counternarcotics, counterpiracy, counterproliferation, and matters relating to the protection of national security.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974 as amended, these records contained therein may specifically be disclosed outside the DoD pursuant to 5 U.S.C. 552a(b)(3) as follows:

To Federal, State, local, and tribal agencies for the purpose of law enforcement, counterterrorism, counterintelligence, counter-narcotic and piracy activities and Homeland Security as authorized by United States Law or Executive Order, or for the purpose of protecting the territory, people and interests of the United States of America against breaches of security related to DoD controlled information or facilities and against hostile terrorist activities.

To the Immigration and Naturalization Service and the Department of Justice for use in alien admission and naturalization inquiries conducted under section 105 of the Immigration and Naturalization Act of 1952, as amended.

To the Department of State, the Department of Treasury, the Department of Justice, the Federal Bureau of Investigation, the Drug Enforcement Administration, the United States Customs Service, the Bureau of Alcohol, Tobacco and Firearms, and the Central Intelligence Agency for the purpose of collaborating on production of intelligence products and countering terrorist acts.

The DoD Blanket Routine Uses set forth at the beginning of the Department of Navy's compilation of systems of records notices may apply to this system.

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

STORAGE:

Paper and/or electronic storage media.

RETRIEVABILITY:

Name, SSN, citizenship documentation, biometric data, passport number or vehicle/vessel license data and records.

SAFEGUARDS:

Records are stored in office buildings and databases protected by guards, controlled screenings, use of visitor registers, electronic access, and/or locks. Access to records is limited to individuals who are properly screened and cleared on a need-to-know basis in the performance of their duties. Passwords and user IDs are used to control access to the system data, and procedures are in place to deter and detect browsing and unauthorized access of electronic files.

RETENTION AND DISPOSAL:

General Intelligence Records: Permanent. Retire to the Washington National Records Center (WNRC) when 2 years old, transfer to National Archives and Records Administration (NARA) when 25 years old.

Intelligence Reports: Permanent. Retire to WNRC when 2 years old, transfer to NARA when 25 years old.

Intelligence Products: Retire to WNRC when 2 years old, transfer to NARA when 25 years old.

Intelligence Estimates Records: Permanent. Retire to WNRC when 5 years old, Transfer to NARA in 5-year blocks when 25 years old.

Intelligence Collection Records: Temporary, destroy when 3 years old.

Intelligence Data Base Records: Temporary, destroy when no longer needed to support current requirements.

Paper records are destroyed by shredding, pulping, or burning; electronic records are magnetically erased from the database.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, Office of Naval Intelligence, 4251 Suitland Road, Washington, DC 20395–2000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system of records should address written inquiries, containing full name and one other personnel identifier (i.e., SSN or date of birth), to Commander, Office of Naval Intelligence, (ONI–22/FOIA), 4251 Suitland Road, Washington, DC 20395–2000.

The system manager may require an original signature or a notarized signature as a means of proving the identity of the individual requesting access to the records.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system of records should address written inquiries, containing full name

and one other personnel identifier (i.e., SSN or date of birth) to Commander, Office of Naval Intelligence, (ONI–22/FOIA), 4251 Suitland Road, Washington, DC 20395–2000.

The system manager may require an original signature or a notarized signature as a means of proving the identity of the individual requesting access to the records.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5E; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From individuals; DoD records; United States and foreign agencies, organizations or entities; media, including periodicals, newspapers, broadcast transcripts; intelligence source documents/reports; other Navy reports and documents; informants; various Federal, state and local investigative and law enforcement agencies; and other individuals or agencies/organizations that may supply pertinent information.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for federal civilian employment, military service, federal contracts, or access to classified information may be exempt pursuant to 5 U.S.C. 552a(k)(5) but only to the extent that such material would reveal the identity of a confidential source.

An exemption rule for this system has been promulgated in accordance with the requirements of 5 U.S.C. 553(b)(1), (2) and (3), (c) and (e) and published in 32 CFR part 701, subpart G. For additional information contact the system manager.

[FR Doc. 2013–27459 Filed 11–19–13; 8:45 am]

BILLING CODE 5001–06–P

DEPARTMENT OF EDUCATION

Authorization of Subgrants

AGENCY: Office of Innovation and Improvement, Department of Education.

ACTION: Notice.

[Catalog of Federal Domestic Assistance Number: 84.370C.]

SUMMARY: This notice authorizes the use of subgrants with Scholarships for Opportunity and Results Act (SOAR Act) funds awarded under CFDA 84.370C to the District of Columbia Office of the State Superintendent of Education (OSSE), for the purpose of carrying out its proposed activities in support of quality charter schools.

DATES: *Effective Date:* November 20, 2013.

FOR FURTHER INFORMATION CONTACT: Erin Pfeltz, U.S. Department of Education, 400 Maryland Avenue SW., room 4W228, Washington, DC 20202–5970. Telephone: (202) 205–3525 or by email: *erin.pfeltz@ed.gov*. If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call, toll free: 1–877–576–7734.

SUPPLEMENTARY INFORMATION:

Purpose of Program: Under the Scholarships for Opportunity and Results Act (SOAR Act), the Department awards funding for opportunity scholarships for students to attend private schools, and it awards funding to the District of Columbia to improve public education in District of Columbia Public Schools and to improve and expand the quality of District of Columbia public charter schools (charter schools) under a three-part comprehensive funding strategy, as described in section 3002(4) of the SOAR Act. The intent of this comprehensive funding approach is to ensure that progress will continue to be made to improve public schools and public charter schools and to ensure that funding for the Opportunity Scholarship Program will not lead to a reduction in funding for the District of Columbia public and charter schools.

Under section 3004(b) of the SOAR Act, the Secretary is required to provide funds to the Mayor of the District of Columbia to improve and expand quality public charter schools in the District of Columbia.

Program Authority: Scholarships for Opportunity and Results (SOAR) Act, Division C of Public Law 112–10; 125 Stat. 199–212, as amended by Public Law 112–92, the SOAR Technical Corrections Act; 126 Stat. 6–7.

Applicable Regulations: 34 CFR 75.708.

Eligible Entities for Subgrants: District of Columbia public charter schools and non-profit organizations.

Discussion: Using SOAR Act funds, OSSE has proposed to award subgrants (as defined in 34 CFR 80.3) through multiple competitions to support charter schools in the District of Columbia. Proposed activities include providing funding to improve charter school performance and educational outcomes, and providing effective facility financing and funding to increase the number of new, high-quality charter school seats. In the case of subgrants to schools, awards will be made to the entities identified in the approved application (District of Columbia charter schools). For the remaining subgrants, entities will be selected through a competitive process set out in subgranting procedures established by the grantee.

Requirements: This subgranting authority must be used by OSSE to directly carry out project activities described in its application. OSSE must ensure that subgrants are awarded on the basis of an approved budget that is consistent with OSSE's approved application and all applicable Federal statutory, regulatory, and other requirements. OSSE must ensure that every subgrant includes any conditions required by Federal statutes and executive orders and their implementing regulations. OSSE must ensure that subgrantees are aware of requirements imposed upon them by Federal statutes and regulations, including the Federal anti-discrimination laws enforced by the Department, which are set out at 34 CFR 75.500.

Note: This notice does *not* solicit applications. Authorization of the SOAR Act directs funds to the Mayor of the District of Columbia for District of Columbia public charter schools.

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

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

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

Dated: November 15, 2013.

Nadya Chinoy Dabby,

Associate Assistant Deputy Secretary For the Office of Innovation and Improvement, delegated the authority to perform the functions and duties of the Assistant Deputy Secretary.

[FR Doc. 2013–27847 Filed 11–19–13; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Portsmouth

AGENCY: Department of Energy (DOE).

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Portsmouth. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Thursday, December 5, 2013, 6:00 p.m.

ADDRESSES: Ohio State University, Endeavor Center, 1862 Shyville Road, Piketon, Ohio 45661.

FOR FURTHER INFORMATION CONTACT: Greg Simonton, Alternate Deputy Designated Federal Officer, Department of Energy Portsmouth/Paducah Project Office, Post Office Box 700, Piketon, Ohio 45661, (740) 897–3737, *Greg.Simonton@lex.doe.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board: The purpose of the Board is to make recommendations to DOE–EM and site management in the areas of environmental restoration, waste management and related activities.

Tentative Agenda

- Call to Order, Introductions, Review of Agenda
- Approval of July Minutes
- Deputy Designated Federal Officer's Comments
- Federal Coordinator's Comments
- Liaison's Comments
- Presentation
- Administrative Issues
  - Annual Executive Planning and Leadership Training Session Update
  - EM National Chairs Meeting Update
- Subcommittee Updates
- Election of Chair and Vice Chair
- Adoption of Fiscal Year 2014 Work Plan
- Public Comments
- Final Comments From the Board
- Adjourn

Public Participation: The meeting is open to the public. The EM SSAB, Portsmouth, welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Greg Simonton at least seven days in advance of the meeting at the phone number listed above. Written statements may be filed with the Board either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Greg Simonton at the address or telephone number listed above. Requests must be received five days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Deputy Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Individuals wishing to make public comments will be provided a maximum of five minutes to present their comments.

Minutes: Minutes will be available by writing or calling Greg Simonton at the address and phone number listed above. Minutes will also be available at the following Web site: *http://www.ports-ssab.energy.gov/.*

Issued at Washington, DC, on November 13, 2013.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2013–27863 Filed 11–19–13; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Secretary of Energy Advisory Board

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces an open meeting of the Secretary of Energy Advisory Board (SEAB). SEAB was reestablished pursuant to the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) (the Act). This notice is provided in accordance with the Act.

DATES: Tuesday, December 3, 2013, 8:00 a.m.–12:15 p.m.

ADDRESSES: Lawrence Livermore National Laboratory, 7000 East Avenue, Building 6475, Greenville Road Entrance, Livermore, CA 94550.

FOR FURTHER INFORMATION CONTACT: Amy Bodette, Designated Federal Officer, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585; telephone (202) 586–0383 or facsimile (202) 586–1441; *seab@hq.doe.gov.*

SUPPLEMENTARY INFORMATION:

Background: The Board was established to provide advice and recommendations to the Secretary on the Department's basic and applied research, economic and national security policy, educational issues, operational issues, and other activities as directed by the Secretary.

Purpose of the Meeting: The Subcommittees of the Board will provide updates on their work. Board members will also receive briefings on topics of interest.

Tentative Agenda: The meeting will start at 8:00 a.m. on December 3rd. The tentative meeting agenda includes reports from SEAB Task forces, briefings from the Lab and DOE, and comments from the public. The meeting will conclude at 12:15 p.m.

Public Participation: The meeting is open to the public. Individuals who would like to attend must RSVP to *seab@hq.doe.gov* no later than November 26th at 5:00 p.m. Please provide your name, organization, citizenship, and contact information. Anyone attending the meeting will be required to present government issued identification. Individuals and representatives of organizations who would like to offer comments and suggestions may do so at the end of the meeting. Approximately 30 minutes will be reserved for public comments. Time allotted per speaker will depend on the number who wish to speak but will not exceed five minutes. The Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Those wishing to speak should register to do so beginning at 8:00 a.m. on December 3, 2013.

Those not able to attend the meeting or who have insufficient time to address the committee are invited to send a written statement to Amy Bodette, U.S. Department of Energy, 1000 Independence Avenue SW., Washington DC 20585, email to *seab@hq.doe.gov.*

Minutes: The minutes of the meeting will be available by contacting Ms. Bodette. She may be reached at the postal address or email address above or by visiting SEAB's Web site at *www.energy.gov/seab.*

Issued in Washington, DC on November 14, 2013.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2013–27870 Filed 11–19–13; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

DOE/NSF Nuclear Science Advisory Committee

AGENCY: Department of Energy, Office of Science.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the DOE/NSF Nuclear Science Advisory Committee (NSAC). The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Thursday, December 19, 2013, 9:00 a.m.–5:00 p.m.

ADDRESSES: Gaithersburg Marriott Washingtonian Center, 9751 Washingtonian Boulevard, Gaithersburg, Maryland 20878, (301) 590–0044.

FOR FURTHER INFORMATION CONTACT: Brenda L. May, U.S. Department of Energy; SC–26/Germantown Building, 1000 Independence Avenue SW., Washington, DC 20585–1290; Telephone: (301) 903–0536

SUPPLEMENTARY INFORMATION:

Purpose of Meeting: To provide advice and guidance on a continuing basis to the Department of Energy and the National Science Foundation on scientific priorities within the field of basic nuclear science research.

Tentative Agenda: Agenda will include discussions of the following:

Thursday, December 19, 2013

- Perspectives from Department of Energy and National Science Foundation
- Update from the Department of Energy and National Science Foundation's Nuclear Physics Office's
- The 2013 ONP Comparative Research Review
- Presentation of the Charge on Neutrino-less Double Beta
- Presentation of the Charge on NNSA Development of Mo-99 Domestic Supply
- Public Comment (10-minute rule)

Note: The NSAC Meeting will be broadcast live on the Internet. You may find out how to access this broadcast by going to the following site prior to the start of the meeting. A video record of the meeting including the presentations that are made will be archived at this site after the meeting ends: *www.tvworldwide.com/events/doe/131007.*

Public Participation: The meeting is open to the public. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. If you would like to make oral statements regarding any of these items on the agenda, you should contact Brenda L. May, (301) 903–0536 or *Brenda.May@science.doe.gov* (email). You must make your request for an oral statement at least 5 business days before the meeting. Reasonable provision will be made to include the scheduled oral statements on the agenda. The Chairperson of the Committee will conduct the meeting to facilitate the orderly conduct of business. Public comment will follow the 10-minute rule.

Minutes: The minutes of the meeting will be available on the U.S. Department of Energy's Office of Science Web site for viewing: *http://science.doe.gov/np/nsac.*

Issued at Washington, DC, on November 14, 2013.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2013–27869 Filed 11–19–13; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Ultra-Deepwater Advisory Committee

AGENCY: Office of Fossil Energy, Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Ultra-Deepwater Advisory Committee. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of this meeting be announced in the **Federal Register**.

DATES: Monday, December 9, 2013, 11:30 a.m.–3:30 p.m. (EST).

ADDRESSES: U.S. Department of Energy, 1000 Independence Avenue SW., Room 3G–043, Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Elena Melchert, U.S. Department of Energy, Office of Oil and Natural Gas, 1000 Independence Ave. SW., Washington, DC 20585. Phone: (202) 586–5600.

SUPPLEMENTARY INFORMATION:

Purpose of the Committee: The purpose of the Ultra-Deepwater Advisory Committee is to provide advice on development and implementation of programs related to ultra-deepwater architecture and technology to the Secretary of Energy and provide comments and recommendations and priorities for the Department of Energy Annual Plan per requirements of the Energy Policy Act of 2005, Title IX, Subtitle J, Section 999D.

Tentative Agenda

December 9, 2013

11:15 a.m. Registration.

11:30 a.m. Welcome & Introductions, Opening Remarks, Discussion of History of UDAC Recommendations, Discussion of Subcommittee Reports and Findings regarding the *Draft 2014 Annual Plan,* Discussion of Subcommittee Recommendations, Appoint Editing Committee.

3:15 p.m. Public Comments, if any.

3:30 p.m. Adjourn.

Public Participation: The meeting is open to the public. The Designated Federal Officer and the Chairman of the Committee will lead the meeting for the orderly conduct of business. Individuals who would like to attend must RSVP to *UltraDeepwater@hq.doe.gov* no later than 5:00 p.m. on Tuesday, December 3, 2013. Please provide your name, organization, citizenship and contact information. Space is limited. Everyone attending the meeting will be required to present government issued identification. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. If you would like to make oral statements regarding any of the items on the agenda, you should contact Elena Melchert at the telephone number listed above. You must make your request for an oral statement at least three business days prior to the meeting, and reasonable provisions will be made to include all who wish to speak. Public comment will follow the three-minute rule.

Minutes: The minutes of this meeting will be available for public review and copying within 60 days at *http://energy.gov/fe/services/advisory-committees/ultra-deepwater-advisory-committee.*

Issued at Washington, DC, on November 14, 2013.

LaTanya R. Butler,

Deputy Committee Management Officer.

[FR Doc. 2013–27871 Filed 11–19–13; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project Nos. 2291–147; 2292–104]

Domtar Wisconsin Dam Corporation; Notice of Application To Amend License and Accepted for Filing, Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Amendment of License.

b. *Project Nos:* 2291–147 and 2292–104.

c. *Date Filed:* February 8, 2013, and supplemented on June 19, 2013, September 17, 2013, and November 5, 2013.

d. *Applicant:* Domtar Wisconsin Dam Corporation.

e. *Name of Projects:* Port Edwards and Nekoosa Hydroelectric Projects.

f. *Location:* The Port Edwards and Nekoosa Projects are located on the Wisconsin River, in Wood County, Wisconsin. The projects do not occupy any federal lands.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* David S. Ulrich, Environmental Superintendent, Domtar Wisconsin Dam Corporation, 301 Point Basse Avenue, Nekoosa, Wisconsin 54457; telephone (715) 886–7711.

i. *FERC Contact:* Linda Stewart at (202) 502–6680; or email at *linda.stewart@ferc.gov.*

j. Deadline for filing comments, motions to intervene, and protests, is 15 days from the issuance date of this notice by the Commission. The Commission strongly encourages electronic filing. Please file any motion to intervene, protest, comments, and/or recommendations using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket numbers P–2291–147 and P–2292–104.

k. *Description of Request:* Domtar Wisconsin Dam Corporation (Domtar) proposes to change a section of the existing Port Edwards Project transmission line route. Specifically, Domtar's proposal includes constructing a new approximately 1,800-foot-long, 69-kilovolt (kV) overhead transmission that would extend from a new 69/14.4-kV substation to an existing project power pole. The proposed substation would be connected to the existing powerhouse by an approximately 250-foot-long, underground transmission line. A portion of the proposed overhead transmission line would be located on lands of the Nekoosa Project. Domtar either owns or has permanent easement rights to all lands that would be occupied by the proposed new substation and transmission line.

l. *Locations of the Application:* This filing may be viewed on the Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number P–2291 or P–2292 in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208- 3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above and at the Commission's Public Reference Room, located at 888 First Street NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing To the Secretary of the Commission.

n. *Comments, Protests, or Motions To Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). All comments, motions to intervene, or protests should relate to project works which are the subject of the license amendment. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. If an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Dated: November 13, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–27747 Filed 11–19–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP14–161–000]

Chevron U.S.A. Inc. v. Kinder Morgan Louisiana Pipeline LLC; Notice of Complaint

Take notice that on November 12, 2013, pursuant to sections 206 of the Rules of Practice and Procedures of the Federal Energy Regulatory Commission (Commission), 18 CFR 385.206, Chevron U.S.A. Inc. (Chevron or Complainant), filed a complaint against Kinder Morgan Louisiana Pipeline LLC (KMLP or Respondent), alleging that KMLP violated its tariff, Commission policy, and contractual obligations.

Chevron certifies that copies of the complaint were served on the contacts for KMLP as listed on the Commission's list of Corporate Officials in accordance with Rule 206(c), 18 CFR 385.206(c).

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov*. Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on December 12, 2013.

Dated: November 13, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–27749 Filed 11–19–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL14–12–000]

Association of Businesses Advocating Tariff Equity, Coalition of Miso Transmission Customers, Illinois Industrial Energy Consumers, Indiana Industrial Energy Consumers, Inc., Minnesota Large Industrial Group, Wisconsin Industrial Energy Group, v. Midcontinent Independent System Operator, Inc., ALLETE, Inc., Ameren Illinois Company, Ameren Missouri, Ameren Transmission Company of Illinois, American Transmission Company LLC, Cleco Power LLC, Duke Energy Business Services, LLC, Entergy Arkansas, Inc., Entergy Gulf States Louisiana, LLC, Entergy Louisiana, LLC, Entergy Mississippi, Inc., Entergy New Orleans, Inc., Entergy Texas, Inc., Indianapolis Power & Light Company, International Transmission Company, ITC Midwest LLC, Michigan Electric Transmission Company, LLC, MidAmerican Energy Company, Montana-Dakota Utilities Co., Northern Indiana Public Service Company, Northern States Power Company—Minnesota, Northern States Power Company—Wisconsin, Otter Tail Power Company, Southern Indiana Gas & Electric Company; Notice of Complaint

Take notice that on November 12, 2013, pursuant to section 206 of the Federal Power Act (FPA), 16 U.S.C. 824e and Rule 206 of the Federal Energy Regulatory Commission's (Commission) Rules of Practice and Procedure, 18 CFR 385.206 (2013), Association of Businesses Advocating Tariff Equity, Coalition of Miso Transmission Customers, Illinois Industrial Energy Consumers, Indiana Industrial Energy Consumers, Inc., Minnesota Large Industrial Group, Wisconsin Industrial Energy Group (collectively, Complainants) filed a formal complaint against Midcontinent Independent System Operator, Inc. (MISO), ALLETE, Inc., Ameren Illinois Company, Ameren Missouri, Ameren Transmission Company of Illinois, American Transmission Company LLC, Cleco Power LLC, Duke Energy Business Services, LLC, Entergy Arkansas, Inc., Entergy Gulf States Louisiana, LLC, Entergy Louisiana, LLC, Entergy Mississippi, Inc., Entergy New Orleans, Inc., Entergy Texas, Inc., Indianapolis Power & Light Company, International Transmission Company, ITC Midwest LLC (ITC), Michigan Electric Transmission Company, LLC (METC), MidAmerican Energy Company, Montana-Dakota Utilities Co., Northern Indiana Public Service Company, Northern States Power Company—Minnesota, Northern States Power Company—Wisconsin, Otter Tail Power Company, Southern Indiana Gas & Electric Company (collectively, Respondents) requesting that the Commission (1) find that the existing 12.38/12.2 percent Base ROEs (return on equity) are no longer just and reasonable, and that the Base ROE proposed collectively by the Complainants is just and reasonable; (2) find that capital structures with greater than 50 percent equity are no longer just and reasonable and direct any MISO Transmission Owners (MISO TOs) with a higher percentage equity to submit compliance filings containing capital structures consistent with the revisions proposed in this complaint; (3) find that the ROE incentive adders applied by ITC and METC are no longer just and reasonable and direct ITC and METC to submit compliance filings to remove the ROE adders from their formula rates; (4) establish the filing date of this complaint as the refund effective date; and (5) direct the MISO TOs to make tariff filings to change the stated Base ROE value to a just and reasonable Base ROE, as more fully explained in the complaint.

The Complainants state that copies of the complaint were served on the Respondents.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for

review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on December 2, 2013.

Dated: November 13, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–27744 Filed 11–19–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL14–11–000]

Michael Canales v. Edison International, EIX, Southern California Edison; Notice of Complaint

Take notice that on November 11, 2013, pursuant to sections 205, 206, and 301 of the Federal Power Act (FPA), 16 U.S.C. 824e; 16 U.S.C. 824v; and 18 U.S.C. 1514a and Rules 206 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (Commission), 18 CFR 1c.2 and 18 CFR 141.1, Michael Canales (Complainant) filed a formal complaint against Edison International, EIX and Southern California Edison (collectively, Respondents), alleging that the Respondents' actions, as more fully explained in the complaint, knowingly violated federal statutes prohibiting fraud against shareholders and energy market manipulation by not adhering to the standards of the Uniform System of Accounts, and omitting disclosure.

The Complainant certifies that copies of the Complaint were served on the contacts for the Respondents.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on December 2, 2013.

Dated: November 13, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–27743 Filed 11–19–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of FERC Staff Attendance at the Entergy Regional State Committee Meeting

The Federal Energy Regulatory Commission (Commission) hereby gives notice that members of its staff may attend the meeting noted below. Their attendance is part of the Commission's ongoing outreach efforts.

Entergy Regional State Committee

December 2, 2013 (1:00 pm–5:00 pm)

This meeting will be held at the Windsor Court Hotel, 300 Gravier Street, New Orleans, LA 70130.

The discussions may address matters at issue in the following proceedings:

Louisiana Public Service Commission v. Entergy Services, Inc	Docket No. EL01–88
Louisiana Public Service Commission v. Entergy Services, Inc	Docket No. EL09–50
Louisiana Public Service Commission v. Entergy Services, Inc	Docket No. EL09–61
Louisiana Public Service Commission v. Entergy Services, Inc	Docket No. EL10–55
Louisiana Public Service Commission v. Entergy Services, Inc	Docket No. EL10–65
Louisiana Public Service Commission v. Entergy Services, Inc., et al	Docket No. EL11–57
Louisiana Public Service Commission v. Entergy Services, Inc	Docket No. EL11–63
Louisiana Public Service Commission v. Entergy Services, Inc	Docket No. EL11–65
Occidental Chemical Company v. Midwest Independent System Transmission Operator, Inc	Docket No. EL13–41
Council of the City of New Orleans, Mississippi Public Service Commission, Arkansas Public Service Commission, Public Utility Commission of Texas, Louisiana Public Service Commission.	Docket No. EL13–43
Entergy Services, Inc	Docket No. ER05–1065
Entergy Services, Inc	Docket No. ER07–682
Entergy Services, Inc	Docket No. ER07–956
Entergy Services, Inc	Docket No. ER08–1056
Entergy Services, Inc	Docket No. ER09–1224
Entergy Services, Inc	Docket No. ER10–794
Entergy Services, Inc	Docket No. ER10–1350
Entergy Arkansas, Inc	Docket No. ER10–2001
Entergy Arkansas, Inc	Docket No. ER10–3357
Entergy Texas, Inc	Docket No. ER11–2161
Midwest Independent Transmission System Operator, Inc	Docket No. ER12–480
Entergy Arkansas, Inc	Docket No. ER12–1384
Entergy Gulf States Louisiana, L.L.C	Docket No. ER12–1385
Entergy Louisiana, LLC	Docket No. ER12–1386
Entergy Mississippi, Inc	Docket No. ER12–1387
Entergy New Orleans, Inc	Docket No. ER12–1388
Entergy Texas, Inc	Docket No. ER12–1390

Entergy Arkansas, Inc	Docket No. ER12–1428
Entergy Corp., Midwest Independent Transmission System Operator, Inc. and ITC Holdings Corp	Docket Nos. ER12–2681
Midwest Independent Transmission System Operator, Inc	Docket No. ER12–2682
Entergy Services, Inc	Docket No. ER12–2683
Entergy Services, Inc	Docket No. ER12–2693
Entergy Services, Inc	Docket No. ER13–288
Entergy Services, Inc	Docket No. ER13–432
Entergy Arkansas, Inc. and Entergy Mississippi, Inc	Docket No. ER13–769
Entergy Arkansas, Inc. and Entergy Louisiana, LLC	Docket No. ER13–770
ITC Arkansas LLC, et al	Docket No. ER13–782
Midwest Independent Transmission System Operator, Inc	Docket No. ER13–868
Midwest Independent Transmission System Operator, Inc	Docket No. ER13–945
Entergy Services, Inc	Docket No. ER13–948
Entergy Services, Inc	Docket No. ER13–1194
Entergy Services, Inc	Docket No. ER13–1195
Entergy Services, Inc	Docket No. ER13–1303
Entergy Services, Inc	Docket No. ER13–1317
Entergy Arkansas, Inc	Docket No. ER13–1508
Entergy Gulf States Louisiana, L.L.C	Docket No. ER13–1509
Entergy Louisiana, LLC	Docket No. ER13–1510
Entergy Mississippi, Inc	Docket No. ER13–1511
Entergy New Orleans, Inc	Docket No. ER13–1512
Entergy Texas, Inc	Docket No. ER13–1513
Entergy Services, Inc	Docket No. ER13–1556
Entergy Services, Inc	Docket No. ER13–1623
Midcontinent Independent System Operator	Docket No. ER13–2385
Entergy Services, Inc	Docket No. ER14–73
Entergy Arkansas, Inc	Docket No. ER14–75
Entergy Gulf States Louisiana, L.L.C	Docket No. ER14–76
Entergy Louisiana, LLC	Docket No. ER14–77
Entergy Mississippi, Inc	Docket No. ER14–78
Entergy New Orleans, Inc	Docket No. ER14–79
Entergy Texas, Inc	Docket No. ER14–80
Entergy Arkansas, Inc	Docket No. ER14–89
Midcontinent Independent System Operator	Docket No. ER14–97
Midcontinent Independent System Operator and Entergy Services, Inc	Docket No. ER14–98
Midcontinent Independent System Operator and Entergy Services, Inc	Docket No. ER14–100
Midcontinent Independent System Operator	Docket No. ER14–107
Entergy Services, Inc	Docket No. ER14–108
Midcontinent Independent System Operator	Docket No. ER14–114
Midcontinent Independent System Operator	Docket No. ER14–115
Entergy Texas, Inc	Docket No. ER14–128
Entergy Mississippi, Inc	Docket No. ER14–131
Entergy Arkansas, Inc	Docket No. ER14–134
Midcontinent Independent System Operator	Docket No. ER14–136
Midcontinent Independent System Operator	Docket No. ER14–148
Entergy Services, Inc	Docket No. ER14–273
Union Power Partners, L.P	Docket No. ER14–296
Entergy Services, Inc	Docket No. ER14–369

These meetings are open to the public.

For more information, contact Patrick Clarey, Office of Energy Market Regulation, Federal Energy Regulatory Commission at (317) 249–5937 or *patrick.clarey@ferc.gov*.

Dated: November 13, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–27745 Filed 11–19–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CD14–6–000]

Browns Valley Irrigation District; Notice of Preliminary Determination of a Qualifying Conduit Hydropower Facility and Soliciting Comments and Motions To Intervene

On November 1, 2013, Browns Valley Irrigation District (BVID) filed a notice of intent to construct a qualifying conduit hydropower facility, pursuant to section 30 of the Federal Power Act, as amended by section 4 of the Hydropower Regulatory Efficiency Act of 2013 (HREA). The 985 kW Tennessee Ditch Hydropower Project would utilize a new pipeline paralleling BVID's existing Tennessee Ditch conduit structure, which delivers water to Tennessee Creek for downstream irrigation purposes. The project would be located in Yuba County, California.

Applicant Contact: Walter Cotter, Browns Valley Irrigation District, 9370 Browns Valley School Road, P.O. Box 6, Browns Valley, CA 95918, Phone No. (530) 743–5703.

FERC Contact: Robert Bell, Phone No. (202) 502–6062, email: *robert.bell@ferc.gov.*

Qualifying Conduit Hydropower Facility Description: The proposed project would consist of: (1) A new intake structure at the end of a tunnel that transports water from Collins Lake; (2) a new 7,225-foot-long, 36-inch diameter PVC intake pipe running parallel with the Tennessee Ditch; (3) a new powerhouse containing one new

985-kilowatt generating unit; (4) a new discharge pool under the powerhouse, which will discharge water into Tennessee Creek; and (5) appurtenant facilities. The proposed project would have an estimated annual generating capacity of 3,900 megawatt-hours.

A qualifying conduit hydropower facility is one that is determined or deemed to meet all of the criteria shown in the table below.

TABLE 1—CRITERIA FOR QUALIFYING CONDUIT HYDROPOWER FACILITY

Statutory provision	*Description*	*Satisfies (Y/N)*
FPA 30(a)(3)(A), as amended by HREA	The conduit the facility uses is a tunnel, canal, pipeline, aqueduct, flume, ditch, or similar manmade water conveyance that is operated for the distribution of water for agricultural, municipal, or industrial consumption and not primarily for the generation of electricity.	Y
FPA 30(a)(3)(C)(i), as amended by HREA	The facility is constructed, operated, or maintained for the generation of electric power and uses for such generation only the hydroelectric potential of a non-federally owned conduit.	Y
FPA 30(a)(3)(C)(ii), as amended by HREA	The facility has an installed capacity that does not exceed 5 megawatts	Y
FPA 30(a)(3)(C)(iii), as amended by HREA	On or before August 9, 2013, the facility is not licensed, or exempted from the licensing requirements of Part I of the FPA.	Y

Preliminary Determination: Based upon the above criteria, Commission staff preliminarily determines that the proposal satisfies the requirements for a qualifying conduit hydropower facility not required to be licensed or exempted from licensing.

Comments and Motions to Intervene: Deadline for filing comments contesting whether the facility meets the qualifying criteria is 45 days from the issuance date of this notice.

Deadline for filing motions to intervene is 30 days from the issuance date of this notice.

Anyone may submit comments or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210 and 385.214. Any motions to intervene must be received on or before the specified deadline date for the particular proceeding.

Filing and Service of Responsive Documents: All filings must (1) bear in all capital letters the ''COMMENTS CONTESTING QUALIFICATION FOR A CONDUIT HYDROPOWER FACILITY'' or ''MOTION TO INTERVENE,'' as applicable; (2) state in the heading the name of the applicant and the project number of the application to which the filing responds; (3) state the name, address, and telephone number of the person filing; and (4) otherwise comply with the requirements of sections 385.2001 through 385.2005 of the Commission's regulations.[1] All comments contesting Commission staff's preliminary determination that the facility meets the qualifying criteria must set forth their evidentiary basis.

The Commission strongly encourages electronic filing. Please file motions to intervene and comments using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Locations of Notice of Intent: Copies of the notice of intent can be obtained directly from the applicant or such copies can be viewed and reproduced at the Commission in its Public Reference Room, Room 2A, 888 First Street NE., Washington, DC 20426. The filing may also be viewed on the web at *http://www.ferc.gov/docs-filing/elibrary.asp* using the ''eLibrary'' link. Enter the docket number (e.g., CD14–6–000) in the docket number field to access the document. For assistance, call toll-free 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov.* For TTY, call (202) 502–8659.

Dated: November 13, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–27746 Filed 11–19–13; 8:45 am]

BILLING CODE 6717–01–P

[1] 18 CFR 385.2001–2005 (2013).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13381–007]

Jonathan and Jayne Chase Troy Mills Hydroelectric Inc.; Notice of Transfer of Exemption

1. By letter filed October 15, 2013, Jonathan Chase informed the Commission that the exemption from licensing for the Troy Hydroelectric Project, FERC No. 13381, originally issued December 2, 2011,[1] has been transferred to Troy Mills Hydroelectric Inc. The project is located on the Missisquoi River in Orleans County, Vermont. The transfer of an exemption does not require Commission approval.

2. Troy Mills Hydroelectric Inc. is now the exemptee of the Troy Hydroelectric Project, FERC No. 13381. All correspondence should be forwarded to: Mr. Jonathan Chase, President, Troy Mills Hydroelectric Inc., 361 Goodall Road, Derby Line, Vermont 05830.

Dated: November 13, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–27748 Filed 11–19–13; 8:45 am]

BILLING CODE 6717–01–P

[1] 137 FERC ¶ 62,205, Order Granting Exemption From Licensing (5 MW OR LESS).

DEPARTMENT OF ENERGY

Western Area Power Administration

Notice of Intent To Prepare a Supplemental Draft Environmental Impact Statement—Interconnection of the Proposed Wilton IV Wind Energy Center Project, North Dakota (DOE/EIS–0469)

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of Intent to Prepare a Supplemental Draft Environmental Impact Statement and to Conduct a Scoping Meeting; Notice of Floodplain and Wetlands Involvement.

SUMMARY: Western Area Power Administration (Western), an agency of the U.S. Department of Energy (DOE), intends to prepare a Supplemental Draft Environmental Impact Statement (SDEIS) for the interconnection of NextEra Energy Resources' proposed Wilton IV Wind Energy Center Project (Project), Burleigh County, North Dakota. Western is issuing this Notice of Intent (NOI) to inform the public and interested parties about a change in the proposed Project and to invite the public to comment on the scope, proposed action, and other issues to be addressed in the SDEIS. Based on substantial changes to the proposed Project, Western has made the decision to prepare an SDEIS. These changes include the relocation of 30 planned turbine locations and 5 alternate turbine locations in Crofte Township, and moving them as far as 12 miles northeast to Rock Hill Township. Additionally, up to 20 miles of new overhead transmission line will be necessary to connect the Project collector substation to the existing Wilton/Baldwin substation. Portions of the proposed Project may affect floodplains and wetlands, so this NOI also serves as a notice of proposed floodplain or wetland action in accordance with DOE floodplain and wetland environmental review requirements.

DATES: A public scoping meeting will be held on December 11, 2013, from 5 p.m. to 8 p.m. at the Wilton Memorial Hall, located at 105 Dakota Avenue, Wilton, North Dakota. Local notification of this meeting has been made through direct mailings to affected parties and by advertising in local media to ensure a minimum of 15 days of prior notice. The public scoping period starts with the publication of this notice and ends on December 20, 2013. Western will consider all comments on the scope of the SDEIS received or postmarked by that date. However, the public is invited to submit comments on the proposed Project at any time during the SDEIS process.

ADDRESSES: Western will host a public scoping meeting at the Wilton Memorial Hall, located at 105 Dakota Avenue, Wilton, North Dakota, to provide information on the Project and gather comments on the proposal. Oral or written comments may be provided at the public scoping meeting or mailed or emailed to Matt Marsh, Upper Great Plains Regional Office, Western Area Power Administration, P.O. Box 35800, Billings, MT 59107–5800, email *MMarsh@wapa.gov,* telephone (800) 358–3415.

FOR FURTHER INFORMATION CONTACT: For additional information on the proposed Project, the SDEIS process, or to receive a copy of the SDEIS when it is published, contact Matt Marsh at the addresses above. For general information on the DOE's NEPA review process, contact Carol M. Borgstrom, Director of NEPA Policy and Compliance, GC–54, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585–0119, telephone (202) 586–4600 or (800) 472–2756, facsimile (202) 586–7031.

Dated: November 12, 2013.

Mark A. Gabriel,

Administrator.

[FR Doc. 2013–27861 Filed 11–19–13; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OW–2006–0394; FRL–9903–09–OW]

Proposed Information Collection Request; Comment Request; Approval of State Coastal Nonpoint Pollution Control Programs

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency is planning to submit an information collection request (ICR), ''Approval of State Coastal Nonpoint Pollution Control Programs (CZARA Section 6217)'' (EPA ICR No. 1569.08, OMB Control No. 2040–0153) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through January 31, 2014. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Comments must be submitted on or before January 21, 2014.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OW–2006–0394, online using *www.regulations.gov* (our preferred method), by email to *OW-Docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Don Waye, Assessment and Watershed Protection Division, Office of Wetlands Oceans and Watersheds, Mail Code 4503–T, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 566–1170; fax number: (202) 566–1333; email address: *waye.don@epa.gov*.

SUPPLEMENTARY INFORMATION: Supporting documents which explain in detail the information that the EPA will be collecting are available in the public docket for this ICR. The docket can be viewed online at *www.regulations.gov* or in person at the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. The telephone number for the Docket Center is 202–566–1744. For additional information about EPA's public docket, visit *http://www.epa.gov/dockets*.

Pursuant to section 3506(c)(2)(A) of the PRA, EPA is soliciting comments and information to enable it to: (i) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information will have practical utility; (ii) evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) minimize the burden

of the collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. EPA will consider the comments received and amend the ICR as appropriate. The final ICR package will then be submitted to OMB for review and approval. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: Under the provisions of national Program Development and Approval Guidance implementing section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990 (CZARA) which was jointly developed and published by EPA and the National Oceanic and Atmospheric Administration (NOAA), 29 coastal States and 5 coastal Territories with federally approved Coastal Zone Management Programs have developed and submitted to EPA and NOAA Coastal Nonpoint Pollution Programs. Another State (Illinois) is developing its program for submittal to EPA and NOAA in early 2014. EPA and NOAA have fully approved 17 States and 5 Territories, and conditionally approved 11 States. Another State that was conditionally approved (Alaska) ceased its participation in this program in 2011.

Form Numbers: None.

Respondents/affected entities: Entities affected by this action are 11 coastal States with conditionally approved Coastal Nonpoint Pollution Control Programs and 1 coastal State that will submit its program for federal approval in 2014.

Respondent's obligation to respond: Required to obtain or retain benefits.

Estimated number of respondents: 12 States (total).

Frequency of response: On occasion.

Total estimated burden: 1,500 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $55,500 (per year), includes $0 annualized capital or operation & maintenance costs.

Changes in Estimates: There is a decrease of 125 hours (per year) in the total estimated respondent burden compared with the ICR currently approved by OMB. This decrease is the result of progress that States which are not yet unconditionally approved have made that have resulted in the reduction in the number of conditions imposed on them by EPA and NOAA, offset by the addition of a new State coastal nonpoint program (Illinois), as well as the sunsetting of one State program in 2011 (Alaska).

Dated: November 6, 2013.

Benita Best-Wong,

Director, Office of Wetlands, Oceans, and Watersheds.

[FR Doc. 2013–27830 Filed 11–19–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9011–9]

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 11/04/2013 through 11/08/2013. 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. 20130329, Draft EIS, FHWA, TX, US 69/Loop 49 North Lindale Reliever Route, Comment Period Ends: 01/20/2014, Contact: Gregory Punske 512–536–5960.

EIS No. 20130330, Final EIS, NRC, 00, Generic—License Renewal of Nuclear Plants (NUREG–1437), Review Period Ends: 12/16/2013, Contact: Jeffrey Rikhoff 301–415–1090.

EIS No. 20130331, Final EIS, USFS, NE., Allotment Management Planning in the Fall River West and Oglala Geographic Areas, Review Period Ends: 12/16/2013, Contact: Robert Novotny 605–745–4107.

EIS No. 20130332, Final EIS, FHWA, CALTRANS, CA, Interstate 5 North Coast Corridor Project, Review Period Ends: 12/16/2013, Contact: Manuel Sanchez 619–699–7336.

EIS No. 20130333, Final EIS, USFS, OR, Fox Canyon Cluster Allotment Management Plans, Review Period Ends: 12/16/2013, Contact: Jeffrey Marszal 541–416–6436.

EIS No. 20130334, Draft EIS, BIA, MA, Mashpee Wampanoag Tribe Fee-to-Trust Acquisition and Casino Project, Comment Period Ends: 12/30/2013, Contact: Chester McGhee 615–564–6500.

EIS No. 20130335, Final EIS, BLM, NV, Pan Mine Project, Review Period Ends: 12/16/2013, Contact: Miles Kreidler 775–289–1893.

EIS No. 20130336, Draft EIS, FHWA, FL, SR 997/SW 177th Avenue/Krome Avenue South, Comment Period Ends: 12/30/2013, Contact: Cathy Kendall 850–553–2225.

EIS No. 20130337, Draft EIS, USACE, CA, Southport Sacramento River Early Implementation Project, Comment Period Ends: 01/06/2014, Contact: Tanis Toland 916–557–6717.

Amended Notices

EIS No. 20130261, Draft Supplement, NPS, CA, Golden Gate National Recreation Area Draft Dog Management Plan, Comment Period Ends: 01/11/2014, Contact: Michael B. Edwards 303–969–2694.

EIS No. 20130324, Final EIS, BLM, CA, Stateline Solar Farm Project, Proposed Final Plan Amendment, Review Period Ends: 12/16/2013, Contact: Jeffery Childers 951–807–6737. Revision to FR Notice Published 11/08/2013; Correction to change Review Period from 02/05/2014 to 12/16/2013.

Dated: November 12, 2013.

Cliff Rader,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2013–27441 Filed 11–18–13; 11:15 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2013–0001; FRL–9902–31]

SFIREG Full Committee; Notice of Public Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Association of American Pesticide Control Officials (AAPCO)/State FIFRA Issues Research and Evaluation Group (SFIREG), Full Committee will hold a 2-day meeting, beginning on December 9, 2013 and ending December 10, 2013. This notice announces the location and times for the meeting and sets forth the tentative agenda topics.

DATES: The meeting will be held on Monday, December 9, 2013 from 8:30 a.m. to 5 p.m. and 8:30 a.m. to noon on Tuesday, December 10, 2013.

To request accommodation of a disability, please contact the person listed under **FOR FURTHER INFORMATON CONTACT**, preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

ADDRESSES: The meeting will be held at EPA. One Potomac Yard (South Bldg.)

2777 Crystal Dr., Arlington VA, 1st Floor, South Conference Room.

FOR FURTHER INFORMATION CONTACT: Ron Kendall, Field External Affairs Division, Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. 7506P NW., Washington, DC 20460–0001; telephone number: (703) 305–5561; fax number: (703) 305–5884; email address: *kendall.ron@epa.gov.* or Grier Stayton, SFIREG Executive Secretary, P.O. Box 466, Milford DE 19963; telephone number (302) 422–8152; fax (302) 422–2435; email address: Grier Stayton at *aapco-sfireg@comcast.net.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are interested in pesticide regulation issues affecting States and any discussion between EPA and SFIREG on FIFRA field implementation issues related to human health, environmental exposure to pesticides, and insight into EPA's decision-making process. You are invited and encouraged to attend the meetings and participate as appropriate. Potentially affected entities may include, but are not limited to: Those persons who are or may be required to conduct testing of chemical substances under the Federal Food, Drug and Cosmetics Act (FFDCA), or the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and those who sell, distribute or use pesticides, as well as, any non-government organization.

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

B. How can I get copies of this document and other related information?

The docket for this action, identified by docket ID number EPA–HQ–OPP–2013–0001 is available at *http://www.regulations.gov,* or at the Office of Pesticide Programs Regulatory Public Docket Center (EPA/DC), EPA West Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

II. Tentative Agenda Topics

1. Issue Papers Status
2. Status of Non-Cropland Issue Resolution
3. Endangered Species Act Program Status
4. Soil Fumigation Risk Mitigation
5. Status of Pollinator Protection Issues Policy Development
6. Discussion of Herbicide Residues in Compost Activities
7. Cooperative Agreement Guidance/Grant Template
8. Project Officer Training
9. Rewrite of 24c Guidance
10. National Pesticide Information Center/State Lead Agency Information Exchange/OPP Use of Data
11. Update on 25b Letter From EPA for States to Use
12. Program Performance Measures Development and Implementation
13. Tribal Pesticide Program Council (TPPC) Report/Tribal Pesticide Policy Council/State Lead Agency Project Initiative
14. Regulator in Residence Activities

III. How can I request to participate in this meeting?

This meeting is open for the public to attend. You may attend the meeting without further notification.

List of Subjects

Environmental protection.

Dated: November 4, 2013.

Jay S. Ellenberger,

Acting Director, Field External Affairs Division, Office of Pesticide Programs.

[FR Doc. 2013–27825 Filed 11–19–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2009–1017; FRL–9902–40]

Notice of Receipt of Requests To Voluntarily Cancel Certain Pesticide Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is issuing a notice of receipt of requests by registrants to voluntarily cancel certain pesticide registrations. EPA intends to grant these requests at the close of the comment period for this announcement unless the Agency receives substantive comments within the comment period that would merit its further review of the requests, or unless the registrants withdraw their requests. If these requests are granted, any sale, distribution, or use of products listed in this notice will be permitted after the registration has been cancelled only if such sale, distribution, or use is consistent with the terms as described in the final order.

DATES: Comments must be received on or before December 20, 2013.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2009–1017, 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.

Submit written withdrawal request by mail to: Pesticide Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001. ATTN: John W. Pates, Jr.

- *Hand Delivery:* To make special arrangements for hand delivery or delivery of boxed information, please follow the instructions at *http://www.epa.gov/dockets/contacts.htm.*

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: John W. Pates, Jr., Pesticide Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 308–8195; email address: *pates.john@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When submitting comments, remember to:

i. Identify the document by docket ID number and other identifying information (subject heading, **Federal Register** date and page number).

ii. Follow directions. The Agency may ask you to respond to specific questions or organize comments by referencing a Code of Federal Regulations (CFR) part or section number.

iii. Explain why you agree or disagree; suggest alternatives and substitute language for your requested changes.

iv. Describe any assumptions and provide any technical information and/or data that you used.

v. If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.

vi. Provide specific examples to illustrate your concerns and suggest alternatives.

vii. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

viii. Make sure to submit your comments by the comment period deadline identified.

II. What action is the agency taking?

This notice announces receipt by the Agency of requests from registrants to cancel 66 pesticide products registered under FIFRA section 3 or 24(c). These registrations are listed in sequence by registration number (or company number and 24(c) number) in Table 1 of this unit.

Unless the Agency determines that there are substantive comments that warrant further review of the requests or the registrants withdraw their requests, EPA intends to issue an order in the **Federal Register** canceling all of the affected registrations.

TABLE 1—REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION

Registration No.	Product name	Chemical name
000264–00619	Desmedipham Technical	Desmedipham.
000264–00620	Betanex Herbicide	Desmedipham.
000264–00621	Betanex Herbicide	Phenmedipham, Desmedipham.
000264–00632	Betamix Progress	Phenmedipham, Desmedipham, Ethofumesate.
000264–00640	TPTH Technical	Fentin hydroxide.
000264–00780	Fenhexamid 50 WDG	Fenhexamid.
000264–00785	Fenhexamid Technical	Fenhexamid.
000264–00851	Betanal Forte	Phenmedipham, Desmedipham.
000264–00853	Betanal Compact	Desmedipham.
000264–00854	Betanal Power Herbicide	Phenmedipham, Desmedipham, Ethofumesate.
000270–00348	Adams Caniderm Mist	MGK 264, Piperonyl Butoxide, Pyrethrins (NO INERT USE).
000432–01378	Imidacloprid 0.72% + Cyfluthrin 0.72% Concentrate Insecticide.	Imidacloprid, Cyfluthrin.
002724–00467	Sandoz 9412 Mousse (Light)	Piperonyl Butoxide, S-Methoprene, Pyrethrins (NO INERT USE).
004787–00054	Cheminova Nicosulfuron Technical	Nicosulfuron.
005481–00211	PCNB 10% Granules Soil Fungicide	Pentachloronitrobenzene.
005481–00212	PCNB 2–E Liquid Emulsifiable Concentrate	Pentachloronitrobenzene.
005481–00214	PCNB Soil & Turf Liquid Drench	Pentachloronitrobenzene.
005481–00215	PCNB 2LF Liquid Flowable	Pentachloronitrobenzene.
005481–00442	PCNB Flowable RTU Seed Protectant	Pentachloronitrobenzene.
005481–00443	PCNB 2 Flowable Turf & Ornamental Soil Fungicide.	Pentachloronitrobenzene.
005481–00444	PCNB 10G Turf & Ornamental Soil Fungicide	Pentachloronitrobenzene.
005481–00445	PCNB ST Liquid Flowable Seed Treatment Fungicide.	Pentachloronitrobenzene.
005481–00450	PCNB 20% WDG Soil Fungicide	Pentachloronitrobenzene.
005481–00464	Parflo 6F	Pentachloronitrobenzene.
005481–00465	Par-Flo	Pentachloronitrobenzene.
005481–00471	Win-Flo 6F	Pentachloronitrobenzene.
005481–00472	Parflo 4F	Pentachloronitrobenzene.
005481–08982	Terraclor 2EC	Pentachloronitrobenzene.
005481–08984	Terraclor 10% Granular Soil Fungicide	Pentachloronitrobenzene.
005481–08985	Greenback Lawn Fungicide	Pentachloronitrobenzene.
005481–08986	Turfcide Emulsifiable Fungicide	Pentachloronitrobenzene.
005481–08987	Terraclor Super X Emulsifiable	Pentachloronitrobenzene & Etridiazole.
005481–08991	Terraclor Flowable Fungicide	Pentachloronitrobenzene.
005481–08993	Terraclor Super X 18.8G	Pentachloronitrobenzene & Etridiazole.
005481–08994	Turfcide 15G	Pentachloronitrobenzene.
005481–08995	Terraclor 15G	Pentachloronitrobenzene.
005481–08997	Terrazan 24% Emulsifiable Concentrate	Pentachloronitrobenzene.
005481–08998	Turfcide WDG	Pentachloronitrobenzene.
005481–09033	Gustafson Terra-Coat L–205N	Pentachloronitrobenzene & Etridiazole.

TABLE 1—REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION—Continued

Registration No.	Product name	Chemical name
005481–09035	Gustafson Terra-Coat LT–2N	Pentachloronitrobenzene.
005481–09039	Trigran-S Seed Protector	Pentachloronitrobenzene.
005785–00042	Brom-O-Gas 2%	Methyl bromide (NO INERT USE) & Chloropicrin.
010163–00228	Mesurol Pro	Methiocarb.
010163–00229	Mesurol 75% Concentrate	Methiocarb.
010163–00232	Mesurol 2% Bair For Homeowner Use	Methiocarb.
010163–00252	Mesurol 75 WDG	Methiocarb.
010466–00037	Ultra-Fresh 15	Diiodomethyl p-tolyl sulfone.
033688–00002	Nufarm, S.A. Technical Butralin	Butralin.
033688–00004	Tamex 3EC	Butralin.
044446–00077	Hub States A–20 Procide Insecticide	Piperonyl Butoxide, Pyrethrins (NO INERT USE).
044446–00078	V–230	MGK 264, Piperonyl Butoxide, Pyrethrins (NO INERT USE).
047000–00102	CT Crack And Crevice	MGK 264, Piperonyl Butoxide, Propoxur, Pyrethrins (NO INERT USE).
047000–00165	R & M Aqueous Residual Flea & Tick #1	Permethrin, Pyrethins (NO INERT USE).
047000–00166	R+M Flea And Tick Dip #1	MGK 264, Piperonyl Butoxide, Pyrethrins (NO INERT USE).
053883–00270	CSI Gamma-Cyhalothrin Synergized Topical Insecticide Pour-On.	Piperonyl Butoxide, Gamma-Cyhalothrin.
061282–00055	Biosentry 904	Alkyl* dimethyl benzyl ammonium chloride *(61% C12, 23% C14, 11%. C16, 2.5% C18 2.5% C10 and trace of C8), Alkyl* dimethyl benzyl ammonium chloride *(50%C14, 40%C12, 10%C16), 1-Decanaminium, N-decyl-N,N-dimethyl-, chloride and Tributyltin oxide (NO INERT USE).
061282–00058	Tributyl Tin Oxide	Tributyltin Oxide (NO INERT USE).
062719–00299	Frontrow	Cloransulam-methylFlumetsulam.
070506–00086	Agvalue Desmedipham	Desmedipham.
070506–00087	DES	Desmedipham.
CA–040025	Riverdale Endurance Herbicide	Prodiamine.
ME–030004	Glypro	Glyphosate-isopropylammonium.
ME–980001	RH–5992 2F Experimental Insecticide	Tebufenozide.
MN–010003	Treflan H.F.P.	Trifluralin.
MN–100004	Treflan H.F.P.	Trifluralin.
WA–010015	Betamix Herbicide	Betamix Herbicide.

Table 2 of this unit includes the names and addresses of record for all registrants of the products in Table 1 of this unit, in sequence by EPA company number. This number corresponds to the first part of the EPA registration numbers of the products listed in this unit.

TABLE 2—REGISTRANTS REQUESTING VOLUNTARY CANCELLATION

EPA Company No.	Company name and address
264 WA–010015	Bayer CropScience LP, 2 T.W. Alexander Drive, P.O. Box 12014, Research Triangle Park, NC 27709.
270	Farnam Companies, Inc., 301 West Osborn Road, Phoenix, AZ 85013.
432	Bayer Environmental Science, A Division of Bayer CropScience LP, 2 T.W. Alexander Drive, P.O. Box 12014, Research Triangle Park, NC 27709.
2724	Wellmark International, 1501 E. Woodfield Road, Suite 200, West Schaumburg, IL 60173.
4787	Cheminova A/S, Agent: Cheminova Inc., 1600 Wilson Blvd., Suite 700, Arlington, VA 22209.
5481	Amvac Chemical Corporation, 4695 MacArthur Court, Suite 1250, Newport Beach, CA 92660.
5785	Great Lakes Chemical Corporation (A Chemtura Company), 1801 Highway 52 West, P.O. Box 2200, West Lafayette, IN 47906.
10163	Gowan Company, P.O. Box 5569, Yuma, AZ 85366.
10466	Thomas Research Associates, Agent: Laird's Regulatory Consultants, Inc., Shenstone Est. 17804 Braemar Pl., Leesburg, VA 20176–70646.
33688	Nufarm SA, Agent: Nufarm Americas, Inc., 4020 Aerial Center Pkwy., Suite 101, Morrisville, NC 27560.
44446	Questvapco Corporation, P.O. Box 624, Brenham, TX 77834.
47000	Chem-Tech, LTD., 4515 Fleur Dr. #303, Des Moines, IA 50321.
53883	Control Solutions, Inc., 5903 Genoa-Red Bluff Road, Pasadena, TX 77507–1041.
61282	Hacco, Inc., 110 Hopkins Drive, Randolph, WI 53956–1316.
62719 ME–030004, ME–980001, MN–010003, MN–100004.	Dow AgroSciences LLC, 9330 Zionsville Rd. 308/2E, Indianapolis, IN 46268–1054.

TABLE 2—REGISTRANTS REQUESTING VOLUNTARY CANCELLATION—Continued

EPA Company No.	Company name and address
70506	United Phosphorus, Inc., 630 Freedom Business Center, Suite 402, King of Prussia, PA 19406.

III. What is the agency's authority for taking this action?

Section 6(f)(1) of FIFRA provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be canceled. FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**.

Section 6(f)(1)(B) of FIFRA requires that before acting on a request for voluntary cancellation, EPA must provide a 30-day public comment period on the request for voluntary cancellation or use termination. In addition, FIFRA section 6(f)(1)(C) requires that EPA provide a 180-day comment period on a request for voluntary cancellation or termination of any minor agricultural use before granting the request, unless:

1. The registrants request a waiver of the comment period, or

2. The EPA Administrator determines that continued use of the pesticide would pose an unreasonable adverse effect on the environment.

The registrants in Table 2 of Unit II., have requested that EPA waive the 180-day comment period. Accordingly, EPA will provide a 30-day comment period on the proposed requests.

IV. Procedures for Withdrawal of Request

Registrants who choose to withdraw a request for cancellation should submit such withdrawal in writing to the person listed under **FOR FURTHER INFORMATION CONTACT**. If the products have been subject to a previous cancellation action, the effective date of cancellation and all other provisions of any earlier cancellation action are controlling.

V. Provisions for Disposition of Existing Stocks

Existing stocks are those stocks of registered pesticide products that are currently in the United States and that were packaged, labeled, and released for shipment prior to the effective date of the cancellation action.

A. For Products (044446–00077 and 044446–00078)

EPA anticipates allowing registrants to sell and distribute existing stocks of these products for 1 year and 6 months after publication of the Cancellation Order in the **Federal Register**. Thereafter, registrants will be prohibited from selling or distributing the pesticides identified in Table 1 of Unit II., except for export consistent with FIFRA section 17 or for proper disposal. Persons other than registrants will generally be allowed to sell, distribute, or use existing stocks until such stocks are exhausted, provided that such sale, distribution, or use is consistent with the terms of the previously approved labeling on, or that accompanied, the canceled products.

B. For Product (000264–00621)

EPA anticipates allowing registrants to sell and distribute existing stocks of this product for November 20, 2018 after publication of the Cancellation Order in the **Federal Register**. Thereafter, registrants will be prohibited from selling or distributing the pesticides identified in Table 1 of Unit II., except for export consistent with FIFRA section 17 or for proper disposal. Persons other than registrants will generally be allowed to sell, distribute, or use existing stocks until such stocks are exhausted, provided that such sale, distribution, or use is consistent with the terms of the previously approved labeling on, or that accompanied, the canceled products.

C. For All Other Products Identified in Table 1 of Unit II

Because the Agency has identified no significant potential risk concerns associated with these pesticide products, upon cancellation of the products identified in Table 1 of Unit II., of this notice, EPA anticipates allowing registrants to sell and distribute existing stocks of these products for 1 year after publication of the Cancellation Order in the **Federal Register**. Thereafter, registrants will be prohibited from selling or distributing the pesticides identified in Table 1 of Unit II., except for export consistent with FIFRA section 17 or for proper disposal. Persons other than registrants will generally be allowed to sell, distribute, or use existing stocks until such stocks are exhausted, provided that such sale, distribution, or use is consistent with the terms of the previously approved labeling on, or that accompanied, the canceled products.

List of Subjects

Environmental protection, Pesticides and pests.

Dated: November 11, 2013.

Richard P. Keigwin, Jr.,

Director, Pesticide Re-Evaluation Division, Office of Pesticide Programs.

[FR Doc. 2013–27823 Filed 11–19–13; 8:45 am]

BILLING CODE 6560–50–P

EXPORT-IMPORT BANK

Intent To Conduct a Detailed Economic Impact Analysis

This notice is to inform the public that the Export-Import Bank of the United States has received an application for a loan guarantee to support the export of U.S.-manufactured Boeing 777 wide-body passenger aircraft that will be operated by an airline in Russia, which will provide passenger services. The specific amount of the loan guarantee, the value of the transaction, and the amount of new foreign production capacity are not included here because they are proprietary information. However, the total value of the transaction is in excess of $200 million and, based on currently available information, the amount of increased wide-body seat capacity resulting from these aircraft will be 1% or more of comparable wide-body seat capacity within the U.S. airline industry. The aircraft in this transaction will enable passenger route service within Russia and from Russia to various regional and international destinations, potentially including the United States.

Interested parties may submit comments on this transaction by email to *economic.impact@exim.gov* or by mail to 811 Vermont Avenue NW., Room 442, Washington, DC 20571, within 14 days of the date this notice appears in the **Federal Register**.

James C. Cruse,

Senior Vice President, Policy and Planning.

[FR Doc. 2013–27777 Filed 11–19–13; 8:45 am]

BILLING CODE 6690–01–P

FEDERAL COMMUNICATIONS COMMISSION

Information Collection Being Reviewed by the Federal Communications Commission

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the Federal Communications Commission invites the general public and other Federal agencies to take this opportunity to comment on the following information collections. Comments are requested concerning: Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid Office of Management and Budget (OMB) control number.

DATES: Written PRA comments should be submitted on or before January 21, 2014. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email *PRA@fcc.gov* <*mailto:PRA@fcc.gov*> and to *Cathy.Williams@fcc.gov* <*mailto:Cathy.Williams@fcc.gov*>.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0600.

Title: Application to Participate in an FCC Auction, FCC Form 175.

Form Number: FCC Form 175.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities, not-for-profit institutions, and state, local or tribal governments.

Estimated Number of Respondents and Responses: 500 respondents and 500 responses.

Estimated Time per Response: 90 minutes (estimated average time for respondents to report information requested on FCC Form 175).

Frequency of Response: On occasion reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for the currently approved information collection is contained in sections 154(i) and 309(j)(5) of the Communications Act, as amended, 47 U.S.C. 4(i), 309(j)(5), and sections 1.2105, 1.2110, 1.2112 of the Commission's rules, 47 CFR 1.2105, 1.2110, 1.2112; Section 6004 of Title VI of the Middle Class Tax Relief and Job Creation Act of 2012 (Pub. L. 112–96) (2012 Spectrum Act), 47 U.S.C. 1404.

Estimated Total Annual Burden: 750 hours.

Total Annual Costs: None.

Nature and Extent of Confidentiality: Information collected on FCC Form 175 is made available for public inspection, and the Commission is not requesting that respondents submit confidential information on FCC Form 175. Respondents seeking to have information collected on FCC Form 175 withheld from public inspection may request confidential treatment of such information pursuant to section 0.459 of the Commission's rules, 47 CFR 0.459.

Privacy Act Impact Assessment: No impact(s).

Needs and Uses: A request for extension of this information collection (no change in requirements) will be submitted to the Office of Management and Budget (OMB) after this 60-day comment period in order to obtain the full three year clearance from OMB. The Commission's auction rules and requirements are designed to ensure that the competitive bidding process is limited to serious qualified applicants, deter possible abuse of the bidding and licensing process, and enhance the use of competitive bidding to assign Commission licenses in furtherance of the public interest. The information collected on FCC Form 175 is used by the Commission to determine if an applicant is legally, technically, and financially qualified to participate in a Commission auction. Additionally, if an applicant applies for status as a particular type of auction participant pursuant to Commission rules, the Commission uses information collected on Form 175 to determine whether the applicant is eligible for the status requested. Commission staff reviews the information collected on FCC Form 175 for a particular auction as part of the pre-auction process, prior to the auction being held. Staff determines whether each applicant satisfies the Commission's requirements to participate in the auction and, if applicable, is eligible for the status as a particular type of auction participant it requested. 47 CFR 1.2105(a)(2)(xii) requires applicants seeking to participate in an auction required or authorized to be conducted pursuant to the 2012 Spectrum Act to certify on FCC Form 175, under penalty of perjury, that the applicant and all of the related individuals and entities required to be disclosed on its application are not person(s) who have been, for reasons of national security, barred by any agency of the Federal Government from bidding on a contract, participating in an auction or receiving a grant. The Commission will use the additional information collected pursuant to 47 CFR 1.2105(a)(2)(xii) to confirm that a potential auction participant meets the criteria set forth in Section 6004 of the 2012 Spectrum Act, 47 U.S.C. Section 1404. The Commission plans to continue to use the FCC Form 175 for all upcoming spectrum auctions, including those required or authorized to be conducted pursuant to the 2012 Spectrum Act, collecting only the information necessary for each particular auction. Thus, the additional certification that is the subject of this revised collection will not be required for all auctions.

Federal Communications Commission.

Marlene H. Dortch,

Secretary, Office of the Secretary, Office of Managing Director.

[FR Doc. 2013–27708 Filed 11–19–13; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice to All Interested Parties of the Termination of the Receivership of 10386, Bank of Shorewood, Shorewood, IL

Notice is hereby given that the Federal Deposit Insurance Corporation (''FDIC'') as Receiver for Bank of Shorewood, Shorewood, IL (''the Receiver'') intends to terminate its receivership for said institution. The FDIC was appointed receiver of Bank of Shorewood on August 5, 2011. The liquidation of the

receivership assets has been completed. To the extent permitted by available funds and in accordance with law, the Receiver will be making a final dividend payment to proven creditors.

Based upon the foregoing, the Receiver has determined that the continued existence of the receivership will serve no useful purpose. Consequently, notice is given that the receivership shall be terminated, to be effective no sooner than thirty days after the date of this Notice. If any person wishes to comment concerning the termination of the receivership, such comment must be made in writing and sent within thirty days of the date of this Notice to: Federal Deposit Insurance Corporation, Division of Resolutions and Receiverships, Attention: Receivership Oversight, Department 32.1, 1601 Bryan Street, Dallas, TX 75201.

No comments concerning the termination of this receivership will be considered which are not sent within this time frame.

Dated at Washington, DC, this 14th day of November 2013.

Federal Deposit Insurance Corporation.

Valerie J. Best,

Assistant Executive Secretary.

[FR Doc. 2013–27780 Filed 11–19–13; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than December 5, 2013.

A. Federal Reserve Bank of St. Louis (Yvonne Sparks, Community Development Officer) P.O. Box 442, St. Louis, Missouri 63166–2034:

1. *Fanyu Meng, Frontenac, Missouri, Yahong Zhang, Changsha City, Hunan Province, China, Suchin Prapaisilp, Frontenac, Missouri, and Thomas Cy Wong, St. Louis, Missouri;* as group to acquire voting shares of Superior Bancshares, Inc., and thereby indirectly acquire voting shares of Superior Bank, both in Hazelwood, Missouri.

Board of Governors of the Federal Reserve System, November 15, 2013.

Margaret McCloskey Shanks,

Deputy Secretary of the Board.

[FR Doc. 2013–27786 Filed 11–19–13; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

[Docket ID OCC–2013–0003]

FEDERAL RESERVE SYSTEM

[Docket No. OP–1456]

FEDERAL DEPOSIT INSURANCE CORPORATION

Community Reinvestment Act; Interagency Questions and Answers Regarding Community Reinvestment; Notice

AGENCY: Office of the Comptroller of the Currency, Treasury (OCC); Board of Governors of the Federal Reserve System (Board); Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice.

SUMMARY: The OCC, Board, and FDIC (collectively, the Agencies) are adopting as final the Interagency Questions and Answers Regarding Community Reinvestment that were proposed on March 18, 2013, to address several community development issues. In response to comments received, the Agencies made minor clarifications to some of the new and revised questions and answers that were proposed.

DATES: *Effective:* November 20, 2013.

FOR FURTHER INFORMATION CONTACT: *OCC:* Bobbie K. Kennedy, Bank Examiner, Compliance Policy Division, (202) 649–5470; or Margaret Hesse, Senior Counsel, Community and Consumer Law Division, (202) 649–6350, Office of the Comptroller of the Currency, 400 7th Street SW., Washington, DC 20219.

Board: Catherine M. J. Gates, Senior Project Manager, (202) 452–2099; or Theresa A. Stark, Senior Project Manager, (202) 452–2302, Division of Consumer and Community Affairs, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW., Washington, DC 20551.

FDIC: Patience R. Singleton, Senior Policy Analyst, Supervisory Policy Branch, Division of Depositor and Consumer Protection, (202) 898–6958; Pamela A. Freeman, Senior Examination Specialist, Compliance & CRA Examinations Branch, Division of Depositor and Consumer Protection, (202) 898–3656; or Surya Sen, Section Chief, Supervisory Policy Branch, Division of Depositor and Consumer Protection, (202) 898–6699; or Richard M. Schwartz, Counsel, Legal Division, (202) 898–7424, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.

SUPPLEMENTARY INFORMATION:

Background

The OCC, Board, and FDIC implement the Community Reinvestment Act (CRA) (12 U.S.C. 2901 *et seq.*) through their CRA regulations. *See* 12 CFR parts 25, 195, 228, and 345. The Agencies' regulations are interpreted primarily through the ''Interagency Questions and Answers Regarding Community Reinvestment'' (Questions and Answers), which provide guidance for use by agency personnel, financial institutions, and the public. The Questions and Answers were first published under the auspices of the Federal Financial Institutions Examination Council (FFIEC) in 1996 (61 FR 54647) and were last revised by the Agencies on March 11, 2010 (2010 Questions and Answers) (75 FR 11642).

On March 18, 2013, the Agencies published for comment proposed clarifications that would revise five questions and answers (Q&A), which address (i) community development activities outside an institution's assessment area(s), both in the broader statewide or regional area that includes the institution's assessment area(s) and in nationwide funds; (ii) additional ways to determine whether recipients of community services are low- or moderate-income; and (iii) technical assistance activities related to the provision of financial services that might be provided to community development organizations.[1] The Agencies also proposed two new Q&As: One addresses the treatment of community development lending performance in determining a large institution's lending test rating, and the other addresses the quantitative consideration given to a certain type of community development investment. Finally, the Agencies proposed to

[1] *See* 78 FR 16765 (Mar. 18, 2013).

redesignate one Q&A without substantive change.

Together, the Agencies received comments from approximately 200 different parties. The commenters represented financial institutions and their trade associations, community development advocates and organizations, state bank supervisors, and others. The commenters generally noted that the proposed changes were a modest, but beneficial, effort to modernize the implementation of CRA. Commenters largely supported the intent of the Agencies to encourage more community development activity, particularly outside large metropolitan areas that are well served by financial institutions. Many commenters expressed concern nonetheless about potential unintended consequences in the proposed changes and provided suggestions for improvement. Comments on each revised and new proposed Q&A are discussed in more detail below.

As discussed below, the Agencies adopt the five revised and two new Q&As that were proposed, with minor clarifications as appropriate, in response to comments received. The Agencies also redesignate one Q&A without substantive change.

The new and revised Q&As that the Agencies are adopting supplement the 2010 Questions and Answers. The revised Q&As replace the Q&As of the same citation designation in the 2010 Questions and Answers. The Agencies are currently revising examination procedures to implement this final guidance to promote consistent application of the guidance within and among the Agencies.

The Questions and Answers are grouped by the provision of the CRA regulations that they discuss, are presented in the same order as the regulatory provisions, and employ an abbreviated method of citing to the regulations. For example, the small bank performance standards for national banks appear at 12 CFR 25.26; for savings associations, the small savings association performance standards appear at 12 CFR 195.26; for Federal Reserve System member banks supervised by the Board, the standards appear at 12 CFR 228.26; and for state nonmember banks, they appear at 12 CFR 345.26. Accordingly, the citation would be 12 CFR __.26. Each Q&A is numbered using a system that consists of the regulatory citation and a number, connected by a dash. For example, the first Q&A addressing 12 CFR __.26 would be identified as § __.26–1.

Revisions of Existing Q&As

I. Community Development Activities Outside an Institution's Assessment Area(s) in the Broader Statewide or Regional Area That Includes the Institution's Assessment Area(s)

The CRA regulations allow consideration of community development loans, qualified investments, and community development services that benefit an institution's assessment area(s) or a broader statewide or regional area that includes the institution's assessment area(s). *See* 12 CFR __.12(h)(ii), __.23(a), and __.24(b). In 2001,[2] the Agencies adopted the versions of Q&As § __.12(h)–6 and § __.12(h)–7 that are found in the 2010 Questions and Answers to help assure financial institutions that community development loans and services and qualified investments in the broader statewide or regional area that includes their assessment area(s) would receive consideration in their CRA evaluations. However, the Agencies had become aware that both financial institutions and community organizations needed additional guidance on how, and to what extent, the Agencies considered community development activities in the broader statewide or regional area when conducting CRA evaluations. Accordingly, the Agencies proposed to revise Q&As § __.12(h)–6 and § __.12(h)–7 to further clarify that community development activities in the broader statewide or regional area that includes an institution's assessment area(s) will be considered in the evaluation of an institution's CRA performance.

Q&A § __.12(h)–6 addressed how examiners would consider community development activities in the broader statewide or regional area that includes an institution's assessment area(s) and differentiated between whether or not the institution's assessment area(s) might receive a direct benefit from the activity. The Agencies believed that Q&A § __.12(h)–6 needed additional clarification with regard to community development activities that benefit geographies or individuals located somewhere within a broader statewide or regional area that includes the institution's assessment area(s) but that will not benefit the institution's assessment area(s). Q&A § __.12(h)–6 had stated that examiners would consider such activities if an institution, considering its performance context, had adequately addressed the community development needs of its assessment area(s).

First, the Agencies proposed to revise Q&A § __.12(h)–6 by removing the phrase ''adequately addressed the community development needs of its assessment area(s).'' In its place, the Agencies proposed to state that community development activities located in the broader statewide or regional area that includes an institution's assessment area(s) but that will not benefit those assessment area(s) ''must be performed in a safe and sound manner, consistent with the institution's capacity to oversee those activities and may not be conducted in lieu of, or to the detriment of, activities in the institution's assessment area(s). When evaluating whether community development activities are being conducted in lieu of, or to the detriment of, activities in the institution's assessment area(s), examiners will consider an institution's performance context, including the community development needs and opportunities in its assessment area(s), its business capacity and focus, and its past performance.''

The Agencies received about 143 comments addressing proposed revised Q&A § __.12(h)–6. Commenters were generally supportive of the Agencies' effort to clarify when and how community development activities in the broader statewide or regional area that includes an institution's assessment area(s) would receive consideration. However, commenters provided mixed views on whether the proposed clarifications would provide an incentive for financial institutions to increase their community development activities or expand their opportunities to engage in community development activities. For example, one commenter stated that institutions' community development activities would depend more on whether opportunities exist within a given state or region and the expertise of the institutions than on the Agencies' proposed revisions to the Q&A. On the other hand, another commenter stated that the proposed revisions might encourage institutions to expand their community development activities.

The vast majority of the commenters stated that the proposed language, ''may not be conducted in lieu of, or to the detriment of, activities in the institution's assessment area(s),'' would generate more uncertainty than the existing language, ''adequately addressed the community development needs of its assessment area(s).'' Several commenters stated that the proposed

[2] *See* 66 FR 36620 (July 12, 2001). Q&As § __.12(h)–6 and § __.12(h)–7 were previously designated as § __.12(i) & § __563e.12(h)–5 and § __.12(i) & 563e.12(h)–6. *See* 66 FR 36626–27.

language would be an impossible standard to meet because any activity performed outside an institution's assessment area(s) would be ''in lieu of'' activities in the assessment area(s). Some commenters advocated that the Agencies should adopt a flexible approach, while other commenters suggested bright-line standards, such as an institution having received a certain rating on its previous CRA evaluation. One commenter suggested that the existing phrase, ''adequately addressed the community development needs of its assessment area(s),'' would be preferable to the proposed language if the Agencies also defined the term ''adequately.'' A few commenters also contended that, because all CRA-related activities must be performed in a safe and sound manner, the proposed language stating that ''such community development activities must be performed in a safe and sound manner consistent with the institution's capacity to oversee those activities'' was unnecessary. Further, some commenters maintained that the proposed reference to the institution's ability to oversee those activities appeared to impose a duty upon the investing financial institution to oversee independent community development programs.

The Agencies are modifying the proposed language in Q&A § __.12(h)–6 to address some of these comments. First, the Agencies note that all CRA-related activities must be performed in a safe and sound manner.[3] Therefore, the Agencies agree that express reference to such activities being performed in a safe and sound manner in Q&A § __.12(h)–6 may not be necessary. Accordingly, the Agencies are not adopting the proposed statement that such ''community development activities must be performed in a safe and sound manner consistent with the institution's capacity to oversee those activities . . .'' However, the Agencies emphasize the continued expectation that an institution's activities be consistent with safe and sound operation of the institution.

Second, among other purposes, the Agencies' proposed clarifications to Q&A § __.12(h)–6 were intended to encourage more community development investments in communities that are underserved by financial institutions. However, as noted above, commenters expressed concerns that the proposed phrase ''in lieu of, or to the detriment of'' may establish an unclear standard and be more restrictive than the current language in Q&A § __.12(h)–6. Thus, in response to comments, the Agencies are not adopting that proposed standard. In addition, the Agencies are not adopting the proposed statement that ''[w]hen evaluating whether community development activities are being conducted in lieu of, or to the detriment of, activities in the institution's assessment area(s), examiners will consider an institution's performance context, including the community development needs and opportunities in its assessment area(s), its business capacity and focus, and its past performance.''

Instead, the Agencies are clarifying that a financial institution should be ''responsive to community development needs and opportunities in its assessment area(s).'' Specifically, Q&A § __.12(h)–6 states, with respect to community development activities that are conducted in the broader statewide or regional area that includes the institution's assessment area(s), that ''examiners will consider these activities even if they will not benefit the institution's assessment area(s), as long as the institution has been responsive to community development needs and opportunities in its assessment area(s).'' The Agencies believe this revision makes clear the importance of being responsive to community development needs, a concept reflected throughout the CRA regulations.[4] The Agencies further believe this approach provides a flexible standard for determining how financial institutions will receive consideration for community development activities in the broader statewide or regional area that includes the institution's assessment area(s), but that will not directly benefit their assessment area(s).

Q&A § __.12(h)–6 no longer expressly references an institution's performance context or the factors considered as part of an institution's performance context, such as community development needs and opportunities, the institution's business capacity and focus, and its past performance. The Agencies reiterate that the context in which an institution's CRA performance occurs is important. Performance context is always considered when evaluating an institution's record of helping to meet credit needs under CRA.[5] The needs and opportunities of an assessment area may vary depending on the area and the financial institution. It is important, therefore, for an institution to be aware of the community development needs and opportunities in its assessment area(s) and to determine whether, and to what extent, the institution has the capacity and expertise to address such needs and opportunities.

The Agencies proposed to clarify Q&A § __.12(h)–7, which addresses what is meant by a ''regional area,'' by modifying the current description of the term ''regional area'' to provide greater clarity about what constitutes a regional area. Proposed Q&A § __.12(h)–7 stated that ''a 'regional area' may be an intrastate area or a multistate area that includes the financial institution's assessment area(s). Regional areas typically have some geographic, demographic, and/or economic interdependencies and may conform to commonly accepted delineations, such as 'the tri-county area' or the 'mid-Atlantic states.' Regions are often defined by the geographic scope and specific purpose of a community development organization or initiative.''

The Agencies also proposed to remove the discussion in the existing answer about how, with larger regional areas, benefit to an institution's assessment area(s) may be diffused and, thus, less responsive to assessment area needs. The Agencies proposed this deletion because this portion of Q&A § __.12(h)–7 was often misinterpreted and would no longer be necessary in light of revised Q&A § __.12(h)–6.

With regard to proposed Q&A § __.12(h)–7, most of the 16 commenters that addressed the proposed Q&A stated that the proposed definition of ''regional area'' was sufficiently clear and appropriately flexible. Several commenters suggested that Q&A § __.12(h)–7 be further revised to specifically state that the illustrative geographic alternatives provided in the text of Q&A § __.12(h)–7 do not represent a definitive list so as to avoid the misinterpretation that the listed alternatives are the only allowable options. In addition, three commenters suggested adding ''Indian reservation'' or ''Indian area'' as an example of a regional area. Commenters also generally supported removing the portion of the Q&A that discussed the potential for a diffused potential benefit to an institution's assessment area(s). A number of commenters asserted that financial institutions needed more certainty that community development activities in the broader statewide or regional area that includes an institution's assessment area(s) will receive consideration and believed that removal of that language may help to clarify that institutions will, in fact, receive such consideration.

The Agencies are adopting Q&A § __.12(h)–7 as proposed. The Agencies

[3] *See* 12 CFR __.21(d).

[4] See 12 CFR __.23, __.24, __.25, __.26, and __.27, as well as Appendix A, which describes ratings.

[5] 12 CFR __.21(b).

note that the two examples, ''the tri-county area'' or ''mid-Atlantic states,'' provided in the Q&A are not intended to be an exhaustive list of examples of regional areas or to otherwise serve as a limitation. The intent of the revised Q&A is to provide greater flexibility, and the Agencies believe the language ''such as'' is sufficiently clear in conveying that the examples provided of regional areas are illustrative. The Agencies also note that a broader statewide or regional area that includes an Indian reservation or Indian country and a financial institution's assessment area(s) would enable the institution to receive consideration for community development activities in which it engages in the Indian reservation or Indian area. Thus, the Agencies do not believe it is necessary to add further examples, such as ''Indian reservation'' or ''Indian area.''

II. Investments in Nationwide Funds

In 2009, the Agencies adopted Q&A § __.23(a)–2 to address investments in nationwide funds. *See* 12 CFR __.23(a); 74 FR 498 (Jan. 6, 2009) (2009 Q&A). The Agencies noted that the investment test, at 12 CFR __.23(a), evaluates an institution's record of helping to meet the credit needs of its assessment area(s) through qualified investments that benefit an institution's assessment area(s) or a broader statewide or regional area that includes the institution's assessment area(s). *See* 74 FR at 501. The Agencies further noted that investments in nationwide funds are subject to that standard. The 2009 Q&A advised that an institution may provide documentation from a nationwide fund to demonstrate the geographic benefit to its assessment area(s) or the broader statewide or regional area that includes its assessment area(s). Although the 2009 Q&A suggested types of documentation that could be provided, it also explained that the Agencies would accept any information provided by an institution that reasonably demonstrates that the purpose, mandate, or function of a nationwide fund includes serving geographies or individuals located within the institution's assessment area(s) or a broader statewide or regional area that includes its assessment area(s). The 2009 Q&A also stated that, at an institution's option, it could provide information that a fund has explicitly earmarked its projects or investments to certain investors.

The Agencies proposed to revise Q&A § __.23(a)–2 to address concerns that side letters and earmarking of projects is burdensome on institutions and funds and have seemingly become mandatory. The proposed revised Q&A no longer expressly included the option for institutions to provide written documentation from the fund demonstrating earmarking, side letters, or pro-rata allocations.

Proposed revised Q&A § __.23(a)–2 continued to recognize that nationwide funds are important sources of investments in low- and moderate-income and underserved communities throughout the country and can be an efficient vehicle for institutions in making qualified investments that help meet community development needs. In doing so, the proposed revised Q&A stressed that investments in nationwide funds may be suitable investment opportunities, particularly for large financial institutions with a nationwide branch footprint or for other financial institutions with a nationwide business focus, including wholesale or limited purpose institutions. Large institutions with a nationwide branch footprint typically have many assessment areas in many states; thus, investments in nationwide funds are likely to benefit such an institution's assessment area(s), or the broader statewide or regional area that includes its assessment area(s), and provide that institution with the opportunity to match its investments with the geographic scope of its business.

Further, the proposed revised Q&A stated that other financial institutions may find such funds to be efficient investment vehicles to help meet community development needs in their assessment area(s) or the broader statewide or regional area that includes their assessment area(s). The proposed revised Q&A further noted that these other institutions, in particular, should consider reviewing the fund's investment record to see if it is generally consistent with the institution's investment goals and the geographic considerations in the regulations.

Finally, the proposed revised Q&A advised that any ''investments in nationwide funds must be performed in a safe and sound manner, consistent with an institution's capacity to oversee those activities, and may not be conducted in lieu of, or to the detriment of, activities in the institution's assessment area(s). When evaluating whether community development activities are being conducted in lieu of, or to the detriment of, activities in the institution's assessment area(s), examiners will consider an institution's performance context, including the community development needs and opportunities in its assessment area(s), its business capacity and focus, and its past performance.'' Thus, the proposed revised Q&A signaled that the performance context of a particular institution is very important when determining whether investments in nationwide funds are appropriate.

The Agencies received approximately 53 comments addressing these proposed revisions. Commenters were generally supportive of the Agencies' intent to clarify when banks would receive CRA consideration for investment in nationwide funds. The Agencies are adopting proposed revised Q&A § __.23(a)–2 with several revisions.

Similar to the comments received on proposed revised Q&A § __.12(h)–6, many commenters suggested that the proposed language ''in lieu of, or to the detriment of'' in Q&A § __.23(a)–2 could exacerbate the confusion over whether institutions would receive CRA consideration for investments in nationwide funds. These commenters questioned whether its inclusion would actually enhance the ability of institutions to deliver products on a nationwide basis to address community needs. Commenters repeated many of the same concerns expressed with regard to proposed revised Q&A § __.12(h)–6, and urged the Agencies not to adopt the phrase ''in lieu of, or to the detriment of,'' or any reference to ''safety and soundness'' and ''ability to oversee.'' Consistent with the revisions in final Q&A § __.12(h)–6, the Agencies are not adopting the proposed language in Q&A § __.23(a)–2 stating that ''community development activities must be performed in a safe and sound manner consistent with the institution's capacity to oversee those activities and may not be conducted in lieu of, or to the detriment of, activities in the institution's assessment area(s)'' and are eliminating the reference to performance context. As explained above in the discussion of final Q&A § __.12(h)–6, CRA-related activities must always be consistent with the safe and sound operation of the institution and the Agencies always consider performance context when evaluating an institution's performance. The Agencies will consider investments in nationwide funds that benefit an institution's assessment area(s). Further, examiners will consider investments in nationwide funds that benefit the broader statewide or regional area that includes the institution's assessment area(s) consistent with the treatment detailed in Q&A § __.12(h)–6.

Commenters generally agreed that earmarking and side letters may be burdensome and provided examples of costly accounting and documentation expenses to demonstrate such burden. At the same time, some commenters

stated concerns that the eliminated reference to optional side letters and earmarking could be interpreted as no longer permitting such documentation. These commenters asserted that such an interpretation could create a greater obstacle to making these investments and urged the Agencies to allow institutions to retain the option to earmark funds for specific assessment areas and submit documentation, such as side letters, during a CRA evaluation. The final Q&A § __.23(a)–2 does not contain language regarding written documentation about earmarking and side letters. Nevertheless, the Agencies do not intend the absence of such language to mean that side letters and earmarking are no longer permissible, but a side letter or earmarking documentation is not required in order to obtain CRA consideration.

Commenters also generally expressed support for nationwide funds as important sources for investments in low- and moderate-income and underserved communities. A few commenters, however, were not in favor of encouraging nationwide fund investments that may not benefit the institution's assessment area(s). These commenters expressed concern that investments in nationwide funds could divert an institution's attention away from the needs within a financial institution's assessment area(s) (i.e., their local communities). The Agencies continue to believe that investments in nationwide funds are important sources of investments in low- and moderate-income and underserved communities throughout the country and can be an efficient vehicle for institutions to make qualified investments that help meet community development needs. Accordingly, the Agencies are adopting this language, as proposed, in Q&A § __.23(a)–2. In response to comments, however, the Agencies emphasize that an institution's performance within its assessment area(s) will remain the primary focus of CRA examinations and that investments in nationwide funds should not substitute for direct investments in important local community development initiatives.

The Agencies specifically requested comment on when nationwide funds would be appropriate investments for regional or smaller institutions. A few commenters suggested that nationwide investments are never appropriate for small or regional institutions. In contrast, other commenters supporting nationwide fund investments noted that investments in such funds are appropriate under a number of circumstances, including when there is no Community Development Financial Institution (CDFI) presence in an area or when the institution can demonstrate that the fund has a history of activity in its market and the intention to address geographies or individuals located within its assessment area(s). One commenter noted that nationwide funds provide distinct advantages to all institutions, regardless of size, because the large footprint of these funds protects investors against risk associated with over-concentration of investment in a particular market. The Agencies are adopting the language in Q&A § __.23(a)–2 that addresses regional or smaller institutions' investments in nationwide funds. The final Q&A continues to stress that, prior to investing in a nationwide fund, institutions should review the fund's investment record to determine if it is generally consistent with the institution's investment goals and the geographic focus in the CRA regulations.

The Agencies had also proposed language stating that nationwide funds may be suitable investments opportunities, particularly for large institutions with a nationwide branch footprint or for other financial institutions with a nationwide business focus, including wholesale and limited purpose institutions. Financial institutions with a nationwide branch footprint, for example, typically have assessment areas in many states and, thus, investments in nationwide funds are likely to benefit such an institution's assessment areas or the broader statewide or regional area that includes its assessment areas.

In the final Q&A, the Agencies have removed the reference to ''wholesale or limited purpose institutions'' because it is redundant. The Agencies have also moved the reference to financial institutions with a nationwide business focus from this sentence. Financial institutions with a nationwide business focus are now specifically addressed in the same context as other financial institutions that do not have a nationwide branch footprint. Like other financial institutions, if a financial institution with a nationwide business focus does not have a nationwide branch footprint, it needs to consider the geographic benefit requirements in the CRA regulations. However, investments in nationwide funds may still be suitable investments for such institutions. Consistent with the treatment detailed in Q&A § __.12(h)–6, nationwide funds may provide these institutions with additional opportunities to serve the broader statewide or regional areas that include their assessment area(s).

Last, the Agencies requested comment about how investments in nationwide funds should be considered in an investing institution's CRA evaluation. In response to this question, commenters provided a number of recommendations related to whether there should be a special category for investment in nationwide funds; how to attribute investment in nationwide funds to particular states or assessment areas; and how to eliminate the risk of double counting investments in funds by financial institutions. With respect to whether investments in nationwide funds should be considered separately from other qualified investments, commenters were divided. Most commenters opposed the creation of a separate category because doing so would further complicate CRA evaluations. A few favored the idea, however, and one recommended that the Agencies create a distinct ''national needs'' category in order to provide an incentive for financial institutions to make credit available in underserved areas. The Agencies have considered these comments and have decided not to create a separate category for investments in nationwide funds to allow financial institutions to use nationwide funds to provide for community development that reflects their particular business models and community development strategies.

Few commenters addressed how to attribute funds to an institution's various assessment areas, but those that did comment suggested that consideration for investments in nationwide funds should be treated similarly to investments in regional funds. That is, the fund's prospectus should be used to determine the areas that benefit from the investment. Similarly, few commenters offered suggestions as to how regulators should avoid double counting when considering nationwide investments. Those that did comment expressed little concern about double counting as long as the full dollar amount of the investment, and no more, is taken into consideration. The Agencies' examination procedures are being revised to clarify how investments in nationwide funds will be considered. The examination procedures would allow institutions to demonstrate whether such investments have an impact on one or more assessment areas. They will also make it clear when such investments will be considered at the assessment area, state, or institution level to avoid double counting.

III. Community Services Targeted to Low- or Moderate-Income Individuals

Existing Q&A § __.12(g)(2)–1 provided guidance on ways that financial institutions may determine that community services are being provided to low- or moderate-income individuals. The Agencies proposed to add the following examples of situations in which institutions would be deemed to provide community services to low- or moderate-income people: (1) To students or their families from a school at which the majority of students qualify for free or reduced-price meals, and (2) to individuals who receive or are eligible to receive Medicaid.

Several community group and banking organization commenters expressed support for the proposed examples. In addition, some commenters suggested that the Agencies add additional proxies as indicators of serving low- or moderate-income individuals. Common suggestions included individuals qualifying for assistance under U.S. Department of Housing and Urban Development's section 8, 202, 515, and 811 programs or the U.S. Department of Agriculture's Supplemental Nutrition Assistance Program.

The Agencies are finalizing Q&A § __.12(g)(2)–1 with one revision. Revised Q&A § __.12(g)(2)–1 includes the free and reduced-priced meals and Medicaid proxies for determining whether individuals are low- or moderate-income as proposed. In response to comments, the final Q&A also provides that institutions may determine that community services are targeted to low- or moderate-income persons if the community service is provided to recipients of government assistance programs that have income qualifications equivalent to, or stricter than, the definitions of low- and moderate-income defined by the CRA regulations. Examples include U.S. Department of Housing and Urban Development's section 8, 202, 515, and 811 programs and U.S. Department of Agriculture's section 514, 516, and Supplemental Nutrition Assistance programs.

IV. Service on the Board of Directors of an Organization Engaged in Community Development Activities

Existing Q&A § __.12(i)–3 stated that providing technical assistance to organizations that engage in community development activities (as defined by the regulation) is considered a community development service. The Agencies proposed to modify Q&A § __.12(i)–3 to clarify that service on the board of directors of a community development organization is an explicit example of a technical assistance activity that could be provided to community development organizations that would receive consideration as a community development service.

Most commenters supported the proposed revision. A few commenters raised concerns that mere attendance at a board of directors meeting was not sufficient to merit CRA consideration. These commenters wanted to ensure that CRA consideration would be provided only in recognition of active participation.

In addition, several commenters suggested expanding the list of technical assistance activities to include other professional skills offered by institution personnel, such as information technology support, legal assistance, and human resources, because these technical assistance activities are crucial to the provision of financial services by community development organizations.

The Agencies are adopting the revision to Q&A § __.12(i)–3 addressing service on the board of directors of a community development organization as proposed. Although the Q&A does not expressly address commenters' concerns that financial institutions' representatives actively participate when serving on community development organizations' boards of directors, the Agencies note that all community development services are expected to provide genuine benefit to financial institutions' communities for consideration in a CRA evaluation. Further, the Agencies consider the responsiveness of community development services. Consideration of the qualitative aspects of performance recognizes that community development activities sometimes require special expertise or effort on the part of the institution or provide a benefit to the community that would not otherwise be made available.

In addition, in response to commenters' suggestions, the Agencies are adding the following example of a technical assistance activity that might be provided to community development organizations: providing services reflecting financial institution employees' areas of expertise at the institution, such as human resources, information technology, and legal services.

New Questions and Answers

I. Qualified Investments

The Agencies proposed a new Q&A § __.12(t)–9 to address the quantitative consideration that should be provided for a particular type of investment or loan so that the amount of consideration is consistent with the amount of support provided to the activity or entity with a community development purpose. The Agencies became aware of situations in which a financial institution invests in, or lends to, an organization and then the organization invests the funds in an instrument, such as a Treasury security, which does not have a community development purpose. In these cases, the organization uses only the income (or a portion thereof) from the investment to support its community development purpose. At the end of the investment or loan term, the institution's investment or loan amount and, in some cases, a portion of the income from the instrument are returned to the institution. Although the financial institution has invested or loaned a comparatively large amount to the organization, only the much smaller amount of income from the organization's investment is used to support the organization's community development purpose.

The Agencies believe it is inappropriate to consider the entire amount of such investments or loans as qualified investments or community development loans, particularly when compared to investments or loans to other organizations that use the entire loan or invested amount to support their community development purpose. Accordingly, the Agencies proposed a new Q&A § __.12(t)–9 to provide guidance about the amount of quantitative consideration that should be allowed for these types of investments or loans.

The majority of commenters addressing Q&A § __.12(t)–9 were supportive of the Agencies' intent to clarify the treatment of qualified investments that involve funds that are not invested in instruments related to community development. However, some commenters were concerned that the proposed Q&A would result in less consideration for qualified investments. Several commenters were concerned that the proposed Q&A could negatively affect community development organizations' liquidity and harm the ability of CDFIs or other investment funds to operate in a safe and sound manner. These commenters suggested revisions that would make clear that the treatment described in the Q&A would not apply to investments in or loans to CDFIs or other organizations with a primary purpose of community development. A number of commenters believed that, absent changes, the proposed guidance would have a negative impact on institutions'

investments in community development activities.

In addition, many of the commenters who addressed the proposed Q&A suggested that the proposed Q&A should not apply when funds are not immediately deployed toward community development activities, but temporarily invested in non-community development instruments until the funds can be used for their intended community development purpose. Commenters asserted that financial institutions should not be penalized for investments that are temporarily placed in safe instruments for a period until the community development organization is able to use the funds for their intended purpose.

In response to comments, the Agencies are adopting Q&A § __.12(t)–9 with additional clarification. The final Q&A states that examiners will provide consideration for investments or loans when the community development organization invests the funds in instruments without a community development purpose solely as a means of securing capital for leveraging purposes, securing additional financing, or in order to generate a return with minimal risk until funds can be deployed toward the originally intended community development activity. The organization must express a bona fide intent to deploy the funds from investments and loans in a manner that primarily serves a community development purpose in order for the institution to receive consideration under the applicable test.

II. Community Development Lending in the Lending Test Applicable to Large Institutions

The Agencies proposed new Q&A § __.22(b)(4)–2 to clarify that community development lending performance is always a factor that is considered in an institution's lending test rating. Proposed new Q&A § __.22(b)(4)–2 addressed the concern that insufficient weight was given to community development loans in CRA evaluations. The proposed Q&A was also intended to promote consistent treatment of community development lending among the Agencies.

The proposed new Q&A clarified that an institution's record of making community development loans may have a positive, neutral, or negative impact on an institution's lending test rating. The Agencies consider an institution's community development lending performance in the context of the institution's business model, the needs of its community, and the availability of community development opportunities in its assessment area(s) or the broader statewide or regional area(s) that includes the assessment area(s) (i.e., the institution's performance context). Further, strong performance in retail lending may compensate for weak performance in community development lending and, conversely, strong community development lending may compensate for weak retail lending performance.

Some financial industry commenters viewed the proposed Q&A as a mandate to undertake community development lending in all assessment areas. Most financial industry commenters raised concerns regarding how bankers and examiners will determine ''how much is enough'' community development lending, particularly in light of the complexity involved in evaluating community development activities within an institution's performance context. Several community organization commenters opposed the language indicating that strong performance in community development lending may offset weak performance in retail lending and, conversely, strong performance in retail lending may offset weak performance in community development lending.

The Agencies are adopting Q&A § __.22(b)(4)–2 as proposed. The Agencies emphasize that the Q&A does not mandate that a financial institution must engage in community development lending in every assessment area. Examiners will consider the absence or lack of community development lending in a particular assessment area within the context of the environment in which the institution operated during the evaluation period, including economic, demographic, and competitive factors, the institution's financial capacity or constraints, and community needs and opportunities to make community development loans in the institution's assessment area(s). The Agencies also note that the language in the Q&A, which indicates that strong performance in community development lending may offset weak performance in retail lending and, conversely, strong performance in retail lending may offset weak performance in community development lending, repeats regulatory language found at Appendix A to Part __—Ratings and is further explained in Q&A Appendix A to Part __–1.

Redesignation of Existing Question and Answer Without Substantive Change

Activities With Minority- and Women-Owned Financial Institutions and Low-Income Credit Unions

In 2009, the Agencies adopted Q&A § __.12(g)–4 to address CRA consideration of majority-owned institutions' activities with minority- and women-owned financial institutions and low-income credit unions (MWLI). *See* 74 FR 498 (Jan. 6, 2009). In 2010, the Agencies revised their regulations to implement section 804(b) of the CRA, which addresses the same topic. *See* 12 CFR __.21(f); 75 FR 61035 (Oct. 4, 2010). As a result, the Agencies proposed to redesignate existing Q&A § __.12(g)–4 as Q&A § __.21(f)–1 so that the Q&A would correlate to the appropriate regulatory provision that addresses the same topic. The Agencies did not propose any substantive changes to the existing Q&A.

Several community group and nonprofit organization commenters urged the Agencies to provide the same geographically beneficial treatment for CDFIs as is provided to MWLIs. The CRA statute provides that activities undertaken with MWLIs need not benefit the majority-owned financial institution's assessment area(s); but must help meet the credit needs of the local communities in which the MWLI is chartered. Because the CRA statute does not extend this special status to CDFIs, the Agencies do not believe it is appropriate to extend the special status granted to MWLIs to CDFIs or other community development entities through guidance.

Accordingly, the Agencies are adopting redesignated Q&A § __.21(f)–1 as proposed.

The text of the final new, revised, and redesignated Interagency Questions and Answers follows:

* * * * *

§ __.12(g)(2)–1: Community development includes community services targeted to low- or moderate-income individuals. What are examples of ways that an institution could determine that community services are offered to low- or moderate-income individuals?

A1. Examples of ways in which an institution could determine that community services are targeted to low- or moderate-income persons include, but are not limited to:

• The community service is targeted to the clients of a nonprofit organization that has a defined mission of serving low- and moderate-income persons, or, because of government grants, for

example, is limited to offering services only to low- or moderate-income persons.

- The community service is offered by a nonprofit organization that is located in and serves a low- or moderate-income geography.
- The community service is conducted in a low- or moderate-income area and targeted to the residents of the area.
- The community service is a clearly defined program that benefits primarily low- or moderate-income persons, even if it is provided by an entity that offers other programs that serve individuals of all income levels.
- The community service is offered at a workplace to workers who are low- and moderate-income, based on readily available data for the average wage for workers in that particular occupation or industry (see, e.g., *http://www.bls.gov/bls/blswage.htm* (Bureau of Labor Statistics)).
- The community service is provided to students or their families from a school at which the majority of students qualify for free or reduced-price meals under the U.S. Department of Agriculture's National School Lunch Program.
- The community service is targeted to individuals who receive or are eligible to receive Medicaid.
- The community service is provided to recipients of government assistance programs that have income qualifications equivalent to, or stricter than, the definitions of low- and moderate-income as defined by the CRA Regulations. Examples include U.S. Department of Housing and Urban Development's section 8, 202, 515, and 811 programs or U.S. Department of Agriculture's section 514, 516, and Supplemental Nutrition Assistance programs.

* * * * *

§ __.12(h)–6: Must there be some immediate or direct benefit to the institution's assessment area(s) to satisfy the regulations' requirement that qualified investments and community development loans or services benefit an institution's assessment area(s) or a broader statewide or regional area that includes the institution's assessment area(s)?

A6. No. The regulations recognize that community development organizations and programs are efficient and effective ways for institutions to promote community development. These organizations and programs often operate on a statewide or even multistate basis. Therefore, an institution's activity is considered a community development loan or service or a qualified investment if it supports an organization or activity that covers an area that is larger than, but includes, the institution's assessment area(s). The institution's assessment area(s) need not receive an immediate or direct benefit from the institution's participation in the organization or activity, provided that the purpose, mandate, or function of the organization or activity includes serving geographies or individuals located within the institution's assessment area(s).

In addition, a retail institution will receive consideration for certain other community development activities. These activities must benefit geographies or individuals located somewhere within a broader statewide or regional area that includes the institution's assessment area(s). Examiners will consider these activities even if they will not benefit the institution's assessment area(s), as long as the institution has been responsive to community development needs and opportunities in its assessment area(s).

§ __.12(h)–7: What is meant by the term ''regional area''?

A7. A ''regional area'' may be an intrastate area or a multistate area that includes the financial institution's assessment area(s). Regional areas typically have some geographic, demographic, and/or economic interdependencies and may conform to commonly accepted delineations, such as ''the tri-county area'' or the ''mid-Atlantic states.'' Regions are often defined by the geographic scope and specific purpose of a community development organization or initiative.

* * * * *

§ __.12(i)–3: What are examples of community development services?

A3. Examples of community development services include, but are not limited to, the following:

- Providing financial services to low- and moderate-income individuals through branches and other facilities located in low- and moderate-income areas, unless the provision of such services has been considered in the evaluation of an institution's retail banking services under 12 CFR __.24(d);
- Increasing access to financial services by opening or maintaining branches or other facilities that help to revitalize or stabilize a low- or moderate-income geography, a designated disaster area, or a distressed or underserved nonmetropolitan middle-income geography, unless the opening or maintaining of such branches or other facilities has been considered in the evaluation of the institution's retail banking services under 12 CFR __.24(d);
- Providing technical assistance on financial matters to nonprofit, tribal, or government organizations serving low- and moderate-income housing or economic revitalization and development needs;
- Providing technical assistance on financial matters to small businesses or community development organizations, including organizations and individuals who apply for loans or grants under the Federal Home Loan Banks' Affordable Housing Program;
- Lending employees to provide financial services for organizations facilitating affordable housing construction and rehabilitation or development of affordable housing;
- Providing credit counseling, home-buyer and home-maintenance counseling, financial planning, or other financial services education to promote community development and affordable housing, including credit counseling to assist low- or moderate-income borrowers in avoiding foreclosure on their homes;
- Establishing school savings programs or developing or teaching financial education or literacy curricula for low- or moderate-income individuals;
- Providing electronic benefits transfer and point of sale terminal systems to improve access to financial services, such as by decreasing costs, for low- or moderate-income individuals;
- Providing international remittance services that increase access to financial services by low- and moderate-income persons (for example, by offering reasonably priced international remittance services in connection with a low-cost account);
- Providing other financial services with the primary purpose of community development, such as low-cost savings or checking accounts, including ''Electronic Transfer Accounts'' provided pursuant to the Debt Collection Improvement Act of 1996, individual development accounts (IDAs), or free or low-cost government, payroll, or other check cashing services, that increase access to financial services for low- or moderate-income individuals; and
- Providing foreclosure prevention programs to low- or moderate-income homeowners who are facing foreclosure on their primary residence with the objective of providing affordable, sustainable, long-term loan modifications and restructurings.

Examples of technical assistance activities that are related to the provision of financial services and that

might be provided to community development organizations include:

- Serving on the board of directors;
- Serving on a loan review committee;
- Developing loan application and underwriting standards;
- Developing loan-processing systems;
- Developing secondary market vehicles or programs;
- Assisting in marketing financial services, including development of advertising and promotions, publications, workshops and conferences;
- Furnishing financial services training for staff and management;
- Contributing accounting/bookkeeping services;
- Assisting in fund raising, including soliciting or arranging investments; and
- Providing services reflecting financial institution employees' areas of expertise at the institution, such as human resources, information technology, and legal services.

* * * * *

§ __.12(t)–9: How do examiners evaluate loans or investments to organizations that, in turn, invest in instruments that do not have a community development purpose, and use only the income, or a portion of the income, from those investments to support their community development purpose?

A9. Examiners will give quantitative consideration for the dollar amount of funds that benefit an organization or activity that has a primary purpose of community development. If an institution invests in (or lends to) an organization that, in turn, invests those funds in instruments that do not have as their primary purpose community development, such as Treasury securities, and uses only the income, or a portion of the income, from those investments to support the organization's community development purposes, the Agencies will consider only the amount of the investment income used to benefit the organization or activity that has a community development purpose for CRA purposes. Examiners will, however, provide consideration for such instruments when the organization invests solely as a means of securing capital for leveraging purposes, securing additional financing, or in order to generate a return with minimal risk until funds can be deployed toward the originally intended community development activity. The organization must express a bona fide intent to deploy the funds from investments and loans in a manner that primarily serves a community development purpose in order for the institution to receive consideration under the applicable test.

* * * * *

§ __.21(f)–1: The CRA provides that, in assessing the CRA performance of nonminority- and non-women-owned (majority-owned) financial institutions, examiners may consider as a factor capital investments, loan participations, and other ventures undertaken by the institutions in cooperation with minority- or women-owned financial institutions and low-income credit unions (MWLIs), provided that these activities help meet the credit needs of local communities in which the MWLIs are chartered. Must such activities also benefit the majority-owned financial institution's assessment area(s)?

A1. No. Although the regulations generally provide that an institution's CRA activities will be evaluated for the extent to which they benefit the institution's assessment area(s) or a broader statewide or regional area that includes the institution's assessment area(s), the Agencies apply a broader geographic criterion when evaluating capital investments, loan participations, and other ventures undertaken by that institution in cooperation with MWLIs, as provided by the CRA. Thus, such activities will be favorably considered in the CRA performance evaluation of the institution (as loans, investments, or services, as appropriate), even if the MWLIs are not located in, or such activities do not benefit, the assessment area(s) of the majority-owned institution or the broader statewide or regional area that includes its assessment area(s). The activities must, however, help meet the credit needs of the local communities in which the MWLIs are chartered. The impact of a majority-owned institution's activities in cooperation with MWLIs on the majority-owned institution's CRA rating will be determined in conjunction with its overall performance in its assessment area(s).

Examples of activities undertaken by a majority-owned financial institution in cooperation with MWLIs that would receive CRA consideration may include:

- Making a deposit or capital investment;
- Purchasing a participation in a loan;
- Loaning an officer or providing other technical expertise to assist an MWLI in improving its lending policies and practices;
- Providing financial support to enable an MWLI to partner with schools or universities to offer financial literacy education to members of its local community; or
- Providing free or discounted data processing systems, or office facilities to aid an MWLI in serving its customers.

* * * * *

§ __.22(b)(4)–2: How do examiners consider community development loans in the evaluation of an institution's record of lending under the lending test applicable to large institutions?

A2. An institution's record of making community development loans may have a positive, neutral, or negative impact on the lending test rating. Community development lending is one of five performance criteria in the lending test criteria and, as such, it is considered at every examination. As with all lending test criteria, examiners evaluate an institution's record of making community development loans in the context of an institution's business model, the needs of its community, and the availability of community development opportunities in its assessment area(s) or the broader statewide or regional area(s) that includes the assessment area(s). For example, in some cases community development lending could have either a neutral or negative impact when the volume and number of community development loans are not adequate, depending on the performance context, while in other cases, it would have a positive impact when the institution is a leader in community development lending. Additionally, strong performance in retail lending may compensate for weak performance in community development lending, and conversely, strong community development lending may compensate for weak retail lending performance.

* * * * *

§ __.23(a)–2: In order to receive CRA consideration, what information may an institution provide that would demonstrate that an investment in a nationwide fund with a primary purpose of community development will directly or indirectly benefit one or more of the institution's assessment area(s) or a broader statewide or regional area that includes the institution's assessment area(s)?

A2. There may be several ways to demonstrate that the institution's investment in a nationwide fund meets the geographic requirements, and the Agencies will employ appropriate flexibility in this regard in reviewing information the institution provides that reasonably supports this determination.

In making this determination, the Agencies will consider any information provided by a financial institution that reasonably demonstrates that the purpose, mandate, or function of the

fund includes serving geographies or individuals located within the institution's assessment area(s) or a broader statewide or regional area that includes the institution's assessment area(s). Typically, information about where a fund's investments are expected to be made or targeted will be found in the fund's prospectus, or other documents provided by the fund prior to or at the time of the institution's investment, and the institution, at its option, may provide such documentation in connection with its CRA evaluation.

Nationwide funds are important sources of investments in low- and moderate-income and underserved communities throughout the country and can be an efficient vehicle for institutions in making qualified investments that help meet community development needs. Nationwide funds may be suitable investment opportunities, particularly for large financial institutions with a nationwide branch footprint. Other financial institutions, including those with a nationwide business focus, may find such funds to be efficient investment vehicles to help meet community development needs in their assessment area(s) or the broader statewide or regional area that includes their assessment area(s). Prior to investing in such a fund, an institution should consider reviewing the fund's investment record to see if it is generally consistent with the institution's investment goals and the geographic considerations in the regulations. Examiners will consider investments in nationwide funds that benefit the institution's assessment area(s). Examiners will also consider investments in nationwide funds that benefit the broader statewide or regional area that includes the institution's assessment area(s) consistent with the treatment detailed in Q&A § __.12(h)–6.

End of text of the final new and revised Interagency Questions and Answers.

Dated: November 14, 2013.

Thomas J. Curry,

Comptroller of the Currency.

By order of the Board of Governors of the Federal Reserve System, November 12, 2013.

Robert deV. Frierson,

Secretary of the Board.

Dated at Washington, DC, this 13th day of November, 2013.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2013–27738 Filed 11–19–13; 8:45 am]

BILLING CODE 6210–01–P; 4810–33–P; 6714–01–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The applications will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than December 16, 2013.

A. Federal Reserve Bank of St. Louis (Yvonne Sparks, Community Development Officer) P.O. Box 442, St. Louis, Missouri 63166–2034:

1. *Old National Bancorp,* Evansville, Indiana; to merge with Tower Financial Corporation, and thereby indirectly acquire Tower Bank and Trust Company, both in Fort Wayne, Indiana.

B. Federal Reserve Bank of Dallas (E. Ann Worthy, Vice President) 2200 North Pearl Street, Dallas, Texas 75201–2272:

1. *Hill Country Bancshares, Inc.,* Llano, Texas; to become a bank holding company by acquiring 100 percent of the voting shares of Llano National Bank, Llano, Texas.

Board of Governors of the Federal Reserve System, November 15, 2013.

Margaret McCloskey Shanks,

Deputy Secretary of the Board.

[FR Doc. 2013–27787 Filed 11–19–13; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–14–0923]

Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 for opportunity for public comment on proposed data collection projects, the Centers for Disease Control and Prevention (CDC) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call 404–639–7570 or send comments to CDC LeRoy Richardson, 1600 Clifton Road, MS D–74, Atlanta, GA 30333 or send an email to *omb@cdc.gov*.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Written comments should be received within 60 days of this notice.

Proposed Project

Evaluation of the National Tobacco Prevention and Control Public Education Campaign (OMB No. 0920–0923, exp. 4/30/2014)—Revision—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Centers for Disease Control and Prevention (CDC) requests a two-year Office of Management and Budget (OMB) approval to conduct a Web-based longitudinal study of smokers and non-smokers in the U.S. This study will be fielded for purposes of evaluating the CDC's National Tobacco Prevention and Control Public Education Campaign (The Campaign) and monitoring its longer term impact. We will conduct 5 survey waves of data collection among

smokers and nonsmokers to facilitate repeated measures on outcomes relevant to the evaluation. Information will be collected about smokers' and non-smokers' awareness of and exposure to specific campaign advertisements, knowledge, attitudes, and beliefs related to smoking and secondhand smoke. The surveys will also measure behaviors related to smoking cessation (among the smokers in the sample) and behaviors related to non-smokers' encouragement of smokers to quit smoking and recommendations of cessation services. Data from these surveys will be used to examine the statistical relationships between exposure to The Campaign and changes in outcome variables relevant to the evaluation. This approach builds on previous phases of The Campaign and the evaluations of those phases.

This study will rely on Web surveys to be self-administered at home on personal computers. Specifically, we will conduct a multi-wave longitudinal study of smokers (5 waves) and non-smokers (4 waves) to facilitate repeated measures on outcomes related to the evaluation and to the work of CDC's Office on Smoking and Health. The wave 1 survey will be fielded in early 2014, upon OMB approval. Participants who complete the wave 1 survey will be surveyed again in a follow-up survey approximately three months later. Subsequent follow-up surveys (3 for smokers, 2 for nonsmokers) will occur periodically after the initial wave 1 and wave 2 surveys to assess long-term, lasting impacts of The Campaign. One of the primary purposes of the subsequent follow-up surveys will be to track longer-term cigarette abstinence among smokers who initially report quitting as a result of The Campaign. This will be essential to properly estimating the impact of The Campaign on long-term successful quitting. Tracking of longer term abstinence will require assessment of use of different products over time. In addition, the three additional follow-up surveys may include additional survey items on other topics of interest to the CDC and its stakeholders, including more in-depth information on marketing exposure and use of cigars, noncombustible tobacco products, and other emerging trends in tobacco use including electronic delivery devices (e.g., e-cigarettes). It is important to evaluate The Campaign in a context that assesses the dynamic nature of tobacco product marketing and uptake of various tobacco products as these can impact the success of The Campaign in motivating long-term quitting. Therefore, it may be necessary in the future to make additional requests to OMB for changes in the planned follow-up instruments to re-balance the content of the surveys to reflect these and other emerging trends in the tobacco product environment.

The sample for this study will originate from two sources: (1) A new online longitudinal cohort of smokers and nonsmokers, sampled randomly from postal mailing addresses in the U.S. using address based sampling (ABS) methods; and (2) the existing GfK KnowledgePanel, an established long-term online panel of U.S. adults. The new ABS-sourced longitudinal cohort will consist of smokers and nonsmokers who have not previously participated in any established online panels. This new cohort will be recruited by GfK, utilizing identical recruitment methods that are used in the recruitment of KnowledgePanel. The GfK KnowledgePanel will be used in combination with the new ABS-sourced cohort to support larger sample sizes that will allow for more in-depth subgroup analysis, which is a key objective of the CDC. All online surveys, regardless of sample source, will be conducted via the GfK KnowledgePanel Web portal for self-administered surveys.

Participation is voluntary and there are no costs to respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondent	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hrs)	Total burden (in hrs)
General Population	Screening and Consent Process	13,074	1	5/60	1,090
Adults, ages 18 and older in the U.S	Smoker Wave 1 Survey	4,720	1	30/60	2,360
	Smoker Follow-Up Survey (Wave 2)	1,982	1	30/60	991
	Smoker Follow-Up Survey (Wave 3)	1,982	1	30/60	991
	Smoker Follow-Up Survey (Wave 4)	1,982	1	30/60	991
	Smoker Follow-Up Survey (Wave 5)	1,982	1	30/60	991
	Nonsmoker Wave 1 Survey	1,400	1	30/60	700
	Nonsmoker Follow-Up Survey (Wave 2).	442	1	30/60	221
	Nonsmoker Follow-Up Survey (Wave 3).	442	1	30/60	221
	Nonsmoker Follow-Up Survey (Wave 4).	442	1	30/60	221
Total					8,777

Leroy A. Richardson,

Chief, Information Collection Review Office, Office of Scientific Integrity, Office of the Associate Director for Science, Office of the Director, Centers for Disease Control and Prevention.

[FR Doc. 2013–27692 Filed 11–19–13; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Board of Scientific Counselors, Office of Public Health Preparedness and Response: Notice of Charter Renewal

This gives notice under the Federal Advisory Committee Act (Pub. L. 92–463) of October 6, 1972, that the Board of Scientific Counselors, Office of Public Health Preparedness and Response, Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS), has been renewed for a 2-year period through November 5, 2015.

For information, contact Samuel Groseclose D.V.M., M.P.H., Designated Federal Officer, Board of Scientific Counselors, Office of Public Health Preparedness and Response, CDC, HHS, 1600 Clifton Road, NE., Mailstop D44, Atlanta, Georgia 30333, Telephone 404/639–0637, Fax 404/639–7977.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** Notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Catherine Ramadei,

Acting Director, Management Analysis and Services Office Centers for Disease Control and Prevention.

[FR Doc. 2013–27715 Filed 11–19–13; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Board of Scientific Counselors, Office of Infectious Diseases: Notice of Charter Renewal

This gives notice under the Federal Advisory Committee Act (Pub. L. 92–463) of October 6, 1972, that the Board of Scientific Counselors, Office of Infectious Diseases, Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS), has been renewed for a 2-year period through October 31, 2015.

For information, contact Robin Moseley, M.A.T., Designated Federal Officer, Board of Scientific Counselors, Office of Infectious Diseases, CDC, HHS, 1600 Clifton Road NE., Mailstop D10, Atlanta, Georgia 30333, telephone 404/639–4461 or fax 404/235–3562.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** Notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Catherine Ramadei,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2013–27716 Filed 11–19–13; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention (CDC)

Board of Scientific Counselors, National Center for Injury Prevention and Control: Notice of Charter Renewal

This gives notice under the Federal Advisory Committee Act (Pub. L. 92–463) of October 6, 1972, that the Board of Scientific Counselors, National Center for Injury Prevention and Control, Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS), has been renewed for a 2-year period through November 5, 2015.

For information, contact Gwendolyn Cattledge, Ph.D., Designated Federal Officer, Board of Scientific Counselors, National Center for Injury Prevention and Control, CDC, HHS, 1600 Clifton Road NE., M/S F63, Atlanta, Georgia 30333, Telephone 770/488–4655.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** Notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Catherine Ramadei,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2013–27712 Filed 11–19–13; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention (CDC)

Advisory Board on Radiation and Worker Health (ABRWH or Advisory Board), National Institute for Occupational Safety and Health (NIOSH)

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention announces the following meeting of the aforementioned committee:

Time and Date: 12:00 p.m.–3:00 p.m. Eastern Time, December 17, 2013.

Place: Audio Conference Call via FTS Conferencing. The USA toll-free, dial-in number is 1–866–659–0537 and the pass code is 9933701.

Status: Open to the public, without a verbal public comment period. The public is welcome to submit written comments in advance of the meeting, to the contact person below. Written comments received in advance of the meeting will be included in the official record of the meeting. The public is also welcome to listen to the meeting by joining the Audio Conference at 1–866–659–0537 and the pass code is 9933701.

Background: The Advisory Board was established under the Energy Employees Occupational Illness Compensation Program Act of 2000 to advise the President on a variety of policy and technical functions required to implement and effectively manage the new compensation program. Key functions of the Advisory Board include providing advice on the development of probability of causation guidelines, which have been promulgated by the Department of Health and Human Services (HHS) as a final rule; advice on methods of dose reconstruction, which have also been promulgated by HHS as a final rule; advice on the scientific validity and quality of dose estimation and reconstruction efforts being performed for purposes of the compensation program; and advice on petitions to add classes of workers to the Special Exposure Cohort (SEC).

In December 2000, the President delegated responsibility for funding, staffing, and operating the Advisory Board to HHS, which subsequently delegated this authority to the CDC. NIOSH implements this responsibility for CDC. The charter was issued on August 3, 2001, renewed at appropriate intervals, most recently, August 3, 2013, and will expire on August 3, 2015.

Purpose: This Advisory Board is charged with a) providing advice to the

Secretary, HHS, on the development of guidelines under Executive Order 13179; b) providing advice to the Secretary, HHS, on the scientific validity and quality of dose reconstruction efforts performed for this program; and c) upon request by the Secretary, HHS, advising the Secretary on whether there is a class of employees at any Department of Energy facility who were exposed to radiation but for whom it is not feasible to estimate their radiation dose, and on whether there is reasonable likelihood that such radiation doses may have endangered the health of members of this class.

Matters to be Discussed: The agenda for the conference call includes: Subcommittee and Work Group Updates; SEC Petition Evaluations Update for the January 2013 Advisory Board Meeting; Plans for the January 2013 Advisory Board Meeting; and Advisory Board Correspondence.

The agenda is subject to change as priorities dictate.

Contact Person For More Information: Theodore M. Katz, M.P.A., Designated Federal Officer, NIOSH, CDC, 1600 Clifton Road NE., Mailstop: E–20, Atlanta, GA 30333, Telephone (513) 533–6800, Toll Free 1–800–CDC–INFO, Email *ocas@cdc.gov*.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** Notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Catherine Ramadei,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2013–27714 Filed 11–19–13; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Board of Scientific Counselors, Office of Infectious Diseases (BSC, OID)

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC), announces the following meeting of the aforementioned committee:

Time and Date

8:00 a.m.–5:00 p.m., December 11, 2013.
8:00 a.m.–12:00 p.m., December 12, 2013.

Place: CDC, Global Communications Center, 1600 Clifton Road NE., Building 19, Auditorium B3, Atlanta, Georgia 30333.

Status: The meeting is open to the public, limited only by the space available.

Purpose: The BSC, OID, provides advice and guidance to the Secretary, Department of Health and Human Services; the Director, CDC; the Director, OID; and the Directors of the National Center for Immunization and Respiratory Diseases, the National Center for Emerging and Zoonotic Infectious Diseases, and the National Center for HIV/AIDS, Viral Hepatitis, STD, and TB Prevention, CDC, in the following areas: Strategies, goals, and priorities for programs; research within the national centers; and overall strategic direction and focus of OID and the national centers.

Matters To Be Discussed: The meeting will include reports from the BSC OID working groups, brief updates on activities of the infectious disease national centers; and focused discussions on 1) the public health use of molecular-based diagnostics, 2) school-based efforts to prevent infectious diseases, and 3) immunization changes at the state level.

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Robin Moseley, M.A.T., Designated Federal Officer, OID, CDC, 1600 Clifton Road NE., Mailstop D10, Atlanta, Georgia 30333, Telephone: (404) 639–4461.

The Director, Management Analysis and Services Office has been delegated the authority to sign **Federal Register** Notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Catherine Ramadei,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2013–27717 Filed 11–19–13; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Disease, Disability, and Injury Prevention and Control Special Emphasis Panel (SEP): Initial Review

The meeting announced below concerns Effectiveness of Empiric Antiviral Treatment for Hospitalized Community Acquired Pneumonia during the Influenza Season, Funding Opportunity Announcement (FOA) IP14–001, initial review.

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the aforementioned meeting:

Time And Date: 1:00 p.m.–3:00 p.m., January 14, 2014 (Closed).

Place: Teleconference

Status: The meeting will be closed to the public in accordance with provisions set forth in Section 552b(c) (4) and (6), Title 5 U.S.C., and the Determination of the Director, Management Analysis and Services Office, CDC, pursuant to Public Law 92–463.

Matters to be Discussed: The meeting will include the initial review, discussion, and evaluation of applications received in response to ''Effectiveness of Empiric Antiviral Treatment for Hospitalized Community Acquired Pneumonia during the Influenza Season, FOA IP14–001''.

Contact Person For More Information: Gregory Anderson, M.S., M.P.H., Scientific Review Officer, CDC, 1600 Clifton Road NE., Mailstop E60, Atlanta, Georgia 30333, Telephone: (404) 718–8833.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** Notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Catherine Ramadei,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2013–27713 Filed 11–19–13; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Community Living

Agency Information Collection Activities: Submission for OMB Review; Comment Request; OAA Title III–E Evaluation

AGENCY: Administration for Community Living, HHS.

ACTION: Notice.

SUMMARY: The Administration for Community Living (ACL) is announcing an opportunity to comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the information collection requirements relating to Older Americans Act (OAA) Title III–E Evaluation.

DATES: Submit written or electronic comments on the collection of information by January 21, 2014.

ADDRESSES: Submit electronic comments on the collection of information to: *Alice-Lynn.Ryssman@acl.hhs.gov.* Submit written comments on the collection of information to Alice-Lynn Ryssman, U.S. Administration for Community Living, Washington, DC 20201.

FOR FURTHER INFORMATION CONTACT: Alice-Lynn Ryssman, 202–357–3491.

SUPPLEMENTARY INFORMATION: Under the *PRA (44 U.S.C. 3501–3520),* Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in *44 U.S.C. 3502*(3) and *5 CFR 1320.3*(c) and includes agency request or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (*44 U.S.C. 3506*(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, ACL is publishing notice of the proposed collection of information set forth in this document. With respect to the following collection of information, ACL invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of ACL's functions, including whether the information will have practical utility; (2) the accuracy of ACL's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques when appropriate, and other forms of information technology.

The OAA Title III–E National Family Caregiver Support Program (NFCSP), with statutory authority contained in Title III sections 302, 372, and 373 of the Older Americans Act (OAA) (42 U.S.C. 3032), as amended by the Older Americans Act Amendments of 2006, *Pub. L. 109–365),* funds a range of comprehensive home- and community-based services supports that assist family and informal caregivers to care for their loved ones at home for as long as possible. ACL is directed under 206(a) of the OAA to conduct evaluations of OAA programs. Thus, this data collection will conduct an evaluation of the NFCSP to fulfill this requirement and understand how well this program is meeting its goals and mission.

The evaluation design is comprised of two primary components:

1. A process study, which examines the strategies, activities, and resources of the program at each level of the Aging Network—State Unit on Aging (SUA), Area Agency on Aging (AAA), and Local Service Provider (LSP); and

2. A client outcome study, which examines the health and social effects of the program on participants compared to non-participants. This study examines the health and social effects on caregivers and also tracks the health outcomes of the care recipients.

The process study will include all 56 SUAs, all of the AAAs (N = 618), a sample of local service providers (N = 1,000), and a sample of program participants (1,250) and non-participants (N = 1,250). The table below provides the information ACL used to estimate the burden of this collection of information:

Respondent type	Number of respondents	Responses per respondent	Average burden per response (hrs.)	Total average annual burden (hrs.)
All SUAs	56	1	1.5	84
All AAAs	618	1	2	1236
Stratified sample of LSPs	1,000	1	0.33	330
Family caregivers participating in NFCSP	1,250	3	0.58	2175
Family caregivers not participating in NFCSP	1,250	3	0.58	2175
Total	4,174			6,000

The proposed data collection tools may be found on the ACL Web site at *http://www.aoa.gov/AoARoot/Program_Results/Program_survey.aspx.*

Dated: November 15, 2013.

Kathy Greenlee,

Administrator and Assistant Secretary for Aging.

[FR Doc. 2013–27822 Filed 11–19–13; 8:45 am]

BILLING CODE 4154–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–1432]

Agency Information Collection Activities; Proposed Collection; Comment Request; Guide To Minimize Microbial Food Safety Hazards of Fresh-Cut Fruits and Vegetables

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice invites comments on the information collection provisions in the guidance document entitled ''Guidance for Industry: Guide to Minimize Microbial Food Safety Hazards of Fresh-Cut Fruits and Vegetables.''

DATES: Submit either electronic or written comments on the collection of information by January 21, 2014.

ADDRESSES: Submit electronic comments on the collection of information to *http://www.regulations.gov.* Submit written

comments on the collection of information to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 1350 Piccard Dr., PI50–400B, Rockville, MD 20850, *PRAStaff@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''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 provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, we are publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, we invite comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of our functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Guide To Minimize Microbial Food Safety Hazards of Fresh-Cut Fruits and Vegetables (OMB Control Number 0910–0609)—Extension

Fresh-cut fruits and vegetables are fruits and vegetables that have been processed by peeling, slicing, chopping, shredding, coring, trimming, or mashing, with or without washing or other treatment, prior to being packaged for consumption. The methods by which produce is grown, harvested, and processed may contribute to its contamination with pathogens and, consequently, the role of the produce in transmitting foodborne illness. Factors such as the high degree of handling and mixing of the product, the release of cellular fluids during cutting or mashing, the high moisture content of the product, the absence of a step lethal to pathogens, and the potential for temperature abuse in the processing, storage, transport, and retail display all increase the potential for pathogens to survive and grow in fresh-cut produce.

Sections 301 and 402 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 331 and 342) prohibits the distribution of adulterated food in interstate commerce. In response to the increased consumption of fresh-cut fruits and vegetables and the potential for foodborne illness associated with these products, we recognize the need for guidance specific to the processing of fresh-cut fruits and vegetables. The guidance document entitled, ''Guide to Minimize Microbial Food Safety Hazards of Fresh-cut Fruits and Vegetables,'' which is available at *http://www.fda.gov/FoodGuidances,* provides our recommendations to fresh-cut produce processors about how to avoid contamination of their product with pathogens. The guidance is in addition to the good manufacturing practice (GMP) regulations found in part 110 (21 CFR part 110). The guidance is intended to assist fresh-cut produce processors in minimizing microbial food safety hazards common to the processing of most fresh-cut fruits and vegetables sold to consumers and retail establishments in a ready-to-eat form. Accordingly, we encourage fresh-cut produce processors to adopt the general recommendations in the guidance and to tailor practices to their individual operations.

The guidance provides information and recommended procedures designed to help fresh-cut produce processors minimize microbial food safety hazards. The recommended procedures contained in the guidance are voluntary. Both FDA and fresh-cut produce processors will use and benefit from the information collected.

Two general recommendations in the guidance are for operators to develop and implement both a written Standard Operating Procedures (SOP) plan and a Sanitary Standard Operation Procedures (SSOP) plan. SOPs and SSOPs are important components to properly implement and monitor GMP, which are required for processed food operations under part 110. Other recommended programs that require documentation and recordkeeping are recall and traceback programs. In the event of a food safety concern, processors who adopt these recommended programs will be prepared to recall products from the marketplace or be able to traceback fresh produce to its source. Fresh-cut produce processors are also asked to consider the application of Hazards Analysis and Critical Control Point (HACCP) principles or comparable preventive control programs to the processing of fruits and vegetables. An HACCP system allows managers to assess the inherent risks and identify hazards attributable to a product or a process, and then determine the necessary steps to control the hazards. FDA, along with other Federal and State food Agencies and industry and food establishments, have found such preventive control programs, when properly designed and maintained by the establishment's personnel, to be valuable in managing the safety of food products.

We estimate the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

Activity	No. of recordkeepers	No. of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
SOP and SSOP: Maintenance	122	3,315	404,430	0.067	27,097
Traceback development	10	1	10	20	200
Traceback maintenance	290	1	290	40	11,600
Preventive control program comparable to an HACCP system: System development	10	1	10	100	1,000
Preventive control program comparable to an HACCP system: System implementation	145	510	73,950	0.067	4,955

TABLE 1—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]—Continued

Activity	No. of recordkeepers	No. of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
Preventive control program comparable to an HACCP system: Implementation review	145	4	580	4	2,320
Annual burden hours					47,172

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

A. Industry Profile

Estimates of the paperwork burden to the fresh-cut industry are based on information received from a fresh-cut processor who has developed and maintained these programs and information from a fresh-cut produce industry trade association. We estimate that there are 280 fresh-cut plants in operation and that approximately 10 new firms will enter the fresh cut industry over the next 3 years.

B. SOPs and SSOPs

We consider the guidance's recommendation to develop SOPs and SSOPs to be ''usual and customary'' for manufacturers and processors in the fresh-cut industry (see 5 CFR 1320.3(b)(2)). Therefore, we do not calculate this burden.

We recommend that facilities not only develop but also maintain SOPs and SSOPs. Of the 280 fresh-cut processors, we estimate that over half have SOP and SSOP maintenance programs in place. Therefore, for purposes of estimating the annual recordkeeping burden for SOP and SSOP maintenance programs, we assume that 40 percent of the existing processors, or 112 firms, and the 10 new firms do not have SOP and SSOP maintenance programs in place. We estimate the recordkeeping burden for SOP and SSOP maintenance programs by assuming that these 122 firms will choose to implement such a maintenance strategy as a result of the recommendations in the guidance.

A typical fresh-cut processing plant operates about 255 days per year. For an 8-hour shift, assuming the ingredients are received twice during that time, under the recommendations in the guidance, there would be about 13 records kept (2 for inspecting incoming ingredients; 2 for inspecting the facility and production areas once every 4 hours; 3 records for equipment (maintenance, sanitation, and visual inspections for defects); 1 for calibrating equipment; 2 temperature recording audits (1 time for each of the 2 processing runs); and 3 microbiological audits (ingredients, food contact surfaces, and equipment)). Therefore, the annual frequency of recordkeeping for SOPs and SSOPs is calculated to be 3,315 times (255 × 13) per year per firm; 122 firms will be performing these activities to generate a total 404,430 records (3,315 × 22) annually.

The total time to record observations for SOP and SSOP maintenance is estimated to take 4 minutes or 0.067 hours per record, and the number of records maintained is 404,430. Therefore, the total annual burden in hours for 122 processors to maintain their SOP and SSOP records is approximately 27,097 hours (404,430 × 0.067). The maintenance burden for these 122 firms is estimated in row 1 of Table 1.

C. Recall and Traceback

The burden to develop a traceback program is a one-time activity estimated to take approximately 20 hours. Accordingly, we only need to estimate the burden of this one-time activity on the 10 new businesses expected to enter the industry in the next 3 years. We estimate that the 10 new firms will spend 20 hours each preparing a traceback program, for a total of 200 hours (10 × 20). The burden estimate of developing a traceback program is shown in row 2 of Table 1.

Firms may test their traceback programs yearly to see if adjustments are needed to maintain traceback capabilities. Evaluating and updating traceback programs is estimated to take 40 hours to complete. The annual burden of maintaining a traceback program is estimated for the 280 existing firms in the industry plus the 10 firms new to the industry. Assuming that each firm completes this exercise once a year, the total maintenance burden of traceback programs is 11,600 hours yearly (290 x 40). This burden estimate is shown in row 3 of Table 1.

The guidance refers to previously approved collections of information found in our regulations. The recommendations regarding establishing and maintaining a recall plan, as provided in 21 CFR 7.59, have been approved under OMB control number 0910–0249. Therefore, we are not calculating a paperwork burden for recall plans.

D. Preventative Control Program

Developing an HACCP plan is a one-time activity during the first year that is estimated to take 100 hours based on a trained HACCP team working on the plan full time. Accordingly, we only need to estimate the burden on the 10 new businesses expected to enter the industry in the next 3 years. We estimate that the 10 new firms will spend 100 hours each to develop their individual HACCP plans, for a total of 1,000 hours (10 x 100). This burden estimate is shown in row 4 of Table 1.

After the HACCP plan is developed, the frequency for recordkeeping for implementing or maintaining daily records is estimated to be 510 records per year. The total time to record observations is estimated to take 4 minutes or 0.067 hours per record. Of the 280 existing firms, we estimate that approximately 135 firms have not implemented HACCP plans. We assume that these fresh-cut processors (135 existing firms plus 10 new firms) would voluntarily implement an HACCP plan. Therefore, the total annual records kept by 145 firms is 73,950 (510 × 145), and the total hours required are 4,955 (73,950 records × 0.067 hours per record = 4,954.65, rounded to 4,955). This annual burden is shown in row 5 of Table 1.

Fresh-cut processors are presumed to review their HACCP plans four times per year (once per quarter). Estimating that it takes each of the 145 firms 4 hours per review each quarter, the total burden of this activity is 2,320 (145 × 4 × 4) hours per year. This annual burden is shown in row 6 of Table 1.

Dated: November 14, 2013.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2013–27782 Filed 11–19–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–0879]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Procedures for the Safe and Sanitary Processing and Importing of Fish and Fishery Products

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Fax written comments on the collection of information by December 20, 2013.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be faxed to the Office of Information and Regulatory Affairs, OMB, Attn: FDA Desk Officer, FAX: 202–395–7285, or emailed to *oira_submission@omb.eop.gov*. All comments should be identified with the OMB control number 0910–0354. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 1350 Piccard Dr., PI50–400B, Rockville, MD 20850, *PRAStaff@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Procedures for the Safe and Sanitary Processing and Importing of Fish and Fishery Products—21 CFR Part 123 (OMB Control Number 0910–0354)—Extension

FDA regulations in part 123 (21 CFR part 123) mandate the application of hazard analysis and critical control point (HACCP) principles to the processing of seafood. HACCP is a preventive system of hazard control designed to help ensure the safety of foods. The regulations were issued under FDA's statutory authority to regulate food safety, including section 402(a)(1) and (a)(4) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 342(a)(1) and (a)(4)).

Certain provisions in part 123 require that processors and importers of seafood collect and record information. The HACCP records compiled and maintained by a seafood processor primarily consist of the periodic observations recorded at selected monitoring points during processing and packaging operations, as called for in a processor's HACCP plan (e.g., the values for processing times, temperatures, acidity, etc., as observed at critical control points). The primary purpose of HACCP records is to permit a processor to verify that products have been produced within carefully established processing parameters (critical limits) that ensure that hazards have been avoided.

HACCP records are normally reviewed by appropriately trained employees at the end of a production lot or at the end of a day or week of production to verify that control limits have been maintained, or that appropriate corrective actions were taken if the critical limits were not maintained. Such verification activities are essential to ensure that the HACCP system is working as planned. A review of these records during the conduct of periodic plant inspections also permits FDA to determine whether the products have been consistently processed in conformance with appropriate HACCP food safety controls.

Section 123.12 requires that importers of seafood products take affirmative steps and maintain records that verify that the fish and fishery products they offer for import into the United States were processed in accordance with the HACCP and sanitation provisions set forth in part 123. These records are also to be made available for review by FDA as provided in § 123.12(c).

The time and costs of these recordkeeping activities will vary considerably among processors and importers of fish and fishery products, depending on the type and number of products involved, and on the nature of the equipment or instruments required to monitor critical control points. The burden estimate in Table 1 of this document includes only those collections of information under the seafood HACCP regulations that are not already required under other statutes and regulations. The estimate also does not include collections of information that are a usual and customary part of businesses' normal activities. For example, the tagging and labeling of molluscan shellfish (21 CFR 1240.60) is a customary and usual practice among seafood processors. Consequently, the estimates in Table 1 account only for information collection and recording requirements attributable to part 123.

Description of respondents: Respondents to this collection of information include processors and importers of seafood.

In the **Federal Register** of August 6, 2013 (78 FR 47701), FDA published a 60-day notice requesting public comment on the proposed collection of information. No comments were received in response to the notice.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

21 CFR Section [2]	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
123.6(a), (b), and (c); prepare hazard analysis and HACCP plan	50	1	50	16.00	800
123.6(c)(5); undertake and prepare records of corrective actions	15,000	4	60,000	0.30	18,000
123.8(a)(1) and (c); reassess hazard analysis and HACCP plan	15,000	1	15,000	4.00	60,000
123.12(a)(2)(ii); verify compliance of imports and prepare records of verification activities	4,100	80	328,000	0.20	65,600
123.6(c)(7); document monitoring of critical control points	15,000	280	4,200,000	0.30	1,260,000
123.7(d); undertake and prepare records of corrective actions due to a deviation from a critical limit	6,000	4	24,000	0.10	2,400

TABLE 1—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]—Continued

21 CFR Section [2]	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
123.8(d); maintain records of the calibration of process-monitoring instruments and the performing of any periodic end-product and in-process testing	15,000	47	705,000	0.10	70,500
123.11(c); maintain sanitation control records	15,000	280	4,200,000	0.10	420,000
123.12(c); maintain records that verify that the fish and fishery products they offer for import into the United States were processed in accordance with the HACCP and sanitation provisions set forth in part 123	4,100	80	328,000	0.10	32,800
123.12(a)(2); prepare new written verification procedures to verify compliance of imports	41	1	41	4.00	164
Total					1,930,264

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
[2] These estimates include the information collection requirements in the following sections: § 123.16—Smoked Fish—process controls (see § 123.6(b)); § 123.28(a)—Source Controls—molluscan shellfish (see § 123.6(b)); § 123.28(c) and (d)—Records—molluscan shellfish (see § 123.6(c)(7)).
[3] Based on an estimated 280 working days per year.
[4] Estimated average time per 8-hour work day unless one-time response.

We base this hour burden estimate on its experience with the application of HACCP principles in food processing. Further, the burdens have been estimated using typical small seafood processing firms as a model because these firms represent a significant proportion of the industry. The hour burden of HACCP recordkeeping activities will vary considerably among processors and importers of fish and fishery products, depending on the size of the facility and complexity of the HACCP control scheme (i.e., the number of products and the number of hazards controlled); the daily frequency that control points are monitored and values recorded; and also on the extent that data recording time and cost are minimized by the use of automated data logging technology. The burden estimate does not include burden hours for activities that are a usual and customary part of businesses' normal activities. For example, the tagging and labeling of molluscan shellfish (21 CFR 1240.60) is a customary and usual practice among seafood processors. Based on our records, we estimate that there are 15,000 processors and 4,100 importers.

We estimate that 50 processors will undertake the initial preparation of a hazard analysis and HACCP plan (§ 123.6(a),(b), and (c)). We estimate the burden for the initial preparation of a hazard analysis and HACCP plan to be 16 hours per processor for a total burden of 800 hours. We estimate that all processors (15,000 processors) will undertake and keep records of four corrective action plans (§ 123.6(c)(5)) for a total of 60,000 records. We estimate the burden for the preparation of each record to be 0.30 hours for a total burden of 18,000 hours.

We estimate that all processors (15,000 processors) will annually reassess their hazard analysis and HACCP plan (§ 123.8(a)(1) and (c)). We estimate the burden for the reassessment of the hazard analysis and HACCP plan to be 4 hours per processor for a total burden of 60,000 hours.

We estimate that all importers (4,100 importers) will take affirmative steps to verify compliance of imports and prepare 80 records of their verification activities (§ 123.12(a)(2)(ii)) for a total of 328,000 records. We estimate the burden for the preparation of each record to be 0.20 hours for a total burden of 65,600 hours.

We estimate that all processors (15,000 processors) will document the monitoring of critical control points (§ 123.6(c)(7)) at 280 records per processor for a total of 4,200,000 records. We estimate the burden for the preparation of each record to be 0.30 hours for a total burden of 1,260,000 hours.

We estimate that 40 percent of all processors (6,000 processors) will maintain records of any corrective actions taken due to a deviation from a critical limit (§ 123.7(d) at four records per processor for a total of 24,000 records. We estimate the burden for the preparation of each record to be 0.10 hours for a total burden of 2,400 hours.

We estimate that all processors (15,000 processors) will maintain records of the calibration of process-monitoring instruments and the performing of any periodic end-product and in-process testing (§ 123.8(d)) at 47 records per processor for a total of 705,000 records. We estimate the burden for the preparation of each record to be 0.10 hours for a total burden of 70,500 hours.

We estimate that all processors (15,000 processors) will maintain sanitation control records (§ 123.11(c)) at 280 records per processor for a total of 4,200,000 records. We estimate the burden for the preparation of each record to be 0.10 hours for a total burden of 420,000 hours.

We estimate that all importers (4,100 importers) will maintain records that verify that the fish and fishery products they offer for import into the United States were processed in accordance with the HACCP and sanitation provisions set forth in part 123 (§ 123.12(c)). FDA estimates that 80 records will be prepared per importer for a total of 328,000 records. FDA estimates the burden for the preparation of each record to be 0.10 hours for a total burden of 32,800 hours.

We estimate that one percent of all importers (41 importers) will require new written verification procedures to verify compliance of imports (§ 123.12(a)(2)). We estimate the burden for preparing the new procedures to be 4 hours per importer for a total burden of 164 hours.

Dated: November 14, 2013.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2013–27775 Filed 11–19–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–1427]

Agency Information Collection Activities; Proposed Collection; Comment Request; Hazard Analysis and Critical Control Point Procedures for the Safe and Sanitary Processing and Importing of Juice

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the information collection provisions of our regulations mandating the application of hazard analysis and critical control point (HAACP) principles to the processing of fruit and vegetable juices.

DATES: Submit either electronic or written comments on the collection of information by January 21, 2014.

ADDRESSES: Submit electronic comments on the collection of information to *http://www.regulations.gov*. Submit written comments on the collection of information to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: FDA PRA Staff, Office of Operations, Food and Drug Administration, 1350 Piccard Dr., PI50–400B, Rockville, MD 20850, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''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 provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Hazard Analysis and Critical Control Point (HACCP) Procedures for the Safe and Sanitary Processing and Importing of Juice—21 CFR Part 120 (OMB Control Number 0910–0466)—Extension

FDA regulations in part 120 (21 CFR part 120) mandate the application of HACCP principles to the processing of fruit and vegetable juices. HACCP is a preventive system of hazard control designed to help ensure the safety of foods. The regulations were issued under FDA's statutory authority to regulate food safety under section 402(a)(4) of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 342(a)(4)). Under section 402(a)(4) of the FD&C Act, a food is adulterated if it is prepared, packed, or held under insanitary conditions whereby it may have been contaminated with filth or rendered injurious to health. The Agency also has authority under section 361 of the Public Health Service Act (42 U.S.C. 264) to issue and enforce regulations to prevent the introduction, transmission, or spread of communicable diseases from one State, territory or possession to another, or from outside the United States into this country. Under section 701(a) of the FD&C Act (21 U.S.C. 371(a)), FDA is authorized to issue regulations for the efficient enforcement of that act.

The rationale in establishing an HACCP system of preventive controls is to design and check the process so that the final product is not contaminated—not test for contamination after it may have taken place. Under HACCP, processors of fruit and vegetable juices establish and follow a preplanned sequence of operations and observations (the HACCP plan) designed to avoid or eliminate one or more specific food hazards, and thereby ensure that their products are safe, wholesome, and not adulterated, in compliance with section 402 of the FD&C Act. Information development and recordkeeping are essential parts of any HACCP system. The information collection requirements are narrowly tailored to focus on the development of appropriate controls and document those aspects of processing that are critical to food safety.

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

21 CFR Section	Number of recordkeeper	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
120.6(c) and 120.12(a)(1) and (b)—Require written monitoring and correction records for Sanitation Standard Operating Procedures.	1,875	365	684,375	0.1	68,438
120.7 and 120.12(a)(2), (b) and (c)—Require written hazard analysis of food hazards.	2,300	1.1	2,530	20	50,600

TABLE 1—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]—Continued

21 CFR Section	Number of recordkeeper	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
120.8(b)(7) and 120.12(a)(4)(i) and (b)—Require a recordkeeping system that documents monitoring of the critical control points and other measurements as prescribed in the HACCP plan.	1,450	14,600	21,170,000	0.01	211,700
120.10(c) and 120.12(a)(4)(ii) and (b)—Require that all corrective actions taken in response to a deviation from a critical limit be documented.	1,840	12	22,080	0.1	2,208
120.11(a)(1)(iv) and (a)(2), and 120.12 (a)(5)—Require records showing that process monitoring instruments are properly calibrated and that end-product or in-process testing is performed in accordance with written procedures.	1,840	52	95,680	0.1	9,568
120.11(b) and 120.12(a)(5) and (b) - Require that every processor record the validation that the HACCP plan is adequate to control food hazards that are likely to occur.	1,840	1	1,840	4	7,360
120.14(a)(2), (c), and (d)—Require that importers of fruit or vegetable juices, or their products used as ingredients in beverages, have written procedures to ensure that the food is processed in accordance with our regulations in part 120.	308	1	308	4	1,232
120.11(c) and 120.12(a)(5) and (b)—Require documentation of revalidation of the hazard analysis upon any changes that might affect the original hazard analysis (applies when a firm does not have an HACCP plan because the original hazard analysis did not reveal hazards likely to occur.)	1,840	1	1,840	4	7,360
Total					358,466

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Table 1 provides our estimate of the total annual recordkeeping burden of our regulations in part 120. We base our estimate of the average burden per recordkeeping on our experience with the application of HACCP principles in food processing. We base our estimate of the number of recordkeepers on our estimate of the total number of juice manufacturing plants affected by the regulations (plants identified in our official establishment inventory plus very small apple juice and very small orange juice manufacturers). These estimates assume that every processor will prepare sanitary standard operating procedures and an HACCP plan and maintain the associated monitoring records, and that every importer will require product safety specifications. In fact, there are likely to be some small number of juice processors that, based upon their hazard analysis, determine that they are not required to have an HACCP plan under these regulations.

Dated: *November 15, 2013.*

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2013–27811 Filed 11–19–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–D–0576]

Draft Guidance for Industry: Considerations for the Design of Early-Phase Clinical Trials of Cellular and Gene Therapy Products; Extension of Comment Period

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; extension of comment period.

SUMMARY: The Food and Drug Administration (FDA) is extending the comment period for the draft guidance for industry entitled ''Guidance for Industry: Considerations for the Design of Early-Phase Clinical Trials of Cellular and Gene Therapy Products'' that appeared in the **Federal Register** of July 2, 2013 (78 FR 39736). The draft guidance document provides sponsors of Investigational New Drug Applications for cellular therapy (CT) and gene therapy (GT) products (referred to collectively as CGT products) with recommendations to assist in designing early-phase clinical trials of CGT products. In the notice, we requested comments on the draft guidance. We are taking this action to allow interested persons additional time to submit comments and to allow for public discussion at the February 25–26, 2014, Cellular, Tissue, and Gene Therapies Advisory Committee meeting, where FDA will present the draft guidance document for review.

DATES: FDA is extending the comment period on the draft guidance. Submit either electronic or written comments by May 9, 2014.

ADDRESSES: Submit electronic comments on the draft guidance to *http://www.regulations.gov.* Submit written comments on the draft guidance to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. Submit written requests for single copies of the draft guidance to the Office of Communication, Outreach and Development (HFM–40), Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 1401 Rockville Pike, Suite 200N, Rockville, MD 20852–1448. Send one self-addressed adhesive label to assist the office in processing your request. The draft guidance may also be obtained by mail by calling CBER at 1–800–835–

4709 or 301–827–1800. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document

FOR FURTHER INFORMATION CONTACT: Melissa Reisman, Center for Biologics Evaluation and Research (HFM–17), Food and Drug Administration, 1401 Rockville Pike, Suite 200N, Rockville, MD 20852–1448, 301–827–6210.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of July 2, 2013 (78 FR 39736), FDA published a notice announcing the availability of a draft guidance document entitled ''Guidance for Industry: Considerations for the Design of Early-Phase Clinical Trials of Cellular and Gene Therapy Products.'' The notice invited comments on the draft guidance by November 22, 2013.

We are extending the comment period for the draft guidance to May 9, 2014. We are taking this action to allow interested persons additional time to submit comments and to allow for public discussion at the April 10–11, 2014, Cellular, Tissue, and Gene Therapies Advisory Committee meeting, where FDA will present the draft guidance document for review.

The Agency believes that this extension will not significantly delay further FDA action on this guidance.

II. Request for Comments

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

Dated: November 14, 2013.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2013–27769 Filed 11–19–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–1999–D–4079]

Draft Guidance for Industry on Product Name Placement, Size, and Prominence in Advertising and Promotional Labeling; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft guidance for industry entitled ''Product Name Placement, Size, and Prominence in Advertising and Promotional Labeling.'' When finalized, the draft guidance will replace the guidance of the same title issued January 25, 2012. The draft guidance clarifies the requirements for product name placement, size, prominence, and frequency in promotional labeling and advertising for prescription human drugs, including biological drug products, and prescription animal drugs and articulates the circumstances under which FDA intends to exercise enforcement discretion.

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance, submit either electronic or written comments on the draft guidance by January 21, 2014.

ADDRESSES: Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, rm. 2201, Silver Spring, MD 20993–0002; or the Office of Communication, Outreach and Development (HFM–40), Center for Biologics Evaluation and Research, Food and Drug Administration, 1401 Rockville Pike, suite 200N, Rockville, MD 20852–1448; or the Communications Staff (HFV–12), Center for Veterinary Medicine, Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

Submit electronic comments on the draft guidance to *http://www.regulations.gov.* Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: *Regarding human prescription drugs:* Cynthia Ng, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 3278, Silver Spring, MD 20993–0002, 301–796–1200.

Regarding prescription human biological products: Stephen Ripley, Center for Biologics Evaluation and Research (HFM–17), Food and Drug Administration, 1401 Rockville Pike, suite 200N, Rockville, MD 20852–1448, 301–827–6210.

Regarding animal prescription drugs: Julie Garnier, Center for Veterinary Medicine (HFV–216), Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855, 240–453–6878.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''Product Name Placement, Size, and Prominence in Advertising and Promotional Labeling.'' In the **Federal Register** of January 25, 2012 (77 FR 3779), FDA announced the availability of a guidance entitled ''Product Name Placement, Size, and Prominence in Advertising and Promotional Labeling.'' The 2012 guidance discusses the requirements for product name placement, size, prominence, and frequency in promotional labeling and advertising for prescription human and animal drugs and biological products. The draft guidance clarifies these requirements and articulates the circumstances under which FDA intends to exercise enforcement discretion.

The disclosure of the product name in promotional labeling and advertising for all prescription human and animal drug and biological products is important for the proper identification of such products to ensure their safe and effective use.

The placement, size, prominence, and frequency of proprietary and established names for human and animal prescription drug products are specified in labeling and advertising regulations (21 CFR 201.10(g) and (h); 202.1(b), (c), and (d)). These regulations are also applicable to biological product labeling and advertising materials.

The recommendations in the draft guidance pertain to product names in traditional print media promotion (e.g., journal ads, detail aids, brochures), audiovisual promotional labeling (e.g.,

videos shown in a health care provider's office), broadcast media promotion (e.g., television advertisements, radio advertisements), and electronic and computer-based promotional labeling and advertisements such as Internet promotion, social media, emails, CD–ROMs, and DVDs.

Following issuance of the guidance in 2012, FDA recognized the need for additional clarification and explanation of how FDA would exercise its enforcement discretion.

This draft guidance updates the 2012 guidance as follows:

- Clarifies issues about intervening matter in relation to the juxtaposition of the proprietary and established name;
- States that FDA intends to exercise enforcement discretion regarding the requirements surrounding the use of the established name on pages or spreads and offers an example of what is expected;
- Clarifies the requirements regarding the use of proprietary names in the running text;
- States that FDA intends to exercise enforcement discretion regarding the established name's presentation in columns;
- Removes the recommendation that the established name be included in the audio portion of an audiovisual promotion; and
- Clarifies issues relating to the established name's presentation on Web pages or electronic screens.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the Agency's current thinking on product name placement, size, and prominence in advertising and promotional labeling. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

Under the Paperwork Reduction Act of 1995 (the PRA) (44 U.S.C. 3501–3520), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information that they conduct or sponsor. ''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 provide a 60-day notice in the **Federal Register** for each proposed collection of information before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

This draft guidance also refers to previously approved collections of information found in FDA regulations. The collections of information in § 202.1 have been approved under OMB control number 0910–0686.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Title: Product Name Placement, Size, and Prominence in Advertising and Promotional Labeling.

Description of Respondents: Respondents to this collection of information are manufacturers and distributors (firms) of prescription human drug products, including biological drug products, and prescription animal drug products.

Burden Estimate: The draft guidance pertains to the requirement for prescription drug advertising and promotional labeling to include the established name in conjunction with the proprietary name.

The draft guidance, in part, explains FDA's current policy as follows:

- Firms should include the established name at least once per page or spread where the proprietary name most prominently appears.
- The established name should be placed either directly beside or below the proprietary name without any intervening matter.
- The size of the established name should be at least half the size of the presentation of the proprietary name wherever the established name is required.
- For superimposed text that is equivalent to a headline or tagline, the established name should be presented alongside the most prominent presentation of the proprietary name in audiovisual promotional materials.
- For electronic and computer-based promotion, the established name should accompany the proprietary name at least once per Web page or screen, and this should generally be where the proprietary name most prominently appears on the Web page or screen.

Thus, the draft guidance recommends that firms disclose certain information to others when fulfilling the product name placement requirements. This ''third-party disclosure'' constitutes a ''collection of information'' under the PRA.

FDA estimates that approximately 400 firms disseminate approximately 82,100 advertisements and promotional pieces each year. FDA estimates that it will take firms approximately 3 hours to compile and draft the information needed to fulfill the product name placement, size, and prominence requirement in advertising and promotional labeling.

TABLE 1—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN [1]

Product name placement, size, and prominence in advertising and promotional labeling	Number of respondents	Number of disclosures per respondent	Total annual disclosures	Average burden per disclosure	Total hours
Submissions Related to Product Name Placement, Size, and Prominence	400	205	82,100	3	246,300

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

III. Comments

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

IV. Electronic Access

Persons with access to the Internet may obtain the document at *http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm, http://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/default.htm,* or *http://www.regulations.gov.*

Dated: November 14, 2013.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2013–27770 Filed 11–19–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–D–1358]

Draft Guidance for Industry: Recommendations for Premarket Notification (510(k)) Submissions for Nucleic Acid-Based Human Leukocyte Antigen Test Kits Used for Matching of Donors and Recipients in Transfusion and Transplantation; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft document entitled ''Guidance for Industry: Recommendations for Premarket Notification (510(k)) Submissions for Nucleic Acid-Based Human Leukocyte Antigen (HLA) Test Kits Used for Matching of Donors and Recipients in Transfusion and Transplantation'' dated November 2013. The draft guidance document provides recommendations to submitters and FDA reviewers in preparing and reviewing 510(k) submissions for nucleic acid-based HLA test kits used for matching of donors and recipients in transfusion and transplantation. The guidance provides detailed information on the types of studies FDA recommends for validation of HLA test kits submitted as 510(k)s.

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the Agency considers your comment on this draft guidance before it begins work on the final version of the guidance, submit either electronic or written comments on the draft guidance by February 18, 2014.

ADDRESSES: Submit written requests for single copies of the draft guidance to the Office of Communication, Outreach and Development (HFM–40), Center for Biologics Evaluation and Research (CBER), Food and Drug Administration, 1401 Rockville Pike, Suite 200N, Rockville, MD 20852–1448. Send one self-addressed adhesive label to assist the office in processing your requests. The draft guidance may also be obtained by mail by calling CBER at 1–800–835–4709 or 301–827–1800. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

Submit electronic comments on the draft guidance to *http://www.regulations.gov.* Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: John Reilly, Center for Biologics Evaluation and Research (HFM–17), Food and Drug Administration, 1401 Rockville Pike, Suite 200N, Rockville, MD 20852–1448, 301–827–6210.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft document entitled ''Guidance for Industry: Recommendations for Premarket Notification (510(k)) Submissions for Nucleic Acid-Based Human Leukocyte Antigen (HLA) Test Kits Used for Matching of Donors and Recipients in Transfusion and Transplantation'' dated November 2013.

The draft guidance provides recommendations to submitters and FDA reviewers in preparing and reviewing 510(k) submissions for nucleic acid-based HLA test kits used for the matching of donors and recipients in transfusion and transplantation, whether testing is for a single locus or for multiple loci simultaneously. This includes detailed information on the types of studies FDA recommends for validation of HLA test kits submitted as 510(k)s. The guidance document addresses the types of studies and other information that FDA recommends be used in designing and conducting studies for validation of nucleic acid-based HLA test kits and preparing a 510(k) submission.

The draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent FDA's current thinking on this topic. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirement of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

The draft guidance refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collections of information in 21 CFR part 807, subpart E have been approved under OMB control number 0910–0120; the collections of information in 21 CFR part 809 have been approved under OMB control number 0910–0485; the collections of information in 21 CFR part 812 have been approved under OMB control numbers 0910–0078 and 0910–0582; the collections of information in 21 CFR part 820 have been approved under OMB control number 0910–0073; the collections of information in 21 CFR part 56 have been approved under OMB control number 0910–0130; and the collections of information in 21 CFR part 50 have been approved under OMB control number 0910–0586.

III. Comments

The draft guidance is being distributed for comment purposes only and is not intended for implementation at this time. Interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

IV. Electronic Access

Persons with access to the Internet may obtain the draft guidance at either *http://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/Guidances/default.htm* or *http://www.regulations.gov.*

Dated: November 14, 2013.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2013–27774 Filed 11–19–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–0001]

Changing Regulatory and Reimbursement Paradigms for Medical Devices in the Treatment of Obesity and Metabolic Diseases: How To Estimate and Reward True Patient-Centric Value in Innovation; Public Workshop

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of public workshop.

SUMMARY: The Food and Drug Administration (FDA) is announcing a public workshop entitled ''Changing Regulatory and Reimbursement Paradigms for Medical Devices in the Treatment of Obesity and Metabolic Diseases: How to Estimate and Reward True Patient-Centric Value in Innovation.'' FDA is cosponsoring the workshop with the American Gastroenterological Association (AGA). The purpose of the workshop is to facilitate discussion between FDA, AGA, and other interested parties of the development of medical devices for the treatment of morbid obesity and other metabolic diseases and evolving approaches for the regulation and reimbursement of minimally invasive procedures. The public workshop is being rescheduled due to the government shutdown. The title of the workshop has also been changed.

DATES AMD TIMES: The public workshop will be held on December 19, 2013, from 8:30 a.m. to 5 p.m. and on December 20, 2013, from 8:30 a.m. to 12:15 p.m.

Location: The public workshop will be held at the Grand Hyatt Washington, DC, 1000 H St. NW., Washington, DC 20001, 202–582–1234.

Contact Person: Herbert Lerner, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. G114, Silver Spring, MD 20993–0002, 301–796–6511, email: *herbert.lerner@fda.hhs.gov.*

Registration: Registration is limited and is available on a first-come, first-served basis. Persons interested in attending this public workshop must register online by 4 p.m. (EDT), December 10, 2013. Onsite registration will be available after this date. To register for the public workshop, please visit the American Gastroenterological Association (AGA) Web site: *http://www.gastro.org/education-meetings/live-meetings/aga-fda-regulation-and-reimbursement-workshop.* For more information on the workshop, please see the FDA's Medical Devices News & Events—Workshops & Conferences calendar at *http://www.fda.gov/MedicalDevices/NewsEvents/WorkshopsConferences/default.htm.* (Select this public workshop from the posted events list.)

The AGA will collect a registration fee to cover its share of the expenses associated with the public workshop, which is included in the registration information on the AGA Web site.

If you need special accommodations due to a disability, please contact Herbert Lerner (see *Contact Person*) at least 7 days before the public workshop.

SUPPLEMENTARY INFORMATION:

I. Background

The purpose of the public workshop is to facilitate discussion between FDA, the AGA and other interested parties on the issues of device development, public and private payer reimbursement, venture capital, and regulatory pathways for device innovation and marketing. The workshop will provide a forum for discussing new approaches for the treatment of morbid obesity and other metabolic diseases as well as evolving approaches for the regulation and reimbursement of minimally invasive procedures.

II. Topics for Discussion at the Public Workshop

Topics to be discussed at the public workshop include, but are not limited to:

- Challenges to MedTech Innovation in the United States;
- Evolving Approaches for the Regulation of Minimally Invasive Procedures: The FDA Benefit/Risk Paradigm;
- Evolving Approaches for the Reimbursement of Minimally Invasive Procedures: How to Put a Price on Value;
- Obesity as a Disease: Redefining the Regulatory and Reimbursement Context; and
- The ''Process''—Investigational Device Exemption Review.

Dated: November 14, 2013.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2013–27771 Filed 11–19–13; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Public Comment Request

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects (Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995), the Health Resources and Services Administration (HRSA) announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this Information Collection Request must be received within 60 days of this notice.

ADDRESSES: Submit your comments to *paperwork@hrsa.gov* or mail the HRSA Information Collection Clearance Officer, Room 10–29, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call the HRSA Information Collection Clearance Officer at (301) 443–1984.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the information request collection title for reference.

Information Collection Request Title: The National Health Service Corps and NURSE Corps Interest Capture Form.

OMB No.: 0915–0337—Revision.

Abstract: The National Health Service Corps (NHSC) and the NURSE Corps of

the Bureau of Clinician Recruitment and Service (BCRS), HRSA, are both committed to improving the health of the nation's underserved by uniting communities in need with caring health professionals and by supporting communities' efforts to build better systems of care. The NHSC and NURSE Corps Interest Capture Form, which will be used when exhibiting at national and regional conferences, as well as when presenting on campuses to health profession students, is an optional form that a health profession student, licensed clinician, faculty member, or clinical site administrator can fill out and submit to BCRS representatives at the recruitment event. The purpose of the form is to enable individuals and clinical sites to ask BCRS for periodic program updates and other general information regarding opportunities with the NHSC and/or the NURSE Corps via email. Completed forms will contain information such as the names of the individuals, their email address(es), their city and state, the organization where they are employed (or the school which they attend), the year they intend to graduate (if applicable), how they heard about the NHSC/NURSE Corps, and the programs in which they are interested. Assistance in completing the form will be given by the BCRS staff person (or BCRS representative) who is present at the event.

Need and Proposed Use of the Information: The need and purpose of this information collection is to share resources and information regarding the NHSC and Nurse Corps programs with interested conference/event participants.

Likely Respondents: Conference/event participants interested in the NHSC or Nurse Corps programs.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this Information Collection Request are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
NHSC and NURSE Corps Interest Capture Form	2,400	1	2,400	.025	60
Total	2,400	1	2,400	.025	60

HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Dated: November 13, 2013.

Bahar Niakan,

Director, Division of Policy and Information Coordination.

[FR Doc. 2013–27798 Filed 11–19–13; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Public Comment Request

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects (Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995), the Health Resources and Services Administration (HRSA) announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this Information Collection Request must be received within 60 days of this notice.

ADDRESSES: Submit your comments to *paperwork@hrsa.gov* or mail the HRSA Information Collection Clearance Officer, Room 10–29, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call the HRSA Information Collection Clearance Officer at (301) 443–1984.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the information request collection title for reference.

Information Collection Request Title: Data System for Organ Procurement and Transplantation Network. OMB No. 0915–0184– Revision.

Abstract: The operation of the Organ Procurement and Transplantation Network (OPTN) necessitates certain recordkeeping and reporting requirements in order to perform the functions related to organ transplantation under contract to HHS. This is a request for a revision of the current recordkeeping and reporting requirements associated with the OPTN membership application requirements. The proposed data collection includes information pertinent to OPTN membership eligibility and designation, transplant program eligibility requirements to receive organs for transplantation, and changes in OPTN transplant member personnel. These data will be used by HRSA in monitoring the contracts for the OPTN and the Scientific Registry of Transplant Recipients (SRTR) and in carrying out other statutory responsibilities.

Need and Proposed Use of the Information: Information is needed to collect and review submission of application materials and determine

eligibility for membership in the OPTN, to monitor compliance of member organizations with OPTN rules and requirements, and to ensure patient safety.

Likely Respondents: Transplant programs, organ procurement organizations, histocompatibility laboratories, medical scientific organizations, and public 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 Information Collection Request are summarized in the table below.

Total Estimated Annualized Burden Hours:

Section/activity	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
121.3(b)(2) OPTN membership and application requirements	20	3	60	8	480
121.3 Application for Non-Institutional Members	20	1	20	8	160
121.3(b)(4) Appeal for OPTN Membership	2	1	2	3	6
121.9(b) Designated Transplant Program Requirements	3	1	3	8	24
121.3 Personnel Change Application	360	2	720	8	5,760
121.9(d) Appeal for designation	2	1	2	6	12
Total	407				6,442

HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Dated: November 12, 2013.

Bahar Niakan,

Director, Division of Policy and Information Coordination.

[FR Doc. 2013–27802 Filed 11–19–13; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Submission to OMB for Review and Approval; Public Comment Request

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: In compliance with Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the Health Resources and Services Administration (HRSA) has submitted an Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public during the review and approval period.

DATES: Comments on this ICR should be received within 30 days of this notice.

ADDRESSES: Submit your comments, including the Information Collection Request Title, to the desk officer for HRSA, either by email to *OIRA_submission@omb.eop.gov* or by fax to 202–395–5806.

FOR FURTHER INFORMATION CONTACT: To request a copy of the clearance requests submitted to OMB for review, email the HRSA Information Collection Clearance Officer at *paperwork@hrsa.gov* or call (301) 443–1984.

SUPPLEMENTARY INFORMATION:

Information Collection Request Title: The National Health Service Corps Loan Repayment Program.

OMB No. 0915–0127—Revision.

Abstract: The National Health Service Corps (NHSC) Loan Repayment Program (LRP) was established to assure an adequate supply of trained primary care health professionals to provide services in the neediest Health Professional Shortage Areas (HPSAs) of the United States. Under this program, the Department of Health and Human Services agrees to repay the qualifying educational loans of selected primary care health professionals. In return, the health professionals agree to serve for a specified period of time in a federally designated HPSA approved by the Secretary for LRP participants. The forms utilized by the LRP include the following: The NHSC LRP Application, the Authorization for Disclosure of Loan Information form, the Privacy Act Release Authorization form, the Verification of Disadvantaged Background form, and the Private Practice Option form. The first four of the aforementioned NHSC LRP forms collect information that is needed for selecting participants and repaying qualifying educational loans. The last referenced form, the Private Practice Option Form, is required by statute (42 U.S.C. 254n(a)) for all participants wishing to exercise that service option.

Need and Proposed Use of the Information: The need and purpose of this information collection is to obtain information for the NHSC LRP application. The information is used to consider an applicant for a NHSC LRP contract award. Applicants must submit an application to the NHSC to participate in the program. The application asks for personal, professional, and financial information required to determine the applicant's eligibility to participate in the NHSC LRP. In addition, applicants must enter in information regarding the loans for which repayment is being requested.

Likely Respondents: Licensed primary care medical, dental, and mental and behavioral health providers who are employed or seeking employment, and are interested in serving underserved populations.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain,

disclose or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
NHSC LRP Application	8,200	1	8,200	1.0	8,200
Authorization for Disclosure of Loan Information Form	150	1	150	.10	15
Privacy Act Release Authorization Form	100	1	100	.10	10
Verification of Disadvantaged Background Form	600	1	600	.50	300
Private Practice Option Form	300	1	300	.10	30
Total	9,350		9,350		8,555

Dated: November 12, 2013.

Bahar Niakan,

Director, Division of Policy and Information Coordination.

[FR Doc. 2013–27840 Filed 11–19–13; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Public Comment Request

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects (Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995), the Health Resources and Services Administration (HRSA) announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this Information Collection Request must be received within 60 days of this notice.

ADDRESSES: Submit your comments to *paperwork@hrsa.gov* or mail the HRSA Information Collection Clearance Officer, Room 10–29, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call the HRSA Information Collection Clearance Officer at (301) 443–1984.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the information request collection title for reference.

Information Collection Request Title: Nurse Faculty Loan Program, Annual Performance Report Financial Data Form

OMB No. 0915–0314—REVISION

Abstract: This clearance request is for approval of the revised Nurse Faculty Loan Program, Annual Performance Report (NFLP–APR) Financial Data Form. The form is currently approved under OMB Approval No: 0915–0314, with an expiration date of March 31, 2014. The form was previously titled as the Nurse Faculty Loan Program, Annual Operating Report (NFLP–AOR).

Need and Proposed Use of the Information: The online NFLP–APR Financial Data Form is an online form that exists in the HRSA Electronic Handbooks (EHBs) Performance Report module as part of the NFLP, Bureau of Health Professions performance report under OMB Approval No: 0915–0061, with an expiration date of June 30, 2016. The revised NFLP–APR financial data will collect less data from applicants and will no longer include nursing student demographic data that was previously included. The nursing student demographic data are currently collected under OMB approval number 0915–0061. The revised NFLP–APR form will only collect financial data to capture the NFLP loan fund account activity related to financial receivables, disbursements, and borrower account data for employment status, loan cancellation, loan repayment, and collections. Participating schools will provide the federal government with current and cumulative information on: (1) NFLP loan funds received, (2) number and amount of NFLP loans made, (3) number and amount of loans collected, (4) number and amount of loans in repayment, (5) loan default rate percent, (6) number of NFLP graduates employed as nurse faculty, and (7) other related loan fund costs and activities.

Under Title VIII, section 846A of the Public Health Service Act, as amended by Public Law 111–148, the Secretary of the Department of Health and Human Services (HHS) enters into an agreement with a school of nursing and makes an award to the school. The award is used to establish a distinct account for the NFLP loan fund at the school. The school of nursing makes loans from the NFLP loan fund account to students enrolled full-time or, at the discretion of the Secretary, part-time in a master's or doctoral nursing education program that will prepare them to become qualified nursing faculty. Following graduation from the NFLP lending school, loan recipients may receive up to 85 percent NFLP loan cancellation over a consecutive 4 year period in exchange for service as full-time faculty at a school of nursing. The NFLP lending school collects any portion of the loan that is not cancelled and any loans that go into repayment and deposits these monies into the NFLP loan fund to make additional NFLP loans.

The school of nursing must keep records of all NFLP loan fund transactions. The NFLP–APR financial data form is used to monitor grantee performance by collection of information relating to the NFLP loan

fund operations and financial activities for a specified reporting period (July 1 through June 30 of the academic year). Participating schools are required to complete and submit the NFLP–APR financial data form semi-annually.

The data provided in the form are essential for HRSA to effectively monitor the school's use of NFLP funds in accordance with program guidelines. Approval of the revised NFLP–APR financial data form will facilitate HRSA's current effort to determine future awards to the school. The electronic data collection capability will streamline the report submission process, enable an efficient annual performance review process, and serve as a data repository to facilitate reporting on the use of funds and analysis of program outcomes.

Likely Respondents: Participating NFLP schools are required to adhere to reporting requirements.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this Information Collection Request are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of respondents per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Nurse Faculty Loan Program—Annual Performance Report Financial Data Form	150	1	150	6	900
Total burden	150	1	150	6	900

HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions, (2) the accuracy of the estimated burden, (3) ways to enhance the quality, utility, and clarity of the information to be collected, and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Dated: November 12, 2013.

Bahar Niakan,

Director, Division of Policy and Information Coordination.

[FR Doc. 2013–27836 Filed 11–19–13; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities; Proposed Collection; Public Comment Request

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects (Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995), the Health Resources and Services Administration (HRSA) announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this Information Collection Request must be received within 60 days of this notice.

ADDRESSES: Submit your comments to *paperwork@hrsa.gov* or mail the HRSA Information Collection Clearance Officer, Room 10–29, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call the HRSA Information Collection Clearance Officer at (301) 443–1984.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the information request collection title for reference.

Information Collection Request Title: Nurse Anesthetist Traineeship (NAT) Program Application.

OMB No. 0915–xxxx—NEW.

Abstract: The Health Resources and Services Administration (HRSA) provides advanced education nursing training grants to educational institutions to increase the numbers of Nurse Anesthetists through the NAT Program. The NAT Program is governed by Title VIII, Section 811(a)(2) of the Public Health Service Act, (42 U.S.C. 296j(a)(2)). The proposed NAT Tables will request information on program participants such as the number of enrollees, number of enrollees/trainees supported, number of graduates, number of graduates supported, projected data on enrollees/trainees and graduates for the previous fiscal year, the types of programs they are enrolling into and/or from which enrollees/trainees are graduating, and the distribution of Nurse Anesthetists to practice in underserved, rural, or public health practice settings.

Need and Proposed Use of the Information: Funds appropriated for the NAT Program are distributed among eligible institutions based on a formula. NAT award amounts are based on enrollment and graduate data and two funding factors (Statutory Funding Preference and Special Consideration) reported on the NAT Tables. HRSA will use the NAT Tables to determine the award, ensure programmatic compliance, and provide information to the public and Congress.

Likely Respondents: Eligible applicants are collegiate schools of nursing, nursing centers, academic health centers, state or local governments, and other public or private nonprofit entities determined appropriate by the Secretary that submit an application and are accredited for the provision of nurse anesthesia educational program by designated accrediting organizations. Eligible

applicants must be accredited by the Council on Accreditation (COA) of Nurse Anesthesia Educational Programs of the American Association of Nurse Anesthetists. The school must be located in the 50 states, the District of Columbia, Guam, the Commonwealth of Puerto Rico, the Northern Mariana Islands, American Samoa, the U.S. Virgin Islands, the Federated States of Micronesia, the Republic of the Marshall Islands, or the Republic of Palau.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this Information Collection Request are summarized in the table below.

TOTAL ESTIMATED ANNUALIZED BURDEN—HOURS

Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden hours
Table 1—NAT: Enrollment, Traineeship Support, Graduate, Graduates Supported, and Projected Data	100	1	3.67	367
Table 2A—NAT: Graduate Data—Rural, Underserved, or Public Health (7/01/XX–6/30/XX)	100	1	2.13	213
Table 2B—NAT: Graduates Supported by Traineeship Data—Rural, Underserved, or Public Health (7/01/XX–6/30/XX)	100	1	1.94	194
Total	100			774

Dated: November 12, 2013.

Bahar Niakan,

Director, Division of Policy and Information Coordination.

[FR Doc. 2013–27808 Filed 11–19–13; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Advisory Commission on Childhood Vaccines; Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463), notice is hereby given of the following meeting:

Name: Advisory Commission on Childhood Vaccines (ACCV).

Date and Time: December 5, 2013, 10:00 a.m. to 4:00 p.m. (EDT).

Place: Audio Conference Call and Adobe Connect Pro.

The ACCV will meet on Thursday, December 5, from 10:00 a.m. to 4:00 p.m. (EDT). The public can join the meeting by:

1. (Audio Portion) Calling the conference Phone Number 800–369–3104 and providing the following information:

Leaders Name: Dr. Vito Caserta
Password: ACCV

2. (Visual Portion) Connecting to the ACCV Adobe Connect Pro Meeting using the following URL: *https://hrsa.connectsolutions.com/accv/* (copy and paste the link into your browser if it does not work directly, and enter as a guest). Participants should call and connect 15 minutes prior to the meeting in order for logistics to be set up. If you have never attended an Adobe Connect meeting, please test your connection using the following URL: *https://hrsa.connectsolutions.com/common/help/en/support/meeting_test.htm* and get a quick overview by following URL: *http://www.adobe.com/go/connectpro_overview*. Call (301) 443–6634 or send an email to *aherzog@hrsa.gov* if you are having trouble connecting to the meeting site.

Agenda: The agenda items for the December meeting will include, but are not limited to: Updates from the Division of Vaccine Injury Compensation (DVIC), Department of Justice, National Vaccine Program Office, Immunization Safety Office (Centers for Disease Control and Prevention), National Institute of Allergy and Infectious Diseases (National Institutes of Health) and Center for Biologics, and Evaluation and Research (Food and Drug Administration). A draft agenda and additional meeting materials will be posted on the ACCV Web site (*http://www.hrsa.gov/vaccinecompensation/accv.htm*) prior to the meeting. Agenda items are subject to change as priorities dictate.

Public Comment: Persons interested in providing an oral presentation should submit a written request, along with a copy of their presentation to: Annie Herzog, DVIC, Healthcare Systems Bureau (HSB), Health Resources and Services Administration (HRSA), Room 11C–26, 5600 Fishers Lane, Rockville, MD 20857 or email: *aherzog@hrsa.gov*. Requests should contain the name, address, telephone number, email address, and any business or professional affiliation of the person desiring to make an oral presentation. Groups having similar interests are requested to combine their comments and present them through a single representative. The allocation of time may be adjusted to accommodate the level of expressed interest. DVIC will notify each presenter by email, mail, or telephone of their assigned presentation time. Persons who do not file an advance request for a presentation, but desire to make an oral statement, may announce it at the time of the public comment period. Public participation and ability to comment will be limited to space and time as it permits.

Note that a public hearing on the proposed Rotavirus regulation will be held immediately following the meeting referenced here within. The meeting will begin promptly at 4:30 p.m. A separate notice will be published in the **Federal Register** to provide the details of this hearing.

FOR FURTHER INFORMATION CONTACT: Anyone requiring information regarding the ACCV should contact Annie Herzog, DVIC, HSB, HRSA, Room 11C–26, 5600 Fishers Lane, Rockville, MD 20857; telephone (301) 443–6593 or email: *aherzog@hrsa.gov*.

Dated: November 13, 2013.

Bahar Niakan,

Director, Division of Policy and Information Coordination.

[FR Doc. 2013–27789 Filed 11–19–13; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

National Advisory Council on Migrant Health; Notice of Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), notice is hereby given of the following meeting:

Name: National Advisory Council on Migrant Health.

Dates and Times: December 10, 2013, 8:00 a.m. to 5:00 p.m. December 11, 2013, 8:00 a.m. to 5:00 p.m.

Place: Jackson Federal Building, Seattle Metro Service Center, 915 2nd Avenue, South Auditorium, Seattle, Washington 98174, Telephone: 206–220–5055, Fax: 206–220–5025.

Status: The meeting will be open to the public.

Purpose: The purpose of the meeting is to discuss services and issues related to the health of migrant and seasonal agricultural workers and their families, and to formulate recommendations for the Secretary of Health and Human Services.

Agenda: The agenda includes an overview of the Council's general business activities. The Council will also hear presentations from experts on agricultural worker issues, including the status of agricultural worker health at the local and national levels.

In addition, the council will be holding a public hearing at which migrant agricultural workers will have the opportunity to testify before the Council regarding matters that affect the health of migrant agricultural workers. The hearing is scheduled for Tuesday, December 10, from 1:30 p.m. to 4:30 p.m., at the Jackson Federal Building.

Agenda items are subject to change as priorities indicate.

For Further Information Contact: Gladys Cate, Office of National Assistance and Special Populations, Bureau of Primary Health Care, Health Resources and Services Administration, 5600 Fishers Lane, Room 6–57, Maryland 20857; telephone (301) 594–0367.

Dated: November 13, 2013.

Bahar Niakan,

Director, Division of Policy and Information Coordination.

[FR Doc. 2013–27790 Filed 11–19–13; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by an agency of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 209 and 37 CFR part 404 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

FOR FURTHER INFORMATION CONTACT: Licensing information and copies of the U.S. patent applications listed below may be obtained by writing to the indicated licensing contact at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301–496–7057; fax: 301–402–0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

Surgical Tool for Ocular Tissue Transplantation

Description of Technology: The invention pertains to a device for delivering in a precise and controlled way a piece of tissue or sheet of cells into the eye such that manipulation of and damage to the tissue, cells, and eye are minimized. The device features a handle with actuating means, a stationary needle extending from the handle to the distal tip, and a pair of grasping arms at the distal tip configured for holding tissue or a sheet of cells. An outer tip needle is slidably disposed along a length the stationary needle. When the outer tip needle is disposed over the pair of grasping arms, the arms are collapsed. When the outer tip needle is withdrawn away from the grasping arms, the arms are expanded. The outer tip needle, when disposed over the grasping arms, also allows for protection of the tissue or sheet of cells during surgical manipulation.

Potential Commercial Applications:

- Ocular transplantation
- Ocular surgery

Competitive Advantages: Can perform transplantation of micron-sized tissue or cell grafts.

Development Stage: Prototype

Inventor: Arvydas Maminishkis (NEI)

Intellectual Property: HHS Reference No. E–105–2013/0—US Provisional Application No. 61/845,598 filed 12 July 2013

Licensing Contact: Michael Shmilovich; 301–435–5019; *shmilovm@mail.nih.gov.*

High-Affinity Dopamine D3 Receptor Antagonists and Partial Agonists

Description of Technology: Investigators at the National Institute on Drug Abuse (NIDA) have synthesized a novel class of dopamine D3 receptor ligands using click chemistry. These novel compounds contain a triazole instead of an amide group between the primary and secondary pharmacophore. Although the amide linker has been shown to be essential for high affinity and selectivity in certain D3 receptor ligands, NIDA investigators have determined that the triazole linker maintains desired D3 receptor-binding functionality, and may improve bioavailability because of its resistance to metabolic amidases.

Potential Commercial Applications:

- Therapeutic agent for substance abuse (such as alcohol, nicotine, cocaine, methamphetamine, opioids)
- Therapeutic agent for cognitive disorders (such as schizophrenia, Parkinson's disease, dyskinesia, depression)
- Therapeutic agent for restless legs syndrome

Competitive Advantages:

- Higher affinity for the dopamine D3 receptor
- Improved bioavailability

Development Stage: Early-stage.

Inventors: Amy H. Newman, Ashwini Banala, Thomas M. Keck (all of NIDA).

Intellectual Property: HHS Reference No. E–086–2013/0—US Application No. 61/788,167 filed 15 March 2013.

Related Technologies:

- HHS Reference No. E–251–2002—US Provisional Application No. 60/410,715
- HHS Reference No. E–128–2006—PCT Application No. PCT/US2007/071412

Licensing Contact: Charlene Sydnor, Ph.D.; 301–435–4689; *sydnorc@mail.nih.gov.*

Collaborative Research Opportunity: The National Institute on Drug Abuse is seeking statements of capability or interest from parties interested in collaborative research to further develop, evaluate or commercialize D3 receptor selective antagonists/agonists. For collaboration opportunities, please contact Michelle Kim Leff, MD, MBA at *mleff@mail.nih.gov.*

Recombinant NIE Antigen From *Strongyloides stercoralis*

Description of Technology: *Strongyloides stercoralis* is an intestinal nematode endemic that affects an estimated 30 to 100 million people worldwide. Many of these individuals may be asymptomatic for decades. The present invention discloses a NIE recombinant antigen that can be used in improved assays and diagnostics for *S. stercoralis* infection. The NIE antigen is the only one that is non-cross-reactive with sera from humans with other related filaria infections. The NIE antigen can be utilized as a skin test antigen for immediate hypersensitivity as well as for use in ELISA or other assays.

Potential Commercial Applications: Assays and diagnostics for *S. stercoralis* infection.

Competitive Advantages:

- Only non-cross-reactive *Strongyloides* antigen
- Use in a variety of formats

Development Stage:

- Prototype
- Pilot
- Pre-clinical
- In vitro data available
- In vivo data available (human).

Inventors: Thomas B. Nutman, Ravi Varatharajalu, Franklin A. Neva (all of NIAID).

Publications:

1. Krolewiecki AJ, et al. Improved diagnosis of Strongyloides stercoralis using recombinant antigen-based serologies in a community-wide study in northern Argentina. Clin Vaccine Immunol. 2010 Oct;17(10):1624–30. [PMID 20739501]
2. Ramanathan R, et al. A luciferase immunoprecipitation systems assay enhances the sensitivity and specificity of diagnosis of Strongyloides stercoralis infection. J Infect Dis. 2008 Aug 1;198(3):444–51. [PMID 18558872]
3. Ravi V, et al. Strongyloides stercoralis recombinant NIE antigen shares epitope with recombinant Ves v 5 and Pol a 5 allergens of insects. Am J Trop Med Hyg. 2005 May;72(5):549–53. [PMID 15891128]
4. Ravi V, et al. Characterization of a recombinant immunodiagnostic antigen (NIE) from Strongyloides stercoralis L3-stage larvae. Mol Biochem Parasitol. 2002 Nov–Dec;125(1–2):73–81. [PMID 12467975]

Intellectual Property: HHS Reference No. E–081–2012/0—Research Material. Patent protection is not being pursued for this technology.

Licensing Contact: Edward (Tedd) Fenn, J.D.; 424–500–2005; *tedd.fenn@nih.gov.*

Therapeutic Hepatitis C Virus Antibodies

Description of Technology: Therapeutic antibodies against Hepatitis C Virus (HCV) have not been very effective in the past and there is evidence that this may result in part from interfering antibodies generated during infection that block the action of neutralizing antibodies. These neutralizing antibodies prevent HCV infection of a host cell.

The subject technologies are monoclonal antibodies against HCV that can neutralize different genotypes of HCV. Both antibodies bind to the envelope (E2) protein of HCV found on the surface of the virus. One of the monoclonal antibodies neutralizes HCV genotype 1a, the most prevalent HCV strain in the U.S., infection and *in vitro* data show that it is not blocked by interfering antibodies. The second antibody binds a conserved region of E2 and can cross neutralize a number of genotypes including genotypes 1a and 2a. The monoclonal antibodies have the potential to be developed either alone or in combination into therapeutic antibodies that prevent or treat HCV infection. These antibodies may be particularly suited for preventing HCV re-infection in HCV patients who undergo liver transplants; a population of patients that is especially vulnerable to the side effects of current treatments for HCV infection.

Potential Commercial Applications: Therapeutic antibodies for the prevention and/or treatment of HCV infection.

Competitive Advantages:

- Therapeutic antibodies have generally fewer side effects than current treatments for HCV infection.
- Potential to be developed into an alternative treatment for HCV infected liver transplant patients, who often cannot tolerate the side effects of current drug treatments.

Development Stage:

- Early-stage
- Pre-clinical
- In vitro data available

Inventors: Stephen M. Feinstone, Hongying Duan, Pei Zhang, Marian E. Major, Alla V. Kachko (all of FDA)

Publications:

1. Kachko A, et al. New neutralizing antibody epitopes in hepatitis C virus envelope glycoproteins are revealed by dissecting peptide recognition profiles. Vaccine. 2011 Dec 9;30(1):69–77. [PMID 22041300]
2. Duan H, et al. Amino acid residue-specific neutralization and nonneutralization of hepatitis C virus by monoclonal antibodies to the E2 protein. J Virol. 2012 Dec;86(23):12686–94. [PMID 22973024]

Intellectual Property:

- HHS Reference No. E–002–2012/0—US Provisional Patent Application No. 61/648,386 filed 17 May 2012; International PCT Application No. PCT/US13/41352 filed 16 May 2013
- HHS Reference No. E–167–2012/0—International PCT Application No. PCT/US12/62197 filed 26 October 2012

Licensing Contact: Kevin W. Chang, Ph.D.; 301–435–5018; *changke@mail.nih.gov.*

Dated: November 13, 2013.

Richard U. Rodriguez,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 2013–27739 Filed 11–19–13; 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 Synthetic and Biological Chemistry B Study Section, October 17, 2013, 08:00 a.m. to October 17, 2013, 08:00 p.m., Renaissance Washington DC, Dupont Circle, 1143 New Hampshire Avenue NW., Washington, DC 20037 which was published in the **Federal Register** on September 23, 2013, 78 FR 58323.

The meeting will be held at the National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 on December 11, 2013, from 12:00 p.m. to 06:00 p.m. The meeting is closed to the public.

Dated: November 14, 2013.

Carolyn A. Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–27740 Filed 11–19–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections

552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: AIDS and Related Research Integrated Review Group; AIDS Immunology and Pathogenesis Study Section.

Date: December 13, 2013.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The St. Regis Washington DC, 923 16th Street NW., Washington, DC 20006.

Contact Person: Shiv A Prasad, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5220, MSC 7852, Bethesda, MD 20892, 301–443–5779, *prasads@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; PAR 13–061: Tuberculosis.

Date: December 13, 2013.

Time: 10:00 a.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

Contact Person: Eduardo A Montalvo, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5108, MSC 7852, Bethesda, MD 20892, (301) 435–1168, *montalve@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Tuberculosis.

Date: December 13, 2013.

Time: 3:30 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892.

Contact Person: Eduardo A Montalvo, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5108, MSC 7852, Bethesda, MD 20892, (301) 435–1168, *montalve@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Neuroscience.

Date: December 13, 2013.

Time: 12:00 p.m. to 1:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Richard D Crosland, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4158, MSC 7850, Bethesda, MD 20892, 301–435–1220, *rc218u@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Bacterial Transcription and Regulation.

Date: December 16, 2013.

Time: 2:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Dominique Lorang-Leins, Ph.D., Scientific Review Officer, National Institutes of Health, Center for Scientific Review, 6701 Rockledge Drive, Room 5108, MSC 7766, Bethesda, MD 20892, 301.326.9721, *Lorangd@mail.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Small Business: Endocrinology and Reproduction.

Date: December 18, 2013.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Dianne Hardy, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6175, MSC 7892, Bethesda, MD 20892, 301–435–1154, *dianne.hardy@nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Neurogenetics.

Date: December 18, 2013.

Time: 3:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Robert C Elliott, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3130, MSC 7850, Bethesda, MD 20892, 301–435–3009, *elliotro@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: November 14, 2013.

Carolyn A. Baum,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2013–27741 Filed 11–19–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Center for Substance Abuse Prevention; Notice of Meeting

Pursuant to Public Law 92–463, notice is hereby given that the Substance Abuse and Mental Health Services Administration's (SAMHSA) Center for Substance Abuse Prevention (CSAP) Drug Testing Advisory Board (DTAB) will meet via web conference on December 11, 2013, from 10:00 a.m. to 2:00 p.m. E.S.T.

The Board will discuss proposed revisions to the Mandatory Guidelines for Federal Workplace Drug Testing Programs. Therefore, this meeting is closed to the public as determined by the Administrator, SAMHSA, in accordance with 5 U.S.C. 552b(c)(9)(B) and 5 U.S.C. App. 2, Section 10(d).

Meeting information and a roster of DTAB members may be obtained by accessing the SAMHSA Advisory Committees Web site, *http://www.nac.samhsa.gov/DTAB/meetings.aspx,* or by contacting Dr. Cook.

Committee Name: Substance Abuse and Mental Health Services Administration's Center for Substance Abuse Prevention Drug Testing Advisory Board.

Dates/Time/Type: December 11, 2013, from 10:00 a.m. to 2:00 p.m. E.S.T.: CLOSED.

Place: SAMHSA Building, 1 Choke Cherry Road, Rockville, Maryland 20857.

Contact: Janine Denis Cook, Ph.D., Designated Federal Official, CSAP Drug Testing Advisory Board, 1 Choke Cherry Road, Room 7–1043, Rockville, Maryland 20857, *Telephone:* 240–276–2600, *Fax:* 240–276–2610, *Email: janine.cook@samhsa.hhs.gov*.

Janine Denis Cook,

Designated Federal Official, DTAB, Division of Workplace Programs, Center for Substance Abuse Prevention, Substance Abuse and Mental Health Services Administration.

[FR Doc. 2013–27663 Filed 11–19–13; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5687–N–40]

60-Day Notice of Proposed Information Collection: FHA-Insured Mortgage Loan Servicing for Performing Loans Including: Collection and Payment of Mortgage Insurance Premiums, Escrow Administration, Providing Loan Information and Customer Services, Assessment of Post Endorsement Fees and Charges and Servicing Section 235 Loans

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

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* January 21, 2014.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Ivery W. Himes, Director, Office of Single Family Asset Management and Disposition, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Ivery Himes at *Ivery.W.Himes@hud.gov* or telephone 202–402–1672. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Ms. Himes.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: FHA-Insured Mortgage Loan Servicing for Performing Loans Including: Collection and Payment of Mortgage Insurance Premiums, Escrow Administration, Providing Loan Information and Customer Services, Assessment of Post Endorsement Fees and Charges and Servicing Section 235 Loans.

OMB Approval Number: 2502–0583.

Type of Request: Extension of currently approved collection.

Form Number: HUD–9519–A, HUD–9539, HUD–27011, Parts A, B, C, D, E Single Family Application for Insurance Benefits, HUD–50002, HUD–50012, HUD–91022.

Description of the need for the information and proposed use: This information request for OMB review seeks to combine the requirements of an existing OMB collection under this comprehensive collection for mortgagees that service FHA-insured mortgage loans and the mortgagors who are involved with collection and payment of mortgage insurance premiums, payment processing, escrow account administration, providing loan information and customer service, assessing post endorsement fees and charges and servicing Section 235 loans.

Respondents (i.e. affected public): 324.

Estimated Number of Respondents: 324.

Estimated Number of Responses: 74,726,967.

Frequency of Response: 1.

Average Hours per Response: .50.

Total Estimated Burdens: 2,644,446.

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: November 13, 2013.

Laura M. Marin,

Associate General Deputy Assistant Secretary for Housing-Associate Deputy Federal Housing Commissioner.

[FR Doc. 2013–27801 Filed 11–19–13; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5683–N–102]

10-Day Notice of Proposed Information Collection: Generic Customer Satisfaction Surveys; Physical Inspection Pilot Program—Solicitation of Interest (Survey)

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

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 10 days of public comment.

DATES: *Comments Due Date:* December 2, 2013.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Adam Hauptman, Program Analyst, Departmental Real Estate Assessment Center, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Adam *Hauptman at Adam.P.Hauptman@hud.gov* or telephone 202–475–8618. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

Copies of available documents submitted to OMB may be obtained from Mr. Hauptman.

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: Generic Customer Satisfaction Surveys Physical Inspection Alignment Pilot Program—Expansion Announcement.

OMB Approval Number: 2535–0116.

Type of Request: Change Request.

Form Number: N/A.

Description of the need for the information and proposed use: This collection would assist the working group in better understanding the capabilities of state agencies to conduct inspections and their level of interest in participating in an expanded pilot. While candidates to join the pilot could be selected through limited private contact, this announcement creates a more even playing field for states who may wish to participate rather than favoring those states which may have heard about the program through other means. The responses will also be used by the working group to refine our communications, outreach, and training approaches. The working group has received positive feedback from states that the collaboration it facilitates is valuable and is something that they actively seek to participate in.

This is an existing pilot program currently involving less than ten respondents. This information will primarily be used by the working group to improve the administration of the pilot. It will also allow the working group to identify states that might be interested in participating in an expanded 2014 pilot. This information will not be distributed beyond the working group, nor will it be used for any other purpose.

Respondents (i.e. affected public): State housing agencies.

Estimated Number of Respondents: 70.

Estimated Number of Responses: 25.

Frequency of Response: 1 time.

Average Hours per Response: .25 hour.

Total Estimated Burdens: 6.25.

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: November 14, 2013.

Colette Pollard,

Department Reports Management Officer, Office of the Chief Information Officer.

[FR Doc. 2013–27697 Filed 11–19–13; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5687–N–43]

60-Day Notice of Proposed Information Collection: HUD Conditional Commitment/Statement of Appraised Value

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

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* January 21, 2014.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Robert Frazier, Acting Director, Home Valuation Policy Division, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email *Robert.Frazier2@hud.gov* or telephone 202–708–2121. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

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: HUD Conditional Commitment/Direct Endorsement Statement of Appraised Value.

OMB Approval Number: 2502–0494.

Type of Request: Revision.

Form Number: HUD 92800.5b.

Description of the need for the information and proposed use: Lenders must provide to loan applicants either a completed copy of form HUD–92800.5B, or a copy of the completed appraisal report, at or before loan closing. Form HUD 92800.5B serves as the mortgagee's conditional commitment/direct endorsement statement of value of FHA mortgage insurance on the property. The form provides a section for a statement of the property's appraised value and other required FHA disclosures to the homebuyer, including specific conditions that must be met before HUD can endorse a firm commitment for mortgage insurance. HUD uses the information only to determine the eligibility of a property for mortgage insurance.

Respondents (i.e. affected public): Business.

Estimated Number of Respondents: 1837.

Estimated Number of Responses: 900,000.

Frequency of Response: On occasion.

Average Hours per Response: .12.

Total Estimated Burdens: 108,000.

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: November 13, 2013.

Laura M. Marin,

Associate General Deputy Assistant Secretary for Housing-Associate Deputy Federal Housing Commissioner.

[FR Doc. 2013–27803 Filed 11–19–13; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5687–N–44]

60-Day Notice of Proposed Information Collection: Mortgagee's Application for Partial Settlement

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

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* January 21, 2014.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, QDAM, Department of Housing and Urban Development, 451 7th Street SW., Room 4176, Washington, DC 20410–5000; telephone 202–402–3400 (this is not a toll-free number) or email at *Colette.Pollard@hud.gov* for a copy of the proposed forms or other available information. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339.

FOR FURTHER INFORMATION CONTACT: Steve Trojan, Accountant, Multifamily Claims Branch, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Steve Trojan at *Steve.A.Trojan@hud.gov* or telephone 202–402–2823. This is not a toll-free number. Persons with hearing or speech impairments may access this number through TTY by calling the toll-free Federal Relay Service at (800) 877–8339. Copies of available documents submitted to OMB may be obtained from Mr. Trojan.

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: Multifamily Mortgagee's Application for Partial Settlement.

OMB Approval Number: 2502–0427.

Type of Request: Extension of currently approved collection.

Form Number: HUD–2737.

Description of the need for the information and proposed use: Begin settlement process. This information collected on the subject form, HUD–2537 (Mortgagee's Application for Partical Settlement-Multifamily Mortgage), provides the required information to determine the partial amount. This amount is computed in accordance with the foregoing statutory provisions and regulations promulgated there under in 24 CFR 207 (B), Contracts Rights and Obligations.

Respondents (i.e. affected public): Business and other for profit.

Estimated Number of Respondents: 115.

Estimated Number of Responses: 115.

Frequency of Response: 1.

Average Hours per Response: 29.

Total Estimated Burdens: 25.

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: November 13, 2013.

Laura M. Marin,

Associate General Deputy Assistant Secretary for Housing-Associate Deputy Federal Housing Commissioner.

[FR Doc. 2013–27804 Filed 11–19–13; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCOF03000 L16100000.DU0000]

Notice of Availability of the Draft Resource Management Plan Amendment and Environmental Assessment for the San Luis Resource Area, CO

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, as amended, the Bureau of Land Management (BLM) San Luis Valley Field Office prepared a Draft Resource Management Plan Amendment (RMPA) with an associated Environmental Assessment (EA) for the San Luis Resource Area and by this notice is announcing the opening of the public comment period.

DATES: To ensure that comments will be considered, the BLM must receive written comments on the draft RMPA and associated EA by January 21, 2014. The BLM will announce future meetings or hearings and any other public participation activities at least 15 days in advance through public notices, media releases and/or mailings.

ADDRESSES: You may submit comments related to the draft RMPA and associated EA by any of the following methods:

- *Email: BLM_CO_SLVPLC_Comments@blm.gov.*
- *Fax:* 719–655–2502.
- *Mail:* BLM—Blanca Wetlands RMPA/EA, 46525 State Highway 114, Saguache, CO 81149.

Copies of the draft RMPA and associated EA are available in the BLM's

San Luis Valley Field Office at 46525 State Highway 114, Saguache, CO 81149; or on the Web site: *http://www.blm.gov/co/st/en/fo/slvfo/blanca_wetlands.html.*

FOR FURTHER INFORMATION CONTACT: Jill Lucero, Wildlife Biologist; telephone: 719–274–6301; San Luis Valley Field Office: See address above; email: *jlucero@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, seven days a week, to leave a message or question with the above individual. You will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The BLM prepared the draft RMPA and associated EA to analyze the potential impacts of modifying the boundary of the Blanca Wetlands Area of Critical Environmental Concern (ACEC). The current ACEC boundary and management decisions for resources are described in the San Luis Resource Area Approved RMP (December 1991).

The formal public scoping process for the RMPA and EA began on October 11, 2011, with the publication of a Notice of Intent in the **Federal Register**. Major issues considered in the RMPA and associated EA include geological and paleontological resources; vegetation and soils; wildlife and terrestrial habitat; aquatic, wetlands and riparian areas; water resources; cultural resources; recreation; science and education; livestock grazing; transportation and travel management; lands and realty; and special designations.

The draft RMPA and associated EA evaluate the No Action Alternative and two alternatives for modifying the boundary of the Blanca Wetlands ACEC (Alternatives 1 and 2). The BLM identified Alternative 1 as the preferred alternative. The No Action Alternative would retain the current management direction and Blanca Wetlands ACEC boundary (9,147 acres) specified in the 1991 San Luis Resource Area RMP. Alternative 1 would enlarge the Blanca Wetlands ACEC to 122,762 acres. Alternative 2 would enlarge the Blanca Wetlands ACEC to 99,062 acres. Both Alternatives 1 and 2 would provide special management to maintain and improve wetlands for waterfowl production, enhance historical wetlands, and emphasize recreation related to warm water fisheries and watchable wildlife. Neither alternative specifies any new resource use limitations for the expanded portion of the Blanca Wetlands ACEC. The BLM would establish appropriate resource use limitations in the future as wetlands are developed. No new water rights would be created and no land ownership jurisdictions would change should the boundary be expanded as a result of any alternative.

Pursuant to 43 CFR 1610.7–2(b), this notice announces a concurrent public comment period on the proposed expanded ACEC.

Please note that public comments will be available for public review and disclosure at the above address during regular business hours (8:00 a.m. to 4:00 p.m.), Monday through Friday, except holidays.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Authority: 40 CFR 1506.6, 43 CFR 1610.2.

John Mehlhoff,

BLM Colorado Acting State Director.

[FR Doc. 2013–27835 Filed 11–19–13; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLORB00000.L17110000.PH0000. L1109AF14X.LXSS020H0000; HAG14–0014]

Notice of Public Meeting for the Southeast Oregon Resource Advisory Council

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Public Meeting.

SUMMARY: In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act of 1972, and the U.S. Department of the Interior, Bureau of Land Management (BLM), the Southeast Oregon Resource Advisory Council (RAC) will meet as indicated below:

DATES: The Southeast Oregon RAC will hold a public meeting Monday and Tuesday, January 13 and 14, 2014. The exact meeting time, agenda, and location will be announced online at *www.blm.gov/or/rac/seorrac-minutes.php* prior to January 3, 2014. A public comment period will be available each day of the session. Unless otherwise approved by the Southeast Oregon RAC Chair, the public comment period will last no longer than 30 minutes, and each speaker may address the Southeast Oregon RAC for a maximum of 5 minutes. Meeting times and the duration scheduled for public comment periods may be extended or altered when the authorized representative considers it necessary to accommodate necessary business and all who seek to be heard regarding matters before the Southeast Oregon RAC.

ADDRESSES: The exact meeting time, agenda, and location will be announced online at *www.blm.gov/or/rac/seorrac-minutes.php* prior to January 3, 2014.

FOR FURTHER INFORMATION CONTACT: Tara Martinak, Public Affairs Specialist, BLM Burns District Office, 28910 Highway 20 West, Hines, Oregon 97738–9424, (541) 573–4519, or email *tmartina@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 Southeast Oregon RAC consists of 15 members chartered and appointed by the Secretary of the Interior. Their diverse perspectives are represented in commodity, conservation, and general interests. They provide advice to BLM and Forest Service resource managers regarding management plans and proposed resource actions on public land in southeast Oregon. Tentative agenda items for the January 13–14, 2014, meeting include: Lands with Wilderness Characteristics; the Wild Horse and Burro Program; travel management planning; forage management and grassbanks; and planning future meeting agendas, dates, and locations. Any other matters that may reasonably come before the Southeast Oregon RAC may also be addressed. This meeting is open to the public in its entirety. Information to be distributed to the Southeast Oregon RAC is requested prior to the start of each meeting.

Before including your address, phone number, email address, or other personal identifying information in your comments, please 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.

Brendan Cain,

Burns District Manager.

[FR Doc. 2013–27841 Filed 11–19–13; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLNV952000 L14200000.BJ0000 241A; 14–08807; TAS: 14X1109]

Filing of Plats of Survey; NV

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The purpose of this notice is to inform the public and interested State and local government officials of the filing of Plats of Survey in Nevada.

DATES: *Effective Dates:* Unless otherwise stated filing is effective at 10:00 a.m. on the dates indicated in the **SUPPLEMENTARY INFORMATION** section.

FOR FURTHER INFORMATION CONTACT: David D. Morlan, Chief, Branch of Geographic Sciences, Bureau of Land Management, Nevada State Office, 1340 Financial Blvd., Reno, NV 89502–7147, phone: 775–861–6490. 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:

1. The Plat of Survey of the following described lands was officially filed at the Nevada State Office, Reno, Nevada on August 30, 2013: The plat, in 1 sheet, representing the dependent resurvey of a portion of the Boulder Canyon Project Federal Reservation Boundary, a portion of the east boundary and a portion of the subdivisional lines and the subdivision of section 25, Township 23 South, Range 63 1/2 East, of the Mount Diablo Meridian, Nevada, under Group No. 921, was accepted August 28, 2013. This survey was executed to meet certain administrative needs of the BLM.

2. The Plat of Survey of the following described lands was officially filed at the Bureau of Land Management (BLM) Nevada State Office, Reno, Nevada on September 3, 2013: The plat, in 5 sheets, representing the dependent resurvey of the south boundary, portions of the east, west and north boundaries and a portion of the subdivisional lines and the subdivision of certain sections, Township 37 North, Range 19 East, of the Mount Diablo Meridian, Nevada, under Group No. 784, was accepted August 28, 2013. This survey was executed to meet certain administrative needs of the BLM.

3. The Plat of Survey of the following described lands will be officially filed at the BLM Nevada State Office on the first business day after thirty (30) days from the publication of this notice: This plat, in 1 sheet, representing the dependent resurvey of a portion of the subdivisional lines, and the survey of a portion of the subdivisional lines, Township 26 North, Range 48 East, of the Mount Diablo Meridian, Nevada, under Group No. 895, was accepted November 5, 2013. This survey was executed to meet certain administrative needs of the BLM and to locate specific Federal interest lands for Barrick Gold Exploration, Inc.

4. The Plat of Survey of the following described lands will be officially filed at the BLM Nevada State Office on the first business day after thirty (30) days from the publication of this notice: This plat, in 5 sheets, representing the dependent resurvey of portions of the north boundary of Township 26 North, Range 48 East; and the dependent resurvey of a portion of the west boundary, a portion of the subdivisional lines, and portions of certain mineral surveys, and the survey of a portion of the subdivisional lines, Township 27 North, Range 48 East, of the Mount Diablo Meridian, Nevada, under Group No. 895, was accepted November 5, 2013. This survey was executed to meet certain administrative needs of the BLM and to locate specific Federal interest lands for Barrick Gold Exploration, Inc.

Subject to valid existing rights, the provisions of existing withdrawals and classifications, the requirement of applicable laws, and other segregations of record, these lands are open to application, petition and disposal, including application under the mineral leasing laws. All such valid applications received on or before the official filing of the Plat of Survey described in Plat of Survey #3 and #4, shall be considered as simultaneously filed at that time. Applications received thereafter shall be considered in order of filing.

The surveys listed are now the basic record for describing the lands for all authorized purposes. These surveys have been placed in the open files in the BLM Nevada State Office and are available to the public as a matter of information. Copies of the surveys and related field notes may be furnished to the public upon payment of the appropriate fees.

Dated: November 14, 2013.

David D. Morlan,

Chief Cadastral Surveyor, Nevada.

[FR Doc. 2013–27821 Filed 11–19–13; 8:45 am]

BILLING CODE 4310–HC–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLCOS06000.L12200000.DP0000 13X]

Notice of Temporary Closure to Recreational and Target Shooting on Public Lands at Hartman Rocks Recreation Area, CO

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of Temporary Closure.

SUMMARY: Notice is hereby given that a temporary closure to Recreational Shooting is in effect on public lands administered by the Bureau of Land Management (BLM) Gunnison Field Office.

DATES: The temporary closure will be year-round for a maximum period of two years. This temporary closure will be in effect upon publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Brian St. George, Field Manager, BLM Gunnison Field Office, 650 South 11th Street, Gunnison, CO 81230; Telephone, 970–642–4940; Fax, 970–642–4990 during regular business hours 8:00 a.m. to 4:00 p.m. Monday through Friday, except holidays. 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, seven days a week, to leave a message or question with the above individuals. You will receive a reply during normal hours.

SUPPLEMENTARY INFORMATION: This temporary closure to recreational shooting affects public lands at Hartman Rocks Recreation Area in Gunnison County, Colorado. The legal description of the affected public lands is NMPM, T. 49 N., R. 1 W., portions of sections 9, 15 to 17, 20 to 23, 26 to 28, and 34 to 35.

The temporary closure is necessary to protect persons, property and public lands. The area of the closure includes approximately 4,363 acres on the north side of Hartman Rocks in Gunnison County, Colorado. The area is unsafe for target shooting due to its proximity to a

number of roads and trails, and a high concentration of other recreationists. The BLM is temporarily closing this area of Hartman Rocks with the highest density of recreation use to recreational and target shooting until the Gunnison Resource Area Resource Management Plan (1993) is amended.

This Temporary Closure will protect the public, property and public lands for a period not to exceed two years until shooting issues are fully analyzed and considered in an RMP amendment.

Hunting will continue to be allowed within the temporary closure area. Recreational and target shooting will still be allowed in other areas managed by the BLM Gunnison Field Office not affected by this closure (an area in excess of 600,000 acres).

The BLM will post closure signs at main entry points to this area. This temporary closure order will be posted in the Gunnison Field Office. Maps of the affected area and other documents associated with this temporary closure are available at the BLM Gunnison Field Office (see **ADDRESSES** above).

Under the authority of Section 303(a) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1733[a]), 43 CFR 8360.0–7 and 43 CFR 8364.1, the BLM will enforce the following rule(s) within Hartman Rocks Recreation Area:

Recreational shooting and target practice are prohibited within the portion of Hartman Rocks Recreation Area bounded on the west by portions of BLM roads 3500, 3555, 3560, and 3565; and on the south by the remaining portion of powerline road 3550 to Gold Basin Road (Gunnison County Road 38). All public lands north and east of the aforementioned roads within Hartman Rocks Recreation Area will be temporarily closed to recreational and target shooting. This temporary closure order does not apply to hunting under the laws and regulations of the State of Colorado.

The following persons are exempt from this order: Federal, state, and local officers and employees in the performance of their official duties; members of organized rescue or fire-fighting forces in the performance of their official duties; persons with a current legal Colorado hunting license in his/her possession and hunting in accordance with state law; and persons with written authorization from the BLM.

Any person who violates the above rule(s) and/or restriction(s) may be tried before a United States Magistrate and fined no more than $1,000, imprisoned for no more than 12 months, or both. Such violations may also be subject to the enhanced fines provided for by 18 U.S.C. 3571.

Authority: 43 CFR 8364.1.

John Mehlhoff,

BLM Colorado Acting State Director.

[FR Doc. 2013–27848 Filed 11–19–13; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–14411; 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 October 26, 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 December 5, 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: October 31, 2013.

J. Paul Loether,

Chief, National Register of Historic Places/ National Historic Landmarks Program.

ALABAMA

Etowah County

Attalla Downtown Historic District, 3rd St. N., 4th St. N. & 5th Ave. S., Attalla, 13000893

Montgomery County

Grove Court Apartments, 559 S. Court St., Montgomery, 13000894

CONNECTICUT

Middlesex County

Ivoryton Historic District, Roughly bounded by Main, N. Main, Oak, Blake & Summit Sts., Park Rd. & Comstock Ave., Essex, 13000895

White–Overton–Callander House, 492 Main St., Portland, 13000896

New Haven County

Winchester Repeating Arms Company Historic District (Boundary Increase), Roughly bounded by Hamden Town Line, Mansfield, Hazel & Division Sts., Winchester Ave, Sherman Pky., New Haven, 13000898

FLORIDA

Duval County

Marabanong, 4747 River Point Rd., Jacksonville, 13000899

Indian River County

Treasure Hammock Ranch Farmstead, 8005 37th St., Vero Beach, 13000900

HAWAII

Honolulu County

Mother Waldron Playground, 537 Coral St., Honolulu, 13000901

IDAHO

Idaho County

Deep Creek Ranger Station, West Fork Ranger District, Bitterroot NF, Darby, MT., 13000902

MICHIGAN

Genesee County

Flint Journal Building, 200 E. 1st. St., Flint, 13000903

Gratiot County

Alma Downtown Historic District, Superior & State Sts., Alma, 13000904

Oakland County

Yamasaki, Minoru & Teruko, House, 3717 Lakecrest Dr. (Bloomfield Township), Birmingham, 13000905

Wayne County

First Federal Building, 1001 Woodward Ave., Detroit, 13000906

MISSOURI

Cole County

Moreau Drive Historic District, Moreau & Elmerine Drs., Fairmount Blvd., Oakwood Ave., Fairmount Ct., Lee St., Moreland Ave., Jefferson City, 13000907

NEW YORK

Kings County

Jewish Center of Coney Island, The, 2915 Ocean Pkwy., Brooklyn, 13000908

Kismet Temple, 92 Herkimer St., Brooklyn, 13000909

Orange County

Neversink Valley Grange No. 1530, 35 Grange Rd., Huguenot, 13000910

Rensselaer County

Theta Xi Fraternity Chapter House, 1490 Sage Ave., Troy, 13000911

Suffolk County

Guastavino, Rafael Jr., House, 143 Awixa Ave., Bay Shore, 13000912

Hallock, Noah, House, 172 Hallock Landing Rd., Rocky Point, 13000913

Quogue Cemetery, 58 Lamb Ave., Quogue, 13000914

Warren County

St. James Episcopal Church, 172 Ottawa St., Lake George, 13000915

SOUTH DAKOTA

Lincoln County

Hansen–Hagedorn Barn, 46954 272nd St., Tea, 13000916

McCook County

First Presbyterian Church, 351 N. Poplar, Bridgewater, 13000917

TEXAS

Guadalupe County

Dublin Plantation, Address Restricted, Kingsbury, 13000918

WYOMING

Lincoln County

Fossil Oregon Short Line Depot, Approx. .4 mi. WNW. of Jct. of US 30 & Cty. Rd. 300, Kemmerer, 13000919

A request for removal has been made for the following resources:

WYOMING

Lincoln County

Kemmerer Hotel, Pine and Sapphire, Kemmerer, 85003064

Weston County

Toomey's Mills, 500 W. Main St., Newcastle, 08001062

[FR Doc. 2013–27720 Filed 11–19–13; 8:45 am]

BILLING CODE 4312–51–P

DEPARTMENT OF JUSTICE

Notice of Extension to Public Comment Period for Consent Decree Under the Clean Air Act and the Emergency Planning and Community Right-To Know Act''

On September 30, 2013, the Department of Justice lodged a proposed Consent Decree with the United States District Court for Oregon in the lawsuit entitled *United States* v. *Oregon Door Company,* Civil Action No. 6:13–cv–01738–MC.

In this lawsuit filed under the Clean Air Act and the Emergency Planning & Community Right to Know Act, the United States sought to obtain civil penalties and injunctive relief against the Oregon Door Company for violations of the regulations and requirements applicable to the emission of hazardous air pollutants, air operating permits, and toxic chemicals. The violations occurred at the Oregon Door Company manufacturing facility in Dillard, Oregon. The proposed Consent Decree requires the Oregon Door Company to pay a $50,000 civil penalty and perform injunctive relief.

The prior notice indicated that the Department of Justice would receive comments concerning the settlement for a period of thirty (30) days from the date of publication of the notice, October 24, 2013. The Department of Justice will now receive for a period of thirty-seven days from October 24, 2013 any comments relating to the proposed Consent Decree. Comments should be addresses to the Assistant Attorney General, Environment and Natural Resources Division and should refer to the case Name Oregon Door, Civil Action No. 6:13-cv-01738-MC, Dept Of Justice #: 90–5–2–1–10448. All comments must be submitted no later than December 2, 2013.

Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department Web site: *http://www.usdoj.gov/enrd/Consent_Decrees.html.* We will provide a paper copy of the Consent Decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $7.50 (25 cents per page reproduction cost) payable to the United States Treasury.

Susan M. Akers,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2013–27751 Filed 11–19–13; 8:45 am]

BILLING CODE 4410–15–P

NATIONAL SCIENCE FOUNDATION

Notice of Permit Modification Received Under the Antarctic Conservation Act of 1978 (Pub. L. 95–541)

AGENCY: National Science Foundation.

ACTION: Notice of permit modification request Received under the Antarctic Conservation Act of 1978, Public Law 95–541.

SUMMARY: The National Science Foundation (NSF) is required to publish a notice of requests to modify permits issued to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act at Title 45 Part 670 of the Code of Federal Regulations. This is the required notice of a requested permit modification.

DATES: Interested parties are invited to submit written data, comments, or views with respect to this permit application by December 20, 2013. Permit applications may be inspected by interested parties at the Permit Office, address below.

ADDRESSES: Comments should be addressed to Permit Office, Room 755, Division of Polar Programs, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230.

FOR FURTHER INFORMATION CONTACT: Polly Penhale, Environmental Officer, at the above address or *ACApermits@nsf.gov* or (703) 292–7420

SUPPLEMENTARY INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95–541), as amended by the Antarctic Science, Tourism and Conservation Act of 1996, has developed regulations for the establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas a requiring special protection. The regulations establish such a permit system to designate Antarctic Specially Protected Areas.

Description of Permit Modification Requested: The Foundation issued a permit (ACA 2012–WM–001) to George Watters on September 29, 2011. The issued permit allows the applicant to operate a small research camp within ASPA 128 (Western Shore of Admiralty Bay) and properly handle waste associated with the field camp. Up to six researchers at a time would conduct biological studies on the nearby penguin colonies. Wastes generated as part of research operations or camp activities include air emissions (from fuel combustion), metal bird bands, radio

transmitters (including batteries) and wastewater. All of these wastes would be handled in accordance with the Protocol on Environmental Protection to the Antarctic Treaty and would be disposed of properly

Now the applicant proposes a modification to his permit to allow for deploying up to 10 cameras to monitor the penguin colonies. The cameras would be deployed for the duration of the permit, including the intervening winter seasons. The cameras would allow for year-round time lapse photographic monitoring and research. The cameras are powered by 12 lithium ion AA batteries and would be mounted on aluminum poles; the poles would be anchored at ground level in a simple rock-basket enclosed in wire mesh. Additionally, the applicant plans to deploy up to two (2) custom made time-lapse systems developed by the Australian Antarctic Division. These systems are solar powered 35mm Canon digital SLRs, housed in modified Pelican cases and mounted on sturdy tripods with ground-level rock anchors. The surface anchors for both systems are designed to minimize disturbance on shallow soils near penguin colonies. Each system would be maintained, repositioned, replaced, and/or removed, from the field, as necessary, to continue providing high-quality images of penguin colonies for periods up to 12 months. Cameras would be completely removed from the area upon permit expiration unless a renewal for their continued use is granted.

Successful deployment of the cameras would allow research on the penguin colonies to continue in the absence of researchers at the campsite.

Location: ASPA 128 Western Shore of Admiralty Bay.

Dates: November 25, 2013 to March 15, 2016.

Nadene G. Kennedy,

Polar Coordination Specialist, Division of Polar Programs.

[FR Doc. 2013–27678 Filed 11–19–13; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Notice of Permits Issued Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permits issued under the Antarctic Conservation of 1978, Public Law 95–541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permits issued under the Antarctic Conservation Act of 1978. This is the required notice.

FOR FURTHER INFORMATION CONTACT: Adrian Dahood, ACA Permit Officer, Division of Polar Programs, Rm. 755, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Or by email: *ACApermits@nsf.gov*.

SUPPLEMENTARY INFORMATION: On October 2, 2013 the National Science Foundation published a notice in the **Federal Register** of a permit application received. The permit was issued on November 13, 2013 to: Celia Lang, Permit No. 2014–022.

Nadene G. Kennedy,

Polar Coordination Specialist, Division of Polar Programs.

[FR Doc. 2013–27793 Filed 11–19–13; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Notice of Permits Issued Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permits issued under the Antarctic Conservation of 1978, Public Law 95–541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permits issued under the Antarctic Conservation Act of 1978. This is the required notice.

FOR FURTHER INFORMATION CONTACT: Adrian Dahood, ACA Permit Officer, Division of Polar Programs, Rm. 755, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Or by email: *ACApermits@nsf.gov*.

SUPPLEMENTARY INFORMATION: On October 1, 2013 the National Science Foundation published a notice in the **Federal Register** of a permit application received. The permit was issued on November 7, 2013 to: Andrew Klein, Permit No. 2014–021.

Nadene G. Kennedy,

Polar Coordination Specialist, Division of Polar Programs.

[FR Doc. 2013–27791 Filed 11–19–13; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Notice of Permits Issued Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permits issued under the Antarctic Conservation of 1978, Public Law 95–541.

SUMMARY: The National Science Foundation (NSF) is required to publish notice of permits issued under the Antarctic Conservation Act of 1978. This is the required notice.

FOR FURTHER INFORMATION CONTACT: Adrian Dahood, ACA Permit Officer, Division of Polar Programs, Rm. 755, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Or by email: *ACApermits@nsf.gov*.

SUPPLEMENTARY INFORMATION: On August 30, 2013 the National Science Foundation published a notice in the **Federal Register** of a permit application received. The permit was issued on November 5, 2013 to: Harry Anderson, Permit No. 2014–010.

Nadene G. Kennedy,

Polar Coordination Specialist, Division of Polar Programs.

[FR Doc. 2013–27792 Filed 11–19–13; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 52–034 and 52–035; NRC–2008–0594]

Luminant Generation Company, LLC

AGENCY: U.S. Nuclear Regulatory Commission (NRC).

ACTION: Combined license applications; receipt.

SUMMARY: The NRC is giving notice once each week for four consecutive weeks of a combined license (COL) application from Luminant Generation Company, LLC. (Luminant).

ADDRESSES: Please refer to Docket ID NRC–2008–0594 when contacting the NRC about the availability of information regarding this document. You may access publicly-available information related to this document using any of the following methods:

- *Federal Rulemaking Web site:* Go to *http://www.regulations.gov* and search for Docket ID NRC–2008–0594. Address questions about NRC dockets to Carol Gallagher; telephone: 301–287–3422; email: *Carol.Gallagher@nrc.gov*. For technical questions, contact the individual(s) listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may access publicly available documents online in the NRC Library at *http://www.nrc.gov/reading-rm/adams.html*. To begin the search, select ''*ADAMS Public Documents*'' and then select ''*Begin Web-based ADAMS Search*.'' For problems with ADAMS, please contact the NRC's Public

Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *pdr.resource@nrc.gov*. The ADAMS accession number for each document referenced in this document (if that document is available in ADAMS) is provided the first time that a document is referenced. The ADAMS accession number for the initial application cover letter for Comanche Peak Nuclear Power Plant, Units 3 and 4 is ML082680250. The application is also available at *http://www.nrc.gov/reactors/new-reactors/col.html*.

• *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: Stephen Monarque, Office of New Reactors, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, at 301–415–1544 or via email at *Stephen.Monarque@nrc.gov*.

SUPPLEMENTARY INFORMATION: The following party has filed applications for COLs with the NRC, pursuant to Section 103 of the Atomic Energy Act of 1954, as amended, and Title 10 of the *Code of Federal* Regulations (10 CFR) Part 52, ''Licenses, Certifications, and Approvals for Nuclear Power Plants:''

1. On September 19, 2008, Luminant submitted an application for COLs for two United States-Advanced Pressurized Water Reactors designated as Comanche Peak Nuclear Power Plant, Units 3 and 4, in Somervell County, Texas.

This COL application is currently under review by the NRC staff.

An applicant may seek a COL in accordance with Subpart C of 10 CFR Part 52. The information submitted by the applicant includes certain administrative information, such as financial qualifications submitted pursuant to 10 CFR 52.77, as well as technical information submitted pursuant to 10 CFR 52.79. These notices are being provided in accordance with the requirements in 10 CFR 50.43(a)(3).

Dated at Rockville, Maryland, this 13th day of November 2013.

For the Nuclear Regulatory Commission.

Jennifer Dixon-Herrity,

Chief, Licensing Branch 2, Division of New Reactor Licensing, Office of New Reactors.

[FR Doc. 2013–27813 Filed 11–19–13; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2013–0001]

Sunshine Act Meeting

DATE: Week of November 18, 2013.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

Week of November 18, 2013

Monday, November 18, 2013

11:25 a.m. Affirmation Session (Public Meeting) (Tentative).

Order Concerning Resumption of Yucca Mountain Licensing Process (Tentative).

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

* * * * *

* The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings, call (recording)—301–415–1292. Contact person for more information: Rochelle Bavol, 301–415–1651.

* * * * *

Additional Information

By a vote of 4–0 on November 15, 2013, the Commission determined pursuant to U.S.C. 552b(e) and '9.107(a) of the Commission's rules that the above referenced Affirmation Session be held with less than one week notice to the public. The meeting is scheduled on November 18, 2013.

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/public-involve/public-meetings/schedule.html.*

* * * * *

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (e.g. braille, large print), please notify Kimberly Meyer, NRC Disability Program Manager, at 301–287–0727, or by email at *kimberly.meyer-chambers@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * * * *

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301–415–1969), or send an email to *Darlene.Wright@nrc.gov.*

Dated: November 18, 2013.

Kenneth R. Hart,

Technical Coordinator, Office of the Secretary.

[FR Doc. 2013–27944 Filed 11–18–13; 4:15 pm]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket No. CP2014–5; Order No. 1876]

Change in Postal Rates

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recently Postal Service filing concerning the Postal Service's intention to change rates of general applicability for competitive products. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* November 29, 2013.

ADDRESSES: Submit comments electronically via the Commission's Filing Online system at *http://www.prc.gov.* Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

FOR FURTHER INFORMATION CONTACT: Stephen L. Sharfman, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION: On November 13, 2013, the Postal Service filed notice with the Commission concerning changes in rates of general applicability for competitive products.[1] The Notice also includes related classification changes. The Postal Service represents that, as required by the Commission's rules, 39 CFR 3015.2(b), the Notice includes an explanation and justification for the changes, the effective date, and a schedule of the changed rates. *Id.* at 1. The changes are scheduled to become effective January 26, 2014. *Id.*

Attached to the Notice is Governors' Decision No. 13–02, which evaluates the new prices and classification changes in accordance with 39 U.S.C. 3632, 3633,

[1] Notice of the United States Postal Service of Changes in Rates of General Applicability for Competitive Products Established in Governors' Decision No. 13–2, November 13, 2013 (Notice). Pursuant to 39 U.S.C. 3632(b)(2), the Postal Service is obligated to publish the Governors' Decision and record of proceedings in the **Federal Register** at least 30 days before the effective date of the new rates or classes.

and 39 CFR 3015.2.[2] The Governors' Decision provides an analysis of the competitive products' price and classification changes intended to demonstrate that the changes comply with 39 U.S.C. 3633(a) and 39 CFR part 3015. *Id.* at 1.

The attachment to the Governors' Decision sets forth the price changes and includes draft Mail Classification Schedule language for competitive products of general applicability. Selected highlights of the price and classification changes follow.

Priority Mail Express. Overall, Priority Mail Express prices increase by an average of 3.0 percent. A new Zone 9 is added for mailings to and from Micronesia, Marshall Islands, and Palau. In addition, a 10:30 a.m. delivery time option can be added for $5.00.

Retail prices increase, on average, by 3.1 percent. Prices for Retail Flat Rate Envelopes, Padded Flat Rate Envelopes, and Legal Flat Rate Envelopes increase by 4 cents to $19.99. The Flat Rate Box prices increase from $39.95 to $44.95.

Prices in the Commercial Base category, which offers lower prices to customers who use online or other authorized postage payment methods, increase by 2.9 percent. Prices in the Commercial Plus category, which offers even lower prices to large-volume customers, receive a 0.6 percent increase. A fee of 20 cents per piece will be assessed on commercial parcels that lack an Intelligent Mail Package Barcode.

Priority Mail. The existing structure of Retail, Commercial Base, and Commercial Plus price categories does not change. A new Zone 9 is added for mailings to and from Micronesia, Marshall Islands, and Palau.

Priority Mail Retail Flat Rate Box prices change to $17.45 for the Large Flat Rate Box and $15.45 for the Large APO/FPO/DPO Flat Rate Box. Prices for the Small and Medium Flat Rate Boxes are maintained at $5.80 and $12.35, respectively. The regular Flat Rate Envelope price is $5.60, and the Legal Size and Padded Flat Rate Envelope prices are $5.75 and $5.95, respectively.

For Commercial Plus, the minimum annual volume threshold for cubic pricing and other Commercial Plus offerings are decreased to 50,000 packages. A fee of 20 cents per piece will be assessed on commercial parcels that lack an Intelligent Mail Package Barcode.

Parcel Select. Parcel Select Service prices increase, on average, by 5.9 percent. For destination entry parcels, the average price increases 8.0 percent for dropshipping at a destination delivery unit, 5.6 percent for parcels entered at a destination Sectional Center Facility (SCF), and 5.1 percent for parcels entered at a destination Network Distribution Center (NDC).

For non-destination entered parcels, the average price increase is 5.9 percent. Prices for Lightweight Parcel Select increase by 10.1 percent.

Parcel Return Service. Parcel Return Service prices increase, on average, by 3.0 percent. The price for returned parcels retrieved from a return NDC or a return SCF have a zero percent overall increase, while prices for parcels retrieved from a return delivery unit increase by 5.7 percent.

First-Class Package Service. Commercial First-Class Package Service prices increase, overall, by 5.0 percent. A fee of 20 cents per piece will be assessed on commercial parcels that lack an Intelligent Mail Package Barcode.

Standard Post. Standard Post prices increase by an average of 5.2 percent. Prices in Zones 1–4 are aligned with the Retail Priority Mail prices for those zones. Thus, customers shipping in those price cells will receive Priority Mail service, and will default to Standard Post service only if the item contains hazardous material or is otherwise not permitted to travel by air transportation.

Domestic Extra Services. Premium Forwarding Service prices increase slightly, and a new pricing option is added. The retail counter enrollment fee increases to $17.00, and a new online enrollment option is available for $16.00. Prices for Adult Signature service increase to $5.20 for the basic service and $5.45 for the person-specific service. Address Enhancement Service prices increase between 3.6 and 7.7 percent. Competitive Post Office Box prices increase, on average, 3.5 percent. Package Intercept Service increases by an average of 5.0 percent.

Global Express Guaranteed and Priority Mail Express International. Global Express Guaranteed (GXG) service prices increase, on average, by 3.0 percent. Priority Mail Express International (PMEI) service prices increase, on average, by 1.3 percent.

For both GXG and PMEI, most of the existing price structure remains the same. Changes include a revision concerning payment methods for which GXG Commercial Base and PMEI Commercial Base pricing is available; the establishment of PMEI Flat Rate Commercial Base and PMEI Flat Rate Commercial Plus rates; and an increase to 70 pounds for the maximum weight for PMEI for Country Price Group 2.

Priority Mail International. Overall, Priority Mail International (PMI) prices increase by an average of 1.1 percent. The existing price structure of PMI Flat Rate, Retail, Commercial Base, and Commercial Plus price categories do not change, except for the establishment of PMI Flat Rate Commercial Base and PMI Flat Rate Commercial Plus rates, with additional changes concerning the availability of Electronic USPS Delivery Confirmation International. Additional classification changes include a revision concerning payment methods for which PMI Commercial Base is available; an increase to 70 pounds for the maximum weight for PMI for Rate Group 2, as well as revisions concerning PMI contents restrictions and size limitations for PMI items.

International Priority Airmail/ International Surface Air Lift. International Priority Airmail (IPA) prices decrease by an average of 2.5 percent. International Surface Air Lift (ISAL) prices decrease by an average of 2.9 percent. Classification changes include revising the structure of IPA and ISAL price categories so that there are 19 rate groups and rates are established by mail shape; a reduction in the minimum weight of Direct Country containers; a reduction in the maximum weight for IPA and ISAL large envelopes/flats; and an increase in the maximum weight for IPA and ISAL packages.

Airmail M-Bags. The published prices for Airmail M-Bags increase by an average of 2.9 percent.

First-Class Package International Service. The overall increase for First-Class Package International Service (FCPIS) Retail prices is 0.8 percent; FCPIS Commercial Base and FCPIS Commercial Plus prices remain unchanged. The existing structure of FCPIS Retail, Commercial Base, and Commercial Plus price categories are maintained, except for a revision concerning payment methods for which PMI Commercial Base is available. In addition, Pickup on Demand is an added option for FCPIS.

International Ancillary Services. Certificates of Mailing prices increase by an average of 9.7 percent. Registered Mail prices increase by an average of 5.4 percent. International Return Receipt prices increase by an average of 7.1 percent. The Customs Clearance and Delivery Fee increases by an average of 9.1 percent. The maximum amount for Vendor Assisted Electronic Money Transfer decreases to $1500.00.

[2] Decision of the Governors of the United States Postal Service on Changes in Rates and Classes of General Applicability for Competitive Products (Governors' Decision No. 13–02), October 22, 2013 (Governors' Decision No. 13–02).

Details of these changes may be found in the attachment to Governors' Decision No. 13–02 which is included as part of the Notice and contains proposed changes to the Mail Classification Schedule in legislative format.

The Notice also includes three additional attachments:

• A redacted table showing FY 2014 projected volumes, revenues, attributable costs, contribution, and cost coverage for each product, assuming implementation of the new prices on January 26, 2014.

• A redacted table showing FY 2014 projected volumes, revenues, attributable costs, contribution, and cost coverage for each product, assuming a hypothetical implementation of the new prices on October 1, 2013.

• An application for non-public treatment of the attributable costs, contribution, and cost coverage data in the unredacted version of the annex to Governors' Decision No. 13–02, as well as the supporting materials for the data.

The table referenced above shows that the share of institutional cost generated by competitive products, assuming implementation of new prices on January 26, 2014, is expected to be 15.9 percent.

Notice. The Commission establishes Docket No. CP2014–5 to consider the Postal Service's Notice. Interested persons may express views and offer comments on whether the planned changes are consistent with 39 U.S.C. 3632, 3633, 3642, 39 CFR part 3015, and 39 CFR 3020 subparts B and E. Comments are due no later than November 29, 2013.

For specific details of the planned price and classification changes, interested persons are encouraged to review the Notice, which is available on the Commission's Web site, *www.prc.gov.*

Pursuant to 39 U.S.C. 505, Tracy N. Ferguson is appointed to serve as Public Representative to represent the interests of the general public in this docket.

It is ordered:

1. The Commission establishes Docket No. CP2014–5 to provide interested persons an opportunity to express views and offer comments on whether the planned changes are consistent with 39 U.S.C. 3632, 3633, 3642, 39 CFR part 3015, and 39 CFR part 3020 subparts B and E.

2. Comments on the Notice are due no later than November 29, 2013.

3. The Commission appoints Tracy N. Ferguson to serve as Public Representative to represent the interests of the general public in this proceeding.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

Ruth Ann Abrams,

Acting Secretary.

[FR Doc. 2013–27767 Filed 11–19–13; 8:45 am]

BILLING CODE 7710–FW–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549–0213.

Extension:

Rules 201 and 200(g) of Regulation SHO; SEC File No. 270–606, OMB Control No. 3235–0670.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (''PRA''), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the previously approved collection of information provided for in Rule 201 (17 CFR 242.201) and Rule 200(g) (17 CFR 242.200(g)) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).

Rule 201 is a short sale-related circuit breaker rule that, if triggered, imposes a restriction on the prices at which securities may be sold short. Rule 200(g) provides that a broker-dealer may mark certain qualifying sell orders ''short exempt.'' The information collected under Rule 201's written policies and procedure requirement applicable to trading centers, the written policies and procedures requirement of the broker-dealer provision of Rule 201(c), the written policies and procedures requirement of the riskless principal provision of Rule 201(d)(6), and the ''short exempt'' marking requirement of Rule 200(g) enable the Commission and SROs to examine and monitor for compliance with the requirements of Rule 201 and Rule 200(g).

In addition, the information collected under Rule 201's written policies and procedure requirement applicable to trading centers help ensure that trading centers do not execute or display any impermissibly priced short sale orders, unless an order is marked ''short exempt,'' in accordance with the Rule's requirements. Similarly, the information collected under the written policies and procedures requirement of the broker-dealer provision of Rule 201(c) and the riskless principal provision of Rule 201(d)(6) help to ensure that broker-dealers comply with the requirements of these provisions. The information collected pursuant to the new ''short exempt'' marking requirement of Rule 200(g) also provide an indication to a trading center when it must execute or display a short sale order without regard to whether the short sale order is at a price that is less than or equal to the current national best bid.

It is estimated that SRO and non-SRO respondents registered with the Commission and subject to the collection of information requirements of Rules 201 and 200(g) incur an aggregate annual burden of 2,029,276 hours to comply with the Rules and an aggregate annual external cost of $65,928,700.

Any records generated in connection with Rule 201's requirements that trading centers and broker-dealers (with respect to the broker-dealer and riskless principal provisions) establish written policies and procedures must be preserved in accordance with, and for the periods specified in, Exchange Act Rules 17a–1 for SRO trading centers and 17a–4(e)(7) for non-SRO trading centers and registered broker-dealers. The amendments to Rule 200(g) and Rule 200(g)(2) do not contain any new record retention requirements. All registered broker-dealers that are subject to the amendments are currently required to retain records in accordance with Rule 17a–4(e)(7) under the Exchange Act.

Compliance with Rule 201 and Rule 200(g) is mandatory. We expect that the information collected pursuant to Rule 201's required policies and procedures for trading centers will be communicated to the members, subscribers, and employees (as applicable) of all trading centers. In addition, the information collected pursuant to Rule 201's required policies and procedures for trading centers will be retained by the trading centers and will be available to the Commission and SRO examiners upon request, but not subject to public availability. The information collected pursuant to Rule 201's broker-dealer provision and the riskless principal exception will be retained by the broker-dealers and will be available to the Commission and SRO examiners upon request, but not subject to public availability. The information collected pursuant to the ''short exempt'' marking requirements in Rule 200(g) and Rule 200(g)(2) will be submitted to trading centers and will be available to the Commission and SRO examiners upon request. The

information collected pursuant to the ''short exempt'' marking requirement may be publicly available because it may be published, in a form that would not identify individual broker-dealers, by SROs that publish on their Internet Web sites aggregate short selling volume data in each individual equity security for that day and, on a one-month delayed basis, information regarding individual short sale transactions in all exchange-listed equity securities.

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 public may view background documentation for this information collection at the following Web site, *www.reginfo.gov*. Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) Thomas Bayer, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov*. Comments must be submitted to OMB within 30 days of this notice.

Dated: November 14, 2013.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–27762 Filed 11–19–13; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Investor Education and Advocacy, 100 F Street NE., Washington, DC 20549–0213.

Extension:

Regulation S–AM, SEC File No. 270–548, OMB Control No. 3235–0609.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the previously approved collection of information provided for in Regulation S–AM (17 CFR Part 248, Subpart B), under the Fair Credit Reporting Act (15 U.S.C. 1681 *et seq.*) (''FCRA''), the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*), the Investment Company Act of 1940 (15 U.S.C. 80a–1 *et seq.*), and the Investment Advisers Act of 1940 (15 U.S.C. 80b–1 *et seq.*).

Regulation S–AM implements the requirements of Section 624 of the FCRA (15 U.S.C. 1681s–3) as applied to brokers, dealers, and investment companies, as well as investment advisers and transfer agents that are registered with the Commission (collectively, ''Covered Persons''). Under Section 624 and the regulation, before a receiving affiliate may make marketing solicitations based on the communication of certain consumer financial information from a Covered Person, the Covered Person must provide a notice to each affected individual informing the individual of his or her right to prohibit such marketing. The regulation potentially applies to all of the approximately 19,856 Covered Persons registered with the Commission, although only approximately 11,119 of them have one or more corporate affiliates, and the regulation requires only approximately 1,986 to provide consumers with an affiliate marketing notice and an opt-out opportunity.

The Commission staff estimates that there are approximately 11,119 Covered Persons having one or more affiliates, and that they each spend an average of 0.20 hours per year to review affiliate marketing practices, for, collectively, an estimated annual time burden of 2,224 hours at an annual internal staff cost of approximately $980,784. The staff also estimates that approximately 1,986 Covered Persons provide notice and opt-out opportunities to consumers, and that they each spend an average of 7.6 hours per year creating notices, providing notices and opt-out opportunities, monitoring the opt-out notice process, making and updating records of opt-out elections, and addressing consumer questions and concerns about opt-out notices, for, collectively, an estimated annual time burden of 15,094 hours at an annual internal staff cost of approximately $2,705,054. Thus, the staff estimates that the collection of information requires a total of approximately 11,119 respondents to incur an estimated annual time burden of a total of 17,318 hours at a total annual internal cost of compliance of approximately $3,339,438.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following Web site: *www.reginfo.gov*. Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov*; and (ii) Thomas Bayer, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549, or send an email to: *PRA_Mailbox@sec.gov*. Comments must be submitted to OMB within 30 days of this notice.

Dated: November 14, 2013.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–27763 Filed 11–19–13; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–70873; File No. SR–ISE–2013–56]

Self-Regulatory Organizations; International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Schedule of Fees

November 14, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on November 1, 2013, the International Securities Exchange, LLC (the ''Exchange'' or the ''ISE'') filed with the Securities and Exchange Commission the proposed rule change, as described in Items I and II 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 ISE proposes to amend its Schedule of Fees. The text of the proposed rule change is available on the Exchange's Web site (*http://*

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

www.ise.com), at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of 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

1. Purpose

The purpose of this proposed rule change is to amend the Exchange's Schedule of Fees (1) to adopt a definition of ''affiliate'' for the purpose of aggregating affiliated Member fees for the Firm Fee Cap, (2) to increase the taker fee for Priority Customers [3] in symbols that are in the Penny Pilot program (''Select Symbols''), (3) to increase the fee charged to Firm Proprietary [4]/Broker-Dealer and Professional Customers [5] when providing liquidity in Non-Select Symbols and FX Options, (4) to replace the current incremental tier for Priority Customer Complex average daily volume (''ADV'') with a new tier that applies retroactively to all Priority Customer complex volume, and (5) to increase the Credit for Responses to Flash Orders for trading against Priority Customers in Select Symbols. Each of these changes is explained below. The fee changes discussed apply to both Standard Options and Mini Options [6] traded on ISE. The Exchange's Schedule of Fees has separate tables for fees applicable to Standard Options and Mini Options. The Exchange notes that while the discussion below relates to fees for Standard Options, the fees for Mini Options, which are not discussed below, are and shall continue to be 1/10th of the fees for Standard Options.[7]

1. Affiliate Definition for Firm Fee Cap

The Exchange has a Firm Fee Cap of $75,000 which applies to Firm Proprietary and Non-ISE Market Maker [8] transactions that are part of the originating or contra side of a Crossing Order.[9] In addition to transactions executed in a Member's proprietary account, the fee cap also applies to crossing transactions for the account of entities affiliated with a Member.[10] For example, a Member engaged in trading activity on ISE may have an affiliate engaged in a market making capacity on another exchange, which may be a separate broker/dealer entity. A crossing transaction by that Member in which a customer order is facilitated against the proprietary trading interest of the Member's affiliate would be eligible for the fee cap. To provide more clarity on what ''affiliated'' means in this context the Exchange is now proposing a definition for this term. In particular, the Exchange will aggregate the trading fees of separate Members for purposes of the Firm Fee Cap provided there is at least 75% common ownership between the firms as reflected on each firm's Form BD, Schedule A. The Exchange believes that aggregating fees that count towards the fee cap across Members that share at least 75% common ownership will allow Members to continue to execute trades on the Exchange through separate broker-dealer entities for different types of volume, while receiving the benefit of the fee cap based on the aggregate volume being executed across such entities. The requirement that affiliates share at least 75% common ownership is consistent with the definition of ''affiliate'' adopted on the Topaz Exchange, LLC and other options exchanges.[11]

2. Priority Customer Taker Fee

The Exchange currently assesses per contract transaction fees and provides rebates to market participants that add or remove liquidity from the Exchange (''maker/taker fees and rebates'') in Select Symbols. For regular orders that remove liquidity in Select Symbols, the Exchange currently charges a taker fee of: (i) $0.34 per contract for Market Maker [12] and Market Maker Plus [13] orders, (ii) $0.38 per contract for Non-ISE Market Maker orders, (iii) $0.35 per contract for Firm Proprietary/Broker-Dealer and Professional Customer orders, and (iv) $0.28 per contract for Priority Customer orders. The Exchange now proposes to increase the taker fee for Priority Customer orders in Select Symbols from $0.28 per contract to $0.32 per contract. The Exchange is not proposing any change to this taker fee for any other market participants.

3. Discount for Adding Liquidity in Non-Select Symbols and FX Options

In June 2013, as an incentive to route liquidity-adding order flow to ISE, the Exchange adopted a discounted fee of $0.20 per contract for Firm Proprietary/Broker-Dealer and Professional Customers when providing liquidity in Non-Select Symbols and FX Options.[14] For removing liquidity, these market participants are charged a fee of $0.30 per contract. The Exchange has determined to no longer provide this incentive for adding liquidity in Non-Select Symbols and FX Options, and is therefore proposing to charge the same $0.30 per contract fee to these market participants for adding liquidity as it charges for removing liquidity. Charging the same fee for adding and removing liquidity is consistent with the Exchange's past practice, and with the Exchange's general pricing structure for Non-Select Symbols and FX Options, which does not differentiate between making and taking liquidity.

4. Priority Customer Complex Order Tiers

The Exchange currently provides volume-based tiered rebates for Priority Customer complex orders when these orders trade with non-Priority Customer

[3] A Priority Customer is defined in ISE Rule 100(a)(37A) as a person or entity that is not a broker/dealer in securities, and does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s).

[4] A Firm Proprietary order is an order submitted by a Member for its own proprietary account.

[5] A Professional Customer is a person who is not a broker/dealer and is not a Priority Customer.

[6] Mini Options are options overlying ten (10) shares of AAPL, AMZN, GLD, GOOG and SPY.

[7] *See* Securities Exchange Act Release No. 69270 (April 2, 2013), 78 FR 20988 (April 8, 2013) (SR–ISE–2013–28).

[8] A Non-ISE Market Maker, or Far Away Market Maker (''FARMM''), is a market maker as defined in Section 3(a)(38) of the Securities Exchange Act of 1934 registered in the same options class on another options exchange.

[9] Fees charged by the Exchange for Responses to Crossing Orders, and surcharge fees charged by the Exchange for licensed products, are not included in the calculation of the monthly fee cap. The Exchange charges a service fee to Members that have reached the Firm Fee Cap to defray the Exchange's costs of providing services.

[10] *See* Securities Exchange Act Release No. 64274 (April 8, 2011), 76 FR 20754 (April 13, 2012) (SR–ISE–2011–13).

[11] *See e.g.* Securities Exchange Act Release No. 70670 (October 11, 2013), 78 FR 62815 (October 22, 2013) (SR–Topaz–2013–08).

[12] The term ''Market Makers'' refers to ''Competitive Market Makers'' and ''Primary Market Makers'' collectively. *See* ISE Rule 100(a)(25).

[13] In order to promote liquidity in Select Symbols, the Exchange offers a rebate for adding liquidity to certain Market Makers (''Market Maker Plus'') if the quotes they send to the Exchange qualify the Market Maker to become a Market Maker Plus.

[14] *See* Securities Exchange Act Release No. 69757 (June 13, 2013), 78 FR 36812 (June 19, 2013) (SR–ISE–2013–36).

orders in the complex order book,[15] or trade with quotes and orders on the regular order book.[16] These complex order rebates are provided to Members based on the Member's ADV in Priority Customer complex contracts. For example, a Member that executes an ADV of at least 225,000 Priority Customer complex contracts will be entitled to a rebate of $0.40 per contract for Select Symbols (excluding SPY), $0.41 per contract for SPY, and $0.78 per contract for non-Select Symbols, in each case when trading with non-Priority Customer orders in the complex order book. When trading against quotes and orders on the regular order book this rebate is $0.18 per contract (excluding SPY) and $0.19 per contract for SPY. In March 2013 the Exchange introduced a new incremental tier to incentivize Members to increase the amount of Priority Customer complex orders that they send to the Exchange. Members that execute Priority Customer Complex ADV above 225,000 contracts are entitled to an additional rebate of $0.01 per contract when trading with non-Priority Customers in the complex order book.[17] Unlike the other five volume tiers, the incremental volume tier is not retroactive and is payable only for incremental Priority Customer complex order volume above the highest tier. The Exchange is proposing to eliminate the incremental volume tier, and instead adopt a new volume tier that applies to Members that execute a Priority Customer Complex ADV of at least 300,000 contracts. Like the other existing volume tiers, this new volume tier will apply retroactively to all Priority Customer complex order volume once the threshold has been reached. And, similar to the incremental tier that it replaces, Members that achieve the new tier will be entitled to a rebate that is $0.01 per contract greater than the rebate for Members that achieve the next highest tier. The new tier will, however, apply to both orders that trade with non-Priority Customer orders in the complex order book and orders that trade with quotes and orders on the regular order book. Specifically, the proposed rebate amounts for this volume tier will be as follows: the rebate for Select Symbols (excluding SPY) will be $0.41 per contract, the rebate for SPY will be $0.42 per contract, and the rebate for Non-Select Symbols will be $0.79 per contract, in each case when trading with non-Priority Customer orders in the complex order book. When trading with quotes and orders on the regular order book the proposed rebate will be $0.19 per contract (excluding SPY) and $0.20 per contract for SPY. With this proposed change the Exchange expects to attract additional Priority Customer complex order volume to the ISE.

5. Credit for Responses To Flash Orders

Currently, when ISE is not at the National Best Bid or Offer (''NBBO''), Public Customer and Non-Customer orders are exposed to all ISE members to give them an opportunity to match the NBBO (''Flash Orders'') before the order is routed to another exchange for execution or cancelled. As an incentive to attract Public Customer orders to the ISE, the Exchange offers a Credit for Responses to Flash Orders in Select and Non-Select Symbols when trading against Priority and Professional Customers.[18] For Select Symbols, this credit is $0.10 per contract when trading against each of Priority and Professional Customers. When an ISE Market Maker trades against a Preferenced Priority Customer, i.e., a Priority Customer order that is preferenced to that Market Maker, the credit is $0.12 per contract. In non-Select Symbols the credit is $0.20 per contract when trading against Professional Customers only. The Exchange now proposes to increase the Credit for Responses to Flash Orders in Select Symbols from $0.10 per contract to $0.15 per contract when trading against Priority Customers, and from $0.12 per contract to $0.17 per contract when trading against Preferenced Priority Customers.[19] The respective credits for trading against a Professional Customer in Select and Non-Select Symbols will remain at their current rates.

2. Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[20] in general, and Section 6(b)(4) of the Act,[21] in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges among its members and other persons using its facilities.

1. Affiliate Definition for Firm Fee Cap

The language permitting aggregation of corporate affiliates for purposes of the Firm Fee Cap is intended to avoid disparate treatment of firms that have divided their various business activities between separate corporate entities as compared to firms that operate those business activities within a single corporate entity. By way of example, many firms that are Members of the Exchange operate several different business lines within the same corporate entity. In contrast, other firms may be part of a corporate structure that separates those business lines into different corporate affiliates, either for business, compliance or historical reasons. Those corporate affiliates, in turn, are required to maintain separate memberships with the Exchange in order to access the Exchange. The Exchange believes that the trading activity of corporate affiliates should continue to be aggregated for purposes of the Firm Fee Cap, and is adopting a definition of affiliate to clarify when Members will be considered affiliated. The Exchange notes that the proposed definition of ''affiliate'' is consistent with definitions used by other options exchanges, including the Topaz Exchange, LLC, the Chicago Board Options Exchange, Inc., and the MIAX Options Exchange.[22] The Exchange is not proposing any substantive changes to the Firm Fee Cap.

2. Priority Customer Taker Fee

The Exchange believes that its proposal to assess a $0.32 per contract taker fee for all regular Priority Customer orders in Select Symbols is reasonable and equitable because the fee is within the range of fees assessed by other exchanges employing similar pricing schemes. While the Exchange is proposing a fee increase, the proposed fee is substantially lower, for example, than the $0.45 per contract taker fee currently charged by the NASDAQ Options Market (''NOM'') for Customer orders in penny pilot symbols.[23] The

[15] The Exchange offers a rebate in Standard and Mini Options for Priority Customer complex orders in (i) Select Symbols (excluding SPY), (ii) SPY, and (iii) Non-Select Symbols, when these orders trade with non-Priority Customer orders in the complex order book.

[16] The Exchange offers a rebate in Standard and Mini Options for Priority Customer complex orders that trade with quotes and orders on the regular order book in (i) SPY, and (ii) other symbols excluding SPY.

[17] The incremental rebate does not apply to Priority Customer Complex orders that trade with quotes or orders on the regular order book.

[18] No fee is charged or credit provided when trading against a non-Customer.

[19] The Exchange notes that it does not apply a special credit for trading against a Preferenced Priority Customer in Mini Options. The credit for trading against a Priority Customer in Mini Options will be $0.015 per contract when trading against Priority Customers in Select Symbols regardless of whether the order has been preferenced to a Market Maker.

[20] 15 U.S.C. 78f.

[21] 15 U.S.C. 78f(b)(4).

[22] *See* ISE Gemini Schedule of Fees, Section I, Regular Order Fees and Rebates for Standard Options, and Section II, Regular Order Fees and Rebates for Mini Options; CBOE Fee Schedule, Volume Incentive Program (VIP); MIAX Fee Schedule, Transaction Fees, Exchange Fees, Priority Customer Rebate Program.

[23] *See* NOM Rules, Chapter XV Options Pricing, Sec. 2 NASDAQ Options Market—Fees and Rebates.

Exchange also notes that with this proposed fee change, the fee charged to Priority Customer orders will remain lower (as it historically has always been) than the fee currently charged by the Exchange to other market participants. The Exchange believes that it is equitable and not unfairly discriminatory to increase the Priority Customer taker fee, as Priority Customers will continue to be assessed lower fees than other market participants.

3. Discount for Adding Liquidity in Non-Select Symbols and FX Options

The Exchange believes that it is reasonable, equitable, and not unfairly discriminatory to no longer provide a discounted fee for providing liquidity in Non-Select Symbols and FX Options as it has determined it is no longer necessary provide this incentive. Firm Proprietary/Broker-Dealer and Professional Customers will once again pay the same fee regardless of whether they are adding or removing liquidity, as was the case prior to the June 2013 rule change. This is consistent with the Exchange's general pricing structure for Non-Select Symbols and FX Options, which does not differentiate between making and taking liquidity.

4. Priority Customer Complex Order Tiers

The Exchange believes that it is reasonable, equitable, and not unfairly discriminatory to provide rebates for Priority Customer complex orders when these orders trade with non-Priority Customer orders in the complex order book, or trade with quotes and orders on the regular order book, because paying a rebate will continue to attract additional order flow to the ISE and create liquidity which will ultimately benefit all market participants who trade on the Exchange. The Exchange has already established a volume-based incentive program, and is now merely proposing to replace its incremental volume tier with a new tier that applies retroactively to all Priority Customer complex order volume. The Exchange believes that the proposal will encourage Members to route additional Priority Customer complex orders to the Exchange in order to qualify for the new rebates, which would be applicable to all of a Member's Priority Customer complex order volume. The Exchange believes that the retroactive rebates being proposed for Members that achieve the new sixth tier will help it remain competitive with other options exchanges in attracting this order flow.

5. Credit for Responses To Flash Orders

The Exchange believes that it is reasonable and equitable to increase the credit for responding to Priority Customer orders flashed on the Exchange to encourage market participants to respond to these Flash Orders, and thereby attract Priority Customer order flow to the Exchange. The Exchange believes that the increased rebate will also result in fewer orders being subject to linkage handling, which will reduce costs for the Exchange and market participants. Furthermore, the Exchange believes that it is equitable and not unfairly discriminatory to provide a larger credit to market participants that trade against Priority Customer orders than those that trade against Professional Customer orders in Select Symbols. A Priority Customer is by definition not a broker or dealer in securities, and does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). This limitation does not apply to participants on the Exchange whose behavior is substantially similar to that of market professionals, including Professional Customers, who will generally submit a higher number of orders (many of which do not result in executions) than Priority Customers. The Exchange believes that attracting more liquidity from Priority Customers will benefit all market participants that trade on the ISE.

The Exchange notes that it has determined to charge fees and provide rebates in Mini Options at a rate that is 1/10th the rate of fees and rebates the Exchange provides for trading in Standard Options. The Exchange believes it is reasonable and equitable and not unfairly discriminatory to assess lower fees and rebates to provide market participants an incentive to trade Mini Options on the Exchange. The Exchange believes the proposed fees and rebates are reasonable and equitable in light of the fact that Mini Options have a smaller exercise and assignment value, specifically 1/10th that of a standard option contract, and, as such, is providing fees and rebates for Mini Options that are 1/10th of those applicable to Standard Options.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[24] the Exchange does not believe that the proposed rule change will impose any burden on intermarket or intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange notes that other exchanges have substantially similar requirements for aggregating affiliated Member ADV. As provided in the initial Firm Fee Cap filing, the Exchange currently aggregates affiliated Member fees, and this proposed rule change merely explains the how affiliate status is determined for that purpose, which will have no competitive impact. With respect to the other proposed fee changes, the Exchange believes that the proposed changes will promote competition, as they are designed to allow ISE to better compete for order flow and improve the Exchange's competitive position, for example, by offering higher rebates to market participants that execute a large volume of Priority Customer complex orders, or respond to Priority Customer Flash Orders. While the Exchange is increasing certain fees, the Exchange believes that this does not impose a burden on competition because the new fees are consistent with those charged by other options exchanges. The Exchange operates in a highly competitive market in which market participants can readily direct their order flow to competing venues. In such an environment, the Exchange must continually review, and consider adjusting, its fees and rebates to remain competitive with other exchanges. For the reasons described above, the Exchange believes that the proposed fee changes reflect this competitive environment.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments From members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [25] and paragraph (f) of Rule 19b–4 thereunder.[26] 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

[24] 15 U.S.C. 78f(b)(8).

[25] 15 U.S.C. 78s(b)(3)(A).

[26] 17 CFR 240.19b–4(f).

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 F*ile No. SR–ISE–2013–56 *on the subject line.*

Paper Comments

- Send paper comments in triplicate to Elizabeth Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–ISE–2013–56. 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 Commissions 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 ISE. 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–ISE–2013–56 and should be submitted by December 11, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[27]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–27753 Filed 11–19–13; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–70872; File No. SR–ISE–2013–57]

Self-Regulatory Organizations; International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Schedule of Fees

November 14, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on November 1, 2013, the International Securities Exchange, LLC (the ''Exchange'' or the ''ISE'') filed with the Securities and Exchange Commission the proposed rule change, as described in Items I and II 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 ISE proposes to amend its Schedule of Fees. The text of the proposed rule change is available on the Exchange's Web site (*http://www.ise.com*), at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of 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

1. Purpose

The purpose of this proposed rule change is to amend the Exchange's Schedule of Fees to increase the Market Maker Plus rebate for Market Makers [3] that meet certain additional qualification standards. The Exchange assesses a per contract transaction charge and provides rebates to market participants that add or remove liquidity from the Exchange (''maker/taker fees and rebates'') in all symbols that are in the Penny Pilot program (''Select Symbols''). In order to promote and encourage liquidity in Select Symbols, the Exchange currently offers Market Makers that meet the quoting requirements for Market Maker Plus a rebate of $0.10 per contract in Standard Options, and $0.010 per contract in Mini Options, for adding liquidity in those symbols.[4] The Exchange now proposes to pay a higher rebate of $0.12 per contract and $0.012 per contract for Standard and Mini Options, respectively, to Market Makers that meet the quoting requirements for Market Maker Plus and are affiliated with an Electronic Access Member that executes a total affiliated Priority Customer [5] average daily volume (''ADV'') of 200,000 contracts in a calendar month.[6]

[27] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The term ''Market Makers'' refers to ''Competitive Market Makers'' and ''Primary Market Makers'' collectively. *See* ISE Rule 100(a)(25).

[4] A Market Maker qualifies for Market Maker Plus if it is on the National Best Bid or National Best Offer 80% of the time for series trading between $0.03 and $5.00 (for options whose underlying stock's previous trading day's last sale price was less than or equal to $100) and between $0.10 and $5.00 (for options whose underlying stock's previous trading day's last sale price was greater than $100) in premium in each of the front two expiration months and 80% of the time for series trading between $0.03 and $5.00 (for options whose underlying stock's previous trading day's last sale price was less than or equal to $100) and between $0.10 and $5.00 (for options whose underlying stock's previous trading day's last sale price was greater than $100) in premium for all expiration months in that symbol during the current trading month. A Market Maker's single best and single worst overall quoting days each month, on a per symbol basis, are excluded in calculating whether a Market Maker qualifies for Market Maker Plus, if doing so will qualify a Market Maker for the rebate.

[5] A Priority Customer is defined in ISE Rule 100(a)(37A) as a person or entity that is not a broker/dealer in securities, and does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s).

[6] Priority Customer ADV includes all volume in all symbols and order types. Volume in Standard Options and Mini Options will be combined to calculate Priority Customer ADV but Market Makers will be rebated for all Standard Options traded at the Standard Option rebate amount and for all the

ISE Market Makers that qualify as Market Maker Plus, but whose affiliates do not meet the minimum Priority Customer ADV threshold, will continue to earn a rebate of $0.10 per contract for Standard Options and $0.010 per contract for Mini Options.

All eligible volume from affiliated Members will be aggregated in determining total affiliated Priority Customer ADV, provided there is at least 75% common ownership between the Members as reflected on each Member's Form BD, Schedule A. The Exchange believes that aggregating Priority Customer ADV across Members that share at least 75% common ownership will allow Members to continue to execute orders on the Exchange through separate broker-dealer entities for different types of volume, while still qualifying for the benefit of the new higher Market Maker Plus rebate based on volume being executed across such entities. The requirement that affiliates share at least 75% common ownership is consistent with the definition of ''affiliate'' adopted on the Topaz Exchange, LLC and other options exchanges,[7] and as proposed today in another filing with respect to the ISE's Firm Fee Cap.[8]

The exchange is also proposing that, for purposes of determining total affiliated Priority Customer ADV, any day that the market is not open for the entire trading day may be excluded from such calculation. This is consistent with the Exchange's rules for calculating ADV in connection with tiered rebates for Priority Customer complex orders,[9] and would allow the Exchange to exclude days where the Exchange declares a trading halt in all securities or honors a market-wide trading halt declared by another market.[10] The Exchange will provide a notice, and post it on the Exchange's Web site, to inform Members of any day that is to be excluded from its ADV calculations in connection with this proposed rule change.

2. Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[11] in general, and Section 6(b)(4) of the Act,[12] in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges among its members and other persons using its facilities.

The Exchange already provides a rebate to Market Makers that meet the Exchange's stated quoting criteria, and is now proposing to pay a higher rebate to certain Market Makers that meet an additional affiliated Priority Customer ADV threshold. The Exchange believes that providing higher rebates to Market Makers whose affiliated companies execute more Priority Customer volume on the ISE will attract additional Priority Customer order flow to the Exchange, which will ultimately benefit all market participants that trade on the ISE. The proposed rebate will also provide Market Makers an extra incentive to qualify for Market Maker Plus in additional symbols. The Exchange believes the proposed rule change will encourage Market Makers to post tighter markets in Select Symbols and thereby maintain liquidity and attract additional order flow to the Exchange. The Market Maker Plus rebate is competitive with incentives provided by other exchanges, and has proven to be an effective incentive for Market Makers to provide liquidity in Select Symbols. Furthermore, the Exchange believes that the new Market Maker Plus rebate is not unfairly discriminatory because all Market Makers can achieve the new higher rebate by satisfying the current quoting requirements and executing the required Priority Customer volume on the ISE through its [sic] affiliates.

The language permitting aggregation of volume amongst corporate affiliates for purposes of the total affiliated Priority Customer ADV calculation is intended to avoid disparate treatment of firms that have divided their various business activities between separate corporate entities as compared to firms that operate those business activities within a single corporate entity. By way of example, many firms that are Members of the Exchange operate several different business lines within the same corporate entity. In contrast, other firms may be part of a corporate structure that separates those business lines into different corporate affiliates, either for business, compliance or historical reasons. Those corporate affiliates, in turn, are required to maintain separate memberships with the Exchange in order to access the Exchange. The Exchange believes that corporate affiliates should be aggregated in determining whether Members qualify for this new Market Maker Plus rebate. The Exchange notes that the proposed definition of ''affiliate'' is consistent with definitions used by other options exchanges, including the Topaz Exchange, LLC, the Chicago Board Options Exchange, Inc., and the MIAX Options Exchange.[13]

The Exchange believes that it is equitable and reasonable to permit the Exchange to eliminate from the calculation days on which the market is not open the entire trading day because it preserves the Exchange's intent behind adopting volume-based pricing. In particular, the Exchange notes that it if it did not have the ability to exclude aberrant low volume days when calculating ADV for the month, Members may experience an unintended cost increase due to the artificially low trading volume on those days. Moreover, as stated above, this is consistent with the Exchange's rules for calculating ADV in connection with tiered rebates for Priority Customer complex orders.

The Exchange notes that it has determined to charge fees and provide rebates in Mini Options at a rate that is 1/10th the rate of fees and rebates the Exchange provides for trading in Standard Options. The Exchange believes it is reasonable and equitable and not unfairly discriminatory to assess lower fees and rebates to provide market participants an incentive to trade Mini Options on the Exchange. The Exchange believes the proposed rebates are reasonable and equitable in light of the fact that Mini Options have a smaller exercise and assignment value, specifically 1/10th that of a Standard Option contract, and, as such, is providing rebates for Mini Options that are 1/10th of those applicable to Standard Options.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[14] 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 Exchange does not believe the proposed fee change will impose a burden on intramarket competition because the proposed rebate applies

Mini Options traded at the Mini Option rebate amount.

[7] *See e.g.* Securities Exchange Act Release No. 70670 (October 11, 2013), 78 FR 62815 (October 22, 2013) (SR–Topaz–2013–08).

[8] *See* SR–ISE–56 [sic] (November 1, 2013).

[9] *See* Securities Exchange Act Release No. 70657 (October 10, 2013), 78 FR 62899 (October 22, 2013) (SR–ISE–2013–51).

[10] The Exchange will not be excluding days on which the Exchange closes early for holiday observance from its ADV calculation.

[11] 15 U.S.C. 78f.

[12] 15 U.S.C. 78f(b)(4).

[13] *See* ISE Gemini Schedule of Fees, Section I, Regular Order Fees and Rebates for Standard Options, and Section II, Regular Order Fees and Rebates for Mini Options; CBOE Fee Schedule, Volume Incentive Program (VIP); MIAX Fee Schedule, Transaction Fees, Exchange Fees, Priority Customer Rebate Program.

[14] 15 U.S.C. 78f(b)(8).

equally to all Market Makers that satisfy the quoting requirements and whose affiliates execute the required Priority Customer volume on the ISE. With respect to intermarket competition, the Exchange believes that this new Market Maker Plus rebate is competitive with incentives provided by other exchanges. The Exchange operates in a highly competitive market in which market participants can readily direct their order flow to competing venues. In such an environment, the Exchange must continually review, and consider adjusting, its fees and rebates to remain competitive with other exchanges. For the reasons described above, the Exchange believes that the proposed fee changes reflect this competitive environment.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [15] and paragraph (f) of Rule 19b–4 thereunder.[16] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is 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 No. SR–ISE–2013–57 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–ISE–2013–57. 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 Commissions 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 ISE. 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–ISE–2013–57 and should be submitted by December 11, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–27752 Filed 11–19–13; 8:45 am]

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[15] 15 U.S.C. 78s(b)(3)(A).

[16] 17 CFR 240.19b–4(f).

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–70877; File No. SR–MIAX–2013–48]

Self-Regulatory Organizations; Miami International Securities Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend MIAX Rules 1302, 1304 and the MIAX Options Fee Schedule

November 14, 2013.

Pursuant to the provisions of Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on November 1, 2013, Miami International Securities Exchange LLC (''MIAX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange is filing a proposal to amend MIAX Rules 1302, Registration of Representatives, and 1304, Continuing Education for Registered Persons, and the MIAX Options Fee Schedule (the ''Fee Schedule'').

The text of the proposed rule change is available on the Exchange's Web site at *http://www.miaxoptions.com/filter/wotitle/rule_filing,* at MIAX's principal office, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Exchange Rule 1302, Registration of Representatives, to state in the Exchange's rules that a person engaged solely in proprietary trading on the Exchange is required to register with the Exchange and to be qualified by passing the Proprietary Traders Qualification Examination (Series 56),[3] except that person engaged in proprietary trading on the Exchange who has passed the General Securities Registered Representative Examination (Series 7) and maintains a Series 7 registration shall not be required to pass the Proprietary Traders Qualification Examination (Series 56). The Exchange believes that the Series 7 exam is more comprehensive and inclusive than the Series 56 exam, and therefore obviates the need for a Series 7 qualified person to take and pass the Series 56 exam.

The Exchange also proposes to amend MIAX Rule 1304, Continuing Education for Registered Persons, to specify the different Continuing Education (''CE'') requirements for registered persons based upon their registration with the Exchange. This change will authorize the Exchange to administer different CE programs to differently registered individuals while bringing clarity to Members about what CE requirement they must fulfill. More specifically, the Exchange is proposing to adopt, and to enumerate in Rule 1304, the following Regulatory Element programs: (1) The S201 Supervisor Program for registered principals and supervisors; (2) the S501 Proprietary Trader Continuing Education Program for Series 56 registered persons; and (3) the S101 General Program for Series 7 and all other registered persons.

Additionally, the Exchange is proposing to amend its Fee Schedule to adopt fees for the above CE programs and to adopt a fee for the Series 56 Examination. Specifically, the Exchange is now proposing to adopt a $60 Session Fee for those Market Makers and ROTs that are solely registered with the (''Series 56'') [sic] registration, a $100 Session Fee for all other registrations, and a $195 fee for the Series 56 examination.

Background

Currently, Exchange Rule 1304(a) states that each registered person shall complete the Regulatory Element of the CE program on the occurrence of their [sic] second registration anniversary date and every three years thereafter or as otherwise prescribed by the Exchange. The Regulatory Element is a computer-based education program administered by the Financial Industry Regulatory Authority (''FINRA'') on behalf of the Securities Industry Regulatory Council on Continuing Education to help ensure that registered persons are kept up to date on regulatory, compliance and sales practice matters in the industry. The Exchange is proposing to enumerate in Rule 1304(a), which governs the Regulatory Element, the S201 Supervisor Program for registered principals and supervisors, the S501 Proprietary Trader Continuing Education Program for Series 56 registered persons, and the S101 General Program for Series 7 and all other registered persons.

The Regulatory Element

The proposed rule change specifies the Continuing Education Requirements for associated persons. The Proprietary Trader Continuing Education Program (S501) is required for those registrants who registered as Proprietary Traders[4] by passing the Series 56 and do not maintain any other registration through CRD. Individuals that are registered under any other registration are required to maintain the CE obligations associated with those registrations. For example, an individual that is registered as a proprietary trader[5] with the Exchange yet continues to maintain a Series 7 registration will be required to take the S101 General Program for Series 7 (S101), which applies to persons with a Series 7 registration.[6] The Proprietary Trader Continuing Education Program allows the Exchange to tailor its CE requirements more closely to those individuals registered only as Proprietary Traders. More specifically, the Exchange believes that permitting individuals engaging in proprietary trading and registered under the Series 56 to complete a separate CE Program than those maintaining a Series 7 registration is appropriate as all individuals have the option of taking either test. In comparison to the Series 7, the Series 56 Examination is more closely tailored to the practice of proprietary trading while the Series 7 is more comprehensive. As such, the Exchange believes a Series 56 CE Program should be tailored as well. At the same time, if an individual would like to remain registered as a Series 7, the Exchange believes it is appropriate they [sic] continue to complete the broader CE program. As stated above, though an individual maintaining a Series 7 registration may be engaging in the same capacity as one registered as a Proprietary Trader, because the Series 7 Examination is a more comprehensive exam, the Exchange believes that such individual that continues to maintain a Series 7 registration should complete a CE that covers all aspects of his or her registration.

Amendments to the Fee Schedule

The Exchange proposes to adopt a $60 Session Fee to fund CE sessions administered to Members that are registered only under the Series 56, and a $100 Session Fee to fund both the development and administration of a CE program that is applicable to all other CE sessions for registrants that are required to take any other examination(s). The Exchange anticipates that other exchanges will assess corresponding fees for the S501 CE program.

The Exchange believes that the new fees are reasonable and proportional based upon the programming of the CE. The Exchange proposes a $60 session fee in order to cover the costs of administration of the S501 CE Program. Specifically, the $60 session fee will be used to fund the S501 CE Program administered to persons registered only as Proprietary Traders who are required

[3] Members that are individuals and associated persons of Members engaged or to be engaged in the securities business of a Member shall be registered with the Exchange in the category of registration appropriate to the function to be performed in a form and manner prescribed by the Exchange. Before the registration can become effective, the individual Member or individual associated person shall submit the appropriate application for registration, pass a qualification examination appropriate to the category of registration in a form and manner prescribed by the Exchange and submit any required registration and examination fees. *See* Exchange Rule 203(a). This part of the proposed rule change is intended to clarify who may take the Series 56 exam as required by the Exchange.

[4] Proprietary traders on the Exchange are Market Makers and Registered Option Traders. The term ''Market Makers'' refers to ''Lead Market Makers'', ''Primary Lead Market Makers'' and ''Registered Market Makers'' collectively. *See* Exchange Rule 100. Market Maker quotations and orders may be submitted to the System only by Registered Option Traders (''ROTs''). An ROT is permitted to enter quotes and orders only for the account of the Market Maker with which he is associated. *See* Exchange Rule 601(a). ROTs may be: (i) Individual Members registered with the Exchange as Market Makers, or (ii) officers, partners, employees or associated persons of Members that are registered with the Exchange as Market Makers. *See* Exchange Rule 601(b)(1).

[5] *Id.*

[6] A person accepting orders from non-member customers (unless such customer is a broker-dealer registered with the Securities and Exchange Commission) is required to register with the Exchange and to be qualified by passing the General Securities Registered Representative Examination (Series 7). *See* Exchange Rule 1302(d).

to complete the S501 CE Program. The $60 session fee is less than the existing $100 session fee currently charged by FINRA through CRD for the existing CE Programs, including the S101 CE Program, because the fees associated with the existing CE Programs are utilized for both development and administration, whereas the $60 session fee for the S501 CE Program only covers the administration of the program. The costs associated with the development and maintenance of the S501 CE Program are included in the Series 56 Examination fee. The Exchange anticipates that the other Participating SROs will adopt, or have adopted, the same $60 session fee applicable to completion of the S501 CE Program.

In addition, the Exchange proposes to amend its Fee Schedule to adopt a $195 fee per registered person that chooses to complete the Series 56 Examination. The Fee Schedule does not currently set forth the examination fees for other qualification examinations required or accepted by the Exchange because these programs are within FINRA's jurisdiction. The Series 56 Examination, however, is a limited registration category that is not recognized by FINRA under its registration rules. However, as with existing non-FINRA examinations, FINRA administers the Series 56 Examination and collects the $195 fee through CRD on behalf of the SROs that developed and maintain the exam. Additionally, only one $195 fee would be charged through CRD for a registered person completing the Series 56 Examination, even if such registered person's firm was a member of multiple exchanges. The Exchange anticipates that the other Participating SROs will adopt, or have adopted, the same $195 fee applicable to completion of the Series 56 Examination.

2. Statutory Basis

The Exchange believes its proposed rule change is consistent with Section 6(c) of the Act[7] in general, and in particular, furthers the objectives of Section 6(c)(3) of the Act,[8] which authorizes the Exchange to prescribe standards of training, experience and competence for Members and persons associated with the Members. The proposed rule change would codify the existing requirements for Members and their associated persons while also specifying the new S501 CE Program requirement for persons registered only as Proprietary Traders. The Exchange believes the proposed changes are reasonable and set forth the appropriate CE requirements for persons required to register under Exchange Rules and therefore will contribute to ensuring that registered persons of Members are properly trained. In this regard, the Exchange believes that the S501 CE Program is the appropriate CE Program for persons registered only as Proprietary Traders because the S501 CE Program is specifically tailored toward proprietary trading. Individuals who maintain any other registration would be required to complete the CE Program associated with their other registration, even if simultaneously registered as Proprietary Traders, because the other CE Program would be more comprehensive and tailored to that registration category. The Exchange also believes that the proposed rule change is reasonable because the other Participating SROs will adopt, or have adopted, rules requiring completion of the S501 CE Program for registered Proprietary Traders.

The Exchange believes that its proposal to amend its Fee Schedule is consistent with Section 6(b) of the Act in general, and furthers the objectives of Section 6(b)(4) and 6(b)(5) of the Act in particular, in that it is an equitable allocation of reasonable fees and other charges.

In particular, the proposed $60 Session Fee is equitable and not unfairly discriminatory as it is allocated to all individuals that are registered only under the Series 56. The Exchange believes that the proposed $60 Session Fee is reasonable. While the $60 Session Fee is less than the existing $100 Session Fee currently charged by FINRA through CRD for the existing CE Programs, including the S101 CE Program, the fees associated with the existing CE Programs are utilized for both development and administration, whereas the $60 Session Fee for the S501 CE Program covers only the administration of the program. The costs associated with the development and maintenance of the S501 CE Program are included in the Series 56 Examination fee. The Exchange also believes that the fee is reasonable because the other Participating SROs will adopt, or have adopted, the same $60 session fee applicable to completion of the S501 CE Program. The Exchange also believes that the proposed rule change is reasonable because it will specify the existing $100 Session Fee applicable to registered persons of Members who are subject to CE requirements, which is collected by FINRA through CRD. Finally, the Exchange believes that the proposed rule change is equitable and not unfairly discriminatory because all registered persons of Members that are subject to CE requirements would be treated the same, as is currently the case. Therefore, any registered person of a Member that is required to complete the S501 CE Program would be subject to the corresponding $60 Session Fee.

The proposed fee is designed to allow FINRA to cover its cost of administering the Series 56 Examination on behalf of the Exchange. The Exchange believes that the proposed $195 Series 56 Examination fee is also reasonable because it is designed to reflect the costs of maintaining and developing the Series 56 Examination, as well as the development and maintenance of the S501 CE Program, and to ensure that the examination's content is, and continues to be, adequate for testing the competence and knowledge generally applicable to proprietary trading.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the administrative changes being made, nor the introduction of the S201, S501 and S101 requirements, will affect intermarket competition because the Exchange believes that other exchanges offering the same CE requirements will file similar rules addressing those CE programs. In addition, the Exchange does not believe the proposed changes will affect intramarket competition because all registered persons maintaining the same registrations are required to complete the same CE requirements. For example, all individuals maintaining a Series 7 registration will be required to complete the Series 7 CE while all individuals maintaining a Series 56 registration (and no other registrations) will be required to complete the Series 56 CE.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days after the date of the filing, or such shorter time as the Commission may designate, it has

[7] 15 U.S.C. 78f(c).

[8] 15 U.S.C. 78f(c)(3).

become effective pursuant to 19(b)(3)(A) of the Act [9] and Rule 19b–4(f)(6) [10] thereunder.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form *(http://www.sec.gov/rules/sro.shtml);* or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–MIAX–2013–48 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–MIAX–2013–48. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site *(http://www.sec.gov/rules/sro.shtml).*

Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly.

All submissions should refer to File Number SR–MIAX–2013–48 and should be submitted on or before December 11, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–27757 Filed 11–19–13; 8:45 am]

BILLING CODE 8011–01–P

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–70875; File No. SR–CBOE–2013–110]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing of a Proposed Rule Change To Eliminate the e-DPM Program

November 14, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on November 1, 2013, Chicago Board Options Exchange, Incorporated (the ''Exchange'' or ''CBOE'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to eliminate its e-DPM program. The text of the proposed rule change is available on the Exchange's Web site (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

In 2004, the Exchange adopted its Electronic DPM (''e-DPM'') Program (the ''Program''), under which the Exchange has allowed TPHs to remotely function as a Designated Primary Market-Maker (''DPM'').[3] e-DPMs act as specialists on CBOE by entering bids and offers electronically from locations other than the trading crowds where the applicable option classes are traded, and are not required to have traders physically present in the trading crowd. As specialists, e-DPMs share in the DPM participation right in their allocated classes and have similar rights and responsibilities to DPMs.

The Exchange has determined that the Program is no longer competitively necessary; the growing prevalence of Preferred Market-Maker (''PMM'') routing, which provides a higher participation entitlement on [sic] for orders on which a Market-Maker is labeled ''preferred'', has rendered the initially-unique tenets of the Program less relevant and attractive to the e-DPMs. All e-DPMs are PMMs on orders to which the e-DPM is labeled ''preferred'', and PMMs otherwise have many similar characteristics as e-DPMs. e-DPMs have similar or greater quoting obligations as PMMs despite this lower participation entitlement. On most transactions to which the e-DPM entitlement applies (if no party is labeled ''preferred'' for that order, or the party labeled ''preferred'' is not at the NBBO), e-DPMs are only guaranteed a

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b-4.

[3] For more information on the Program, *see* Securities Exchange Act Release Nos. 50003 (July 12, 2004) (SR–CBOE–2004–24) *and* 49577 (April 19, 2004) (SR–CBOE–2004–17).

maximum of 15% participation entitlement per order.[4] However, PMMs have a maximum of 40% participation entitlement on orders that are preferred to them.[5] If an e-DPM is preferred to an order, the e-DPM is also the PMM and receives the 40% PMM entitlement instead of just the 15% e-DPM entitlement.[6] Therefore, e-DPMs only benefit in circumstances in which an order is not preferred to any party, or the preferred party is not at the NBBO. However, over 85% of orders that come into the Exchange are preferred orders. The much greater participation entitlement for a PMM (40%) provides a much stronger incentive to quote at the NBBO than the lower (15%) entitlement for e-DPMs. Therefore, it is more beneficial in nearly all circumstances to be a PMM than to be an e-DPM.

The Exchange does not believe that the elimination of the Program will affect CBOE's market quality. This is because the Exchange does not expect any Market-Makers to cease doing business on the Exchange due to the elimination of the Program; instead, the Exchange expects them all to stay on as Market-Makers and, on an order-by-order basis, PMMs (as being a PMM is often more beneficial than being an e-DPM anyway). Also, the Exchange does not require DPMs in every class, but every class (except SPX) currently has a DPM (and SPX has LMMs instead of DPMs or e-DPMs). Further, other U.S. options exchanges do not have programs similar to the Program. As such, the Exchange now proposes to discontinue the Program, and delete Rules 8.92 (Electronic DPM Program), 8.93 (e-DPM Obligations) and 8.94 (Review of e-DPM Operations and Performance), along with all references to the Program, e-DPMs, and Rules 8.92–8.94, from the CBOE Rules.

The Exchange proposes to eliminate the e-DPM Program because the Exchange believes that it is almost always redundant with the PMM program (but much less beneficial than the PMM program) and adds an unnecessary layer of complexity to CBOE rules, system processes, matching algorithm and trading procedures. Further, due to this redundancy (and programs at other exchanges that are similar to the PMM program[7]), the Exchange does not believe that the e-DPM Program provides CBOE with any competitive advantage. Moreover, the removal of the e-DPM complexity will provide the Exchange with more flexibility to consider other methods of encouraging DPM performance.

Upon approval of this proposed rule change, the Exchange will announce the impending elimination of the Program via a Regulatory Circular. This Regulatory Circular will include an end date for the Program that will be at least two weeks in advance in order for current e-DPMs to work with the Exchange to determine their preferred courses of action. The Exchange anticipates that most, if not all, e-DPMs will remain TPHs on the Exchange in a regular Market-Maker capacity (with the ability to act as a PMM on an order-by-order basis when they are preferred on an order) and will not be unduly harmed by the elimination of the Program (for the reasons described above). e-DPMs that desire to continue to act as Market-Makers (with the ability to act as a PMM on an order-by-order basis when they are preferred on an order) will be informed of the elimination of their e-DPM status and provided the opportunity to elect to become Market-Makers in those classes to which they are currently appointed as e-DPMs.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[8] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[9] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitation transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[10] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange believes that the proposed elimination of the Program will not significantly harm market quality, as current e-DPMs will be able to act as PMMs for orders on which they are preferred (which is more beneficial anyway). Indeed, the much greater participation entitlement for a PMM provides a much stronger incentive to quote at the NBBO than the lower entitlement for e-DPMs, which provides for narrower spreads. Following the proposed elimination of the Program, all e-DPMs will still be Market-Makers with the ability to act as PMMs for orders on which they are preferred. This will place the former e-DPMs on the same competitive position as PMMs. Further, other U.S. options exchanges do not have programs similar to the Program, but do have programs similar to CBOE's PMM program.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed elimination of the Program will impose an unnecessary burden on intramarket competition because e-DPMs, who are all also PMMs (for orders on which they are preferred), will merely be placed in the same competitive position as PMMs (for orders on which they are preferred). The Exchange does not believe that the proposed elimination of the Program will impose an unnecessary burden on intermarket competition because other U.S. options exchanges do not have programs similar to the Program (though they do have programs similar to CBOE's PMM program), and because the elimination of Program only affects e-DPMs on CBOE.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

[4] On the vast majority of transactions to which the e-DPM entitlement applies, there are three or more Market-Makers also quoting at the Exchange's best bid/offer, which sets the collective DPM/e-DPM entitlement at 30% (*See* CBOE Rule 8.87(b)(2)). One-half of this collective entitlement goes to the e-DPM(s) at the Exchange's best bid/offer (*See* CBOE Rule 8.87(b)(3)).

[5] On the vast majority of transactions to which the PMM entitlement applies, there are two or more Market-Makers also quoting at the Exchange's best bid/offer, which sets the PMM entitlement at 40% (*See* CBOE Rule 8.13(c)).

[6] *See* CBOE Rule 8.87(b)(4).

[7] *See* NASDAQ OMX PHLX (''PHLX'') Directed Order program, described in PHLX Rules 1080(l) and 1014(g)(viii).

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

[10] *Id.*

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission will:

A. By order approve or disapprove such proposed rule change, or

B. institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

• Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or

• Send an email to *rule-comments@sec.gov.* Please include File Number SR–CBOE–2013–110 on the subject line.

Paper Comments

• Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2013–110. 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 20549–1090 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal offices of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2013–110, and should be submitted on or before December 11, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Kevin M. O'Neill,

Deputy Secretary.

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–70874; File No. SR–Phlx–2013–111]

Self-Regulatory Organizations; NASDAQ OMX PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Exchange's Pricing Schedule Under Section VIII With Respect To Execution and Routing of Orders in Securities Priced at $1 or More Per Share

November 14, 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 31, 2013, NASDAQ OMX PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend the Exchange's Pricing Schedule under Section VIII, entitled ''NASDAQ OMX PSX FEES,'' with respect to execution and routing of orders in securities priced at $1 or more per share.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaqomxphlx.cchwallstreet.com/,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend the certain fees and rebates for order execution and routing applicable to the use of the order execution and routing services of the NASDAQ OMX PSX System by member organizations for all securities traded at $1 or more per share.

Amended Fees for Execution of Quotes/Orders in Securities Listed on Nasdaq

The Exchange is proposing to amend fees assessed for the execution of orders in securities listed on the Nasdaq Stock Market LLC (''Nasdaq'') that execute in NASDAQ OMX PSX (''PSX''). Currently, the Exchange assesses a charge of $0.0028 per share executed for an order entered through a PSX Market Participant Identifier (''MPID'') through which the member organization provides an average daily volume of 10,000 or more shares of liquidity during the month. The Exchange is proposing to increase the charge assessed for such orders executed at PSX to $0.0030.

The Exchange is also proposing to increase the charge assessed for an order executed in PSX in Nasdaq securities that is designated as eligible for routing. Currently, the Exchange assesses a charge of $0.0028 per share executed for an order that is designated as eligible for routing. The Exchange is proposing to increase the charge assessed for such orders executed at PSX to $0.0030.

Amended Fees for Execution of Quotes/Orders in Securities Listed on NYSE

The Exchange is proposing to amend fees assessed and credits provided for the execution of orders in securities listed on the New York Stock Exchange,

[11] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

Inc. (''NYSE'') that execute in PSX. Currently, the Exchange assesses a charge of $0.0028 per share executed for an order entered through a PSX MPID through which the member organization provides an average daily volume of 10,000 or more shares of liquidity during the month. The Exchange is proposing to increase the charge assessed for such orders executed at PSX to $0.0030.

The Exchange is also proposing to increase the charge assessed for an order executed in PSX in NYSE-listed securities that is designated as eligible for routing. Currently, the Exchange assesses a charge of $0.0028 per share executed for an order that is designated as eligible for routing. The Exchange is proposing to increase the charge assessed for such orders executed in PSX to $0.0030.

The Exchange is proposing to amend the credit provided to a member organization providing displayed liquidity in NYSE-listed securities through the PSX System. Currently, the Exchange provides a credit of $0.0028 per share executed for a displayed quote/order entered by a member organization that provides an average daily volume of 2 million or more shares of liquidity during the month. To be eligible, either (1) the quote/order is entered through a PSX MPID through which the member organization displays, on average over the course of the month, 100 shares or more at the national best bid and/or national best offer at least 25% of the time during regular market hours in the security that is the subject of the quote/order, or (2) the member organization displays, on average over the course of the month, 100 shares or more at the national best bid and/or national best offer at least 25% of the time during regular market hours in 500 or more securities. The Exchange is proposing to increase the credit to $0.0029 per share executed.

The Exchange is also proposing a new credit provided to a member organization providing displayed liquidity in NYSE-listed securities through the PSX System. Specifically, the Exchange is proposing to offer a credit of $0.0030 per share executed for a displayed quote/order entered by a member organization that provides an average daily volume of 6 million or more shares of liquidity during the month. Like the current credit, in order to be eligible, either (1) the quote/order is entered through a PSX MPID through which the member organization displays, on average over the course of the month, 100 shares or more at the national best bid and/or national best offer at least 25% of the time during regular market hours in the security that is the subject of the quote/order, or (2) the member organization displays, on average over the course of the month, 100 shares or more at the national best bid and/or national best offer at least 25% of the time during regular market hours in 500 or more securities.

Amended Fees for Execution of Quotes/Orders in Securities Listed on Exchanges Other Than Nasdaq or NYSE

The Exchange is proposing to amend fees assessed and credits provided for the execution of orders in securities listed on exchanges other than Nasdaq or NYSE that execute at PSX. Currently, the Exchange assesses a charge of $0.0028 per share executed for an order entered through a PSX MPID through which the member organization provides an average daily volume of 10,000 or more shares of liquidity during the month. The Exchange is proposing to increase the charge assessed for such orders executed at PSX to $0.0030.

The Exchange is also proposing to increase the charge assessed for an order executed in PSX in securities listed on exchanges other than Nasdaq or NYSE that is designated as eligible for routing. Currently, the Exchange assesses a charge of $0.0028 per share executed for an order that is designated as eligible for routing. The Exchange is proposing to increase the charge assessed for such orders executed at PSX to $0.0030.

The Exchange is proposing to amend the credit provided to a member organization providing displayed liquidity through the PSX System. Currently, the Exchange provides a credit of $0.0028 per share executed for a displayed quote/order in securities listed on exchanges other than Nasdaq or NYSE entered by a member organization that provides an average daily volume of 2 million or more shares of liquidity during the month. To be eligible, either (1) the quote/order is entered through a PSX MPID through which the member organization displays, on average over the course of the month, 100 shares or more at the national best bid and/or national best offer at least 25% of the time during regular market hours in the security that is the subject of the quote/order, or (2) the member organization displays, on average over the course of the month, 100 shares or more at the national best bid and/or national best offer at least 25% of the time during regular market hours in 500 or more securities. The Exchange is proposing to increase the credit to $0.0029 per share executed.

The Exchange is also proposing a new credit provided to a member organization providing displayed liquidity through the PSX System in securities listed on exchanges other than Nasdaq or NYSE. Specifically, the Exchange is proposing to offer a credit of $0.0030 per share executed for a displayed quote/order entered by a member organization that provides an average daily volume of 6 million or more shares of liquidity during the month. Like the current credit, in order to be eligible, either (1) the quote/order is entered through a PSX MPID through which the member organization displays, on average over the course of the month, 100 shares or more at the national best bid and/or national best offer at least 25% of the time during regular market hours in the security that is the subject of the quote/order, or (2) the member organization displays, on average over the course of the month, 100 shares or more at the national best bid and/or national best offer at least 25% of the time during regular market hours in 500 or more securities.

Amended Fees for Routing of Orders in All Securities

The Exchange is proposing to amend fees assessed and credits provided for the routing of orders in all securities. Currently, for PSTG or PSCN orders that execute in a venue other than PSX the Exchange assesses a charge of $0.0025 per share executed at the NYSE, a credit of $0.0014 per share executed at BX and a charge of $0.28 [sic] per share executed in other venues. The Exchange proposes to decrease the credit provided for executions at BX to $0.0011, and to increase the charges for executions elsewhere, including the NYSE, to $0.0030 per share executed.

The Exchange is also proposing to amend the fees assessed member organizations for entering a PMOP order that executes in a venue other than PSX. Currently, the Exchange assesses a charge of $0.0027 per share executed at the NYSE and a charge of $0.0031 per share executed at venues other than the NYSE. The Exchange proposes increasing these fees to $0.0030 per share executed at the NYSE and $0.0035 per share executed at venues other than the NYSE.

The Exchange is proposing to amend the fees assessed and credits provided for member organizations entering a PTFY order that executes in a venue other than PSX. Currently, the Exchange assesses a charge of $0.0024 per share executed at the NYSE, a charge of $0.0005 per share executed at venues other than the NYSE, Nasdaq or BX, a charge of $0.0028 per share executed at Nasdaq, and provides a credit of $0.0014 per share executed at BX. The

Exchange is proposing to decrease the credit provided to $0.0011 per share executed at BX, and increase the charges for shares executed at NYSE and Nasdaq to $0.0030 per share executed.

The Exchange is proposing to amend the fees assessed and credits provided for member organizations entering a PCRT order that executes in a venue other than PSX. Currently, the Exchange assesses a charge of $0.0028 per share executed at Nasdaq and provides a credit of $0.0014 per share executed at BX. The Exchange is proposing to increase the charge assessed for executions on Nasdaq to $0.0030 per share executed, and to decrease the credit provided for executions on BX to $0.0011 per share executed.

Last, the Exchange is proposing to amend the credit provided to a member organization for entering an XCST order that executes at BX. Currently, the Exchange provides a credit of $0.0014 per share executed at BX. The Exchange is proposing to decrease the credit provided to $0.0011.

2. Statutory Basis

The Exchange believes that its proposal to amend its Pricing Schedule is consistent with Section 6(b) of the Act [3] in general, and furthers the objectives of Sections 6(b)(4) and (b)(5) of the Act [4] in particular, in that it is an equitable allocation of reasonable fees and other charges among Exchange members and other persons using its facilities, and it does not unfairly discriminate between customers, issuers, brokers or dealers. The proposed changes are reasonable because they reflect a modest decrease in the credits provided in the execution of certain orders and a modest increase in the fees assessed for others, which will allow the Exchange to reduce costs and increase revenue.

The change with respect to fees for execution of quotes/orders in securities that execute on PSX is reasonable because it will make the applicable fees for orders that execute in PSX uniform, without regard to the nature of entry, eligibility for routing, or the listing venue of the security. Moreover, the change will result in a modest increase of only $0.0002 per share executed for PSX MPID-entered orders eligible for the existing tier, and for orders designated as eligible for routing. The change is consistent with an equitable allocation of fees and not unfairly discriminatory because it will eliminate an existing disparity between the fees charged for orders that execute in PSX, thereby making the applicable fees consistent. In addition, the change is equitable and not unfairly discriminatory because it affects all member organizations that execute orders in PSX.

The change with respect to the credits provided for execution of quotes/orders in NYSE-listed securities and securities listed on exchanges other than Nasdaq is reasonable because it further incentivizes member organizations to provide displayed quotes and orders on PSX. Specifically, the change achieves this goal by increasing the credit provided under the current tier, and creating a new tier that provides a larger credit to member organizations that provide a larger average daily volume of shares of liquidity during the month. The change is consistent with an equitable allocation of fees and not unfairly discriminatory because it applies the same criteria and provides the same rebate to member organizations trading in non-Nasdaq securities that provide displayed liquidity to PSX, under each of the tiers.

The changes with respect to the charges assessed and credits provided for routing of orders in all securities are reasonable because they represent a modest increases in charges assessed a member organization for PSTG, PSCN, PMOP, PTFY and PCRT orders that execute in a venue other than PSX, and a modest decrease in the credits provided to member organizations for PSTG, PSCN, PTFY, PCRT and XCST orders that execute at BX. The Exchange notes that the increase in fees and decrease in credits are designed to incentivize member organizations to provide orders and quotes that execute on PSX. In addition, the change is equitable and not unfairly discriminatory because it affects only those members that opt to use the Exchange's optional routing services.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act, as amended.[5] The Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its fees to remain competitive with other exchanges and with alternative trading systems that have been exempted from compliance with the statutory standards applicable to exchanges. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited. In this instance, the decreased credits and increased fees are intended to reduce the Exchange's costs, while still continuing to provide an incentive for members to execute shares on PSX and make use of its optional routing functionality. Because there are numerous competitive alternatives to PSX, it is likely the Exchange will lose market share as a result of the changes if they are unattractive to market participants. Accordingly, the Exchange does not believe the proposed changes will impair the ability of members or competing order execution venues to maintain their competitive standing in the financial markets.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [6] and paragraph (f) of Rule 19b–4 thereunder.[7] At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

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

[3] 15 U.S.C. 78f(b).

[4] 15 U.S.C. 78f(b)(4) and (5).

[5] 15 U.S.C. 78f(b)(8).

[6] 15 U.S.C. 78s(b)(3)(A).

[7] 17 CFR 240.19b–4(f).

• Send an email to *rule-comments@sec.gov*. Please include File Number SR–Phlx–2013–111 on the subject line.

Paper Comments

• Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–Phlx–2013–111. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–Phlx–2013–111 and should be submitted on or before December 11, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–27754 Filed 11–19–13; 8:45 am]

BILLING CODE 8011–01–P

[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–70876; File No. SR–FINRA–2013–048]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing of a Proposed Rule Change To Amend FINRA Rule 8312 (FINRA BrokerCheck Disclosure) To Expand the Categories of Civil Judicial Disclosures Permanently Included in BrokerCheck

November 14, 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 November 1, 2013, the Financial Industry Regulatory Authority, Inc. (''FINRA'') 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 FINRA. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

FINRA is proposing to amend FINRA Rule 8312 (FINRA BrokerCheck Disclosure) to permanently make publicly available in BrokerCheck information about former associated persons of a member firm who have been the subject of an investment-related civil action brought by a state or foreign financial regulatory authority that has been dismissed pursuant to a settlement agreement.

The text of the proposed rule change is available on FINRA's Web site at *http://www.finra.org,* at the principal office of FINRA and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, FINRA included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. FINRA has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

FINRA established BrokerCheck in 1988 (then known as the Public Disclosure Program) to provide the public with information on the professional background, business practices, and conduct of FINRA member firms and their associated persons. The information that FINRA releases to the public through BrokerCheck is derived from the Central Registration Depository (''CRD®''), the securities industry online registration and licensing database. FINRA member firms, their associated persons and regulators report information to the CRD system via the uniform registration forms. By making most of this information publicly available, BrokerCheck, among other things, helps investors make informed choices about the individuals and firms with which they conduct business.

In January 2011, Commission staff released its *Study and Recommendations on Improved Investor Access to Registration Information About Investment Advisers and Broker-Dealers* (''Study''),[3] in furtherance of Section 919B of the Dodd-Frank Act.[4] The Study contains four recommendations for improving investor access to registration information through BrokerCheck and the Commission's Investment Adviser Public Disclosure (''IAPD'') database. In May 2012, FINRA implemented the Study's three ''near-term'' recommendations.[5] FINRA is currently working on the Study's ''intermediate-term'' recommendation, which involves analyzing the feasibility and advisability of expanding the information available through BrokerCheck, as well as the method and format that BrokerCheck information is displayed.

In light of the Study's ''intermediate-term'' recommendation and FINRA's belief that regular evaluation of its BrokerCheck program is an important part of its statutory obligation to make information available to the public,[6]

[3] The Study is available online at *http://www.sec.gov/news/studies/2011/919bstudy.pdf.*

[4] Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law 111–203, 124 Stat. 1376 (2010).

[5] These recommendations are to unify search returns for BrokerCheck and IAPD, add the ability to search BrokerCheck by ZIP code, and increase the educational content on BrokerCheck.

[6] *See* Section 15A(i) of the Act. 15 U.S.C. 78*o*–3(i). Since establishing BrokerCheck, FINRA has regularly assessed the scope and utility of the information it provides to the public and, as a

FINRA has initiated a thorough review of BrokerCheck. As part of this review, FINRA issued *Regulatory Notice* 12–10 requesting comment on ways to facilitate and increase investor use of BrokerCheck information. In addition, FINRA engaged a market research consultant that conducted focus groups and surveyed investors throughout the country to obtain their opinions on the BrokerCheck program. Based on the evaluation that it has conducted to this point, FINRA is proposing to amend FINRA Rule 8312 to permanently make available in BrokerCheck information about former associated persons of a member firm who have been the subject of an investment-related civil action brought by a state or foreign financial regulatory authority that has been dismissed pursuant to a settlement agreement.[7]

Pursuant to Rule 8312(b)(1), FINRA releases to the public through BrokerCheck information on current or former members, current associated persons, and persons who were associated with a member within the preceding 10 years. Under current Rule 8312(c)(1), FINRA makes publicly available in BrokerCheck on a permanent basis information about former associated persons of a member who have not been associated with a member within the preceding ten years, and (A) were ever the subject of a final regulatory action, or (B) were registered on or after August 16, 1999 and were (i) convicted of or pled guilty or nolo contendere to a crime; (ii) the subject of a civil injunction in connection with investment-related activity or a civil court finding of involvement in a violation of any investment-related statute or regulation (''Civil Judicial Disclosures''); or (iii) named as a respondent or defendant in an investment-related arbitration or civil litigation which alleged that the person was involved in a sales practice violation and which resulted in an arbitration award or civil judgment against the person.

The proposed rule change would amend Rule 8312(c)(1)(B)(ii) to expand the categories of Civil Judicial Disclosures that are permanently included in BrokerCheck. Specifically, the proposed rule change would permanently make publicly available in BrokerCheck information about former associated persons of a member who were registered on or after August 16, 1999[8] and who have been the subject of an investment-related civil action brought by a state or foreign financial regulatory authority that was dismissed pursuant to a settlement agreement, as reported to the CRD system via a uniform registration form.[9] This information currently is available in BrokerCheck for ten years from the date an individual ceases association with a member. FINRA believes that these settled civil actions should be available permanently in BrokerCheck because they may involve significant events or considerable undertakings on the part of the subject individual. For example, one civil action involving excessive and undisclosed markups was settled for over $200,000. As such, the proposed change would provide the public with additional access to such relevant and important information about formerly registered persons who, although no longer in the securities industry in a registered capacity, may work in other investment-related industries or may seek to attain other positions of trust with potential investors and about whom investors may wish to learn relevant information.

FINRA will announce the effective date of the proposed rule change in a *Regulatory Notice* to be published no later than 60 days following Commission approval. The effective date will be no later than 180 days following publication of the *Regulatory Notice* announcing Commission approval.

2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,[10] which requires, among other things, that FINRA rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. FINRA believes that the proposed rule change to permanently make publicly available in BrokerCheck information about persons formerly associated with a member who have been the subject of an investment-related civil action brought by a state or foreign financial regulatory authority that was dismissed pursuant to a settlement agreement will enhance investor protection by expanding the time frame for disclosure of this important information to investors and other users of BrokerCheck. Such formerly registered persons, although no longer in the securities industry in a registered capacity, may work in other investment-related industries or may seek to attain other positions of trust with potential investors. FINRA believes that it is beneficial to investors to have access to this information on a permanent basis.

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

FINRA believes that making publicly available on a permanent basis in BrokerCheck information about former associated persons of a member firm who have been the subject of an investment-related civil action brought by a state or foreign financial regulatory authority that was dismissed pursuant to a settlement agreement will enhance investor protection. The proposed rule change would provide the public with additional access to such relevant and important information about formerly registered persons who, although no longer in the securities industry in a registered capacity, may work in other investment-related industries or may seek to attain other positions of trust with potential investors and about whom investors may wish to learn relevant information. FINRA does not anticipate that the proposed rule change will impose any burden or additional costs on member firms. In this regard, FINRA notes that the proposed rule change will not subject member firms or their associated persons to any new or additional uniform registration form reporting requirements. The Form U4 question that elicits information on the settled civil judicial actions at issue will remain the same; only the BrokerCheck disclosure period will change.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The proposed rule change was published for comment by FINRA in *Regulatory Notice* 12–10 (February 2012). A copy of the *Regulatory Notice*

result, has made numerous changes to improve the program.

[7] FINRA continues to consider other comments regarding changes to BrokerCheck that were submitted in response to *Regulatory Notice* 12–10.

[8] The proposal will apply only to those individuals registered with FINRA on or after August 16, 1999. Filings for those individuals whose registrations terminated prior to August 16, 1999 were not made electronically so BrokerCheck reports for such firms and individuals cannot be made in an automated fashion. Furthermore, data limitations apply to the information available for some of those individuals.

[9] This information is currently elicited by Question 14H(1)(c) on Form U4 (Uniform Application for Securities Industry Registration or Transfer).

[10] 15 U.S.C. 78*o*–3(b)(6).

is attached as Exhibit 2a.[11] The comment period expired on April 27, 2012. FINRA received 71 comment letters in response to the *Regulatory Notice.* A list of the comment letters received in response to the *Regulatory Notice* is attached as Exhibit 2b.[12] Copies of the comment letters received in response to the *Regulatory Notice* are attached as Exhibit 2c.

Ten of the 71 comment letters received addressed the general expansion of the time frame for providing information through BrokerCheck.[13] In general, these comment letters suggested that there should be no time limits on the inclusion of disclosure events in BrokerCheck (*e.g.,* information about a bankruptcy is no longer disclosed through BrokerCheck after 10 years) [14] and that all information about associated persons should be included in BrokerCheck on a permanent basis.[15] FINRA is not prepared at this time to propose that all BrokerCheck information should be available on a permanent basis. FINRA is currently focused on expanding the categories of Civil Judicial Disclosures to be permanently included in BrokerCheck, specifically those investment-related civil actions brought by a state or foreign financial regulatory authority that were dismissed pursuant to a settlement agreement. FINRA believes that it is important to permanently include such settlements in BrokerCheck at this time, because they may involve significant events or considerable undertakings on the part of the subject individual. The permanent inclusion of such settlements in BrokerCheck will provide investors additional access to this important information. As previously mentioned, FINRA regularly assesses the BrokerCheck program and may consider the inclusion of additional information in BrokerCheck on a permanent basis at a later time.

Four comment letters expressed the view that some types of customer complaints or ''technical compliance violations'' should be removed from BrokerCheck after a prescribed period of time.[16] Although these comment letters addressed the time frame for disclosure of information through BrokerCheck, they are outside the scope of the current proposal because they do not pertain to the time frame for disclosure of the settled Civil Judicial Disclosures that are the subject of this filing.

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 such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include File Number SR–FINRA–2013–048 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–FINRA–2013–048. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of FINRA. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–FINRA–2013–048 and should be submitted on or before December 11, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–27756 Filed 11–19–13; 8:45 am]

BILLING CODE 8011–01–P

[11] The Commission notes that the Exhibits referenced herein are all attached to the filing itself and not to this notice.

[12] All references to the commenters under this Item are to the commenters as listed in Exhibit 2b.

[13] Letter from Ryan K. Bakhtiari, Public Investors Arbitration Bar Association, to Marcia E. Asquith, Corporate Secretary, FINRA, dated March 29, 2012 (''PIABA''); letter from Jeffrey A. Feldman, to Marcia E. Asquith, Corporate Secretary, FINRA, dated April 1, 2012 (''Feldman''); letter from Herb Pounds, to Marcia E. Asquith, Corporate Secretary, FINRA, dated April 2, 2012 (''Pounds''); letter from Terrence P. Cremins, Securities Arbitration Clinic of St. John's University School of Law, to Marcia E. Asquith, Corporate Secretary, FINRA, dated April 4, 2012 (''St. John's''); letter from Ross M. Langill, Regal Bay Investment Group LLC, to Marcia E. Asquith, Corporate Secretary, FINRA, dated April 5, 2012 (''Regal Bay''); letter from Philip M. Aidikoff, Aidikoff, Uhl & Bakhtiari, to Marcia E. Asquith, Corporate Secretary, FINRA, dated April 20, 2012 (''Aidikoff''); letter from Jonathan W. Evans, Jonathan W. Evans & Associates, to Marcia E. Asquith, Corporate Secretary, FINRA, dated April 25, 2012 (''Jonathan Evans''); letter from William A. Jacobson, Cornell University Law School, to Marcia E. Asquith, Corporate Secretary, FINRA, dated April 26, 2012 (''Cornell''); letter from Jack E. Herstein, North American Securities Administrators Association, Inc., to Marcia E. Asquith, Corporate Secretary, FINRA, dated April 27, 2012 (''NASAA''); and letter from Robert C. Port, Esq., Cohen Goldstein Port & Gottlieb, LLP, to Marcia E. Asquith, Corporate Secretary, FINRA, dated April 12, 2012 (''Cohen'').

[14] *See, e.g.,* NASAA.

[15] *See, e.g.,* Cornell.

[16] Letter from Steve Klein, Farmers Financial Solutions, LLC, to Marcia E. Asquith, Corporate Secretary, FINRA, dated April 3, 2012 (''Farmers''); letter from Ira D. Hammerman, Securities Industry and Financial Markets Association, to Marcia E. Asquith, Corporate Secretary, FINRA, dated April 5, 2012 (''SIFMA''); letter from Howard Spindel, Integrated Management Solutions USA LLC, to Marcia E. Asquith, Corporate Secretary, FINRA, dated April 27, 2012 (''IMS''); and letter from Cliff Kirsch, Sutherland Asbill & Brennan LLP, to Marcia E. Asquith, Corporate Secretary, FINRA, dated April 27, 2012 (''Sutherland'').

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–70879; File No. SR–Phlx–2013–108]

Self-Regulatory Organizations; NASDAQ OMX PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to an Extension of a Pilot Program for SPY Position and Exercise Limits

November 14, 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 November 5, 2013, NASDAQ OMX PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to extend the pilot program for another fourteen (14) month time period, which was set to expire fourteen months after approval, to eliminate position limits for options on the SPDR® S&P 500® exchange-traded fund (''SPY ETF'' or ''SPY''),[3] which list and trade under the symbol SPY (''SPY Pilot Program'').

The text of the proposed rule change is available on the Exchange's Web site at *http://www.nasdaqtrader.com/micro.aspx?id=PHLXRulefilings,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend Rule 1001, entitled ''Position Limits,'' to extend the current pilot which expires on December 4, 2013 for an additional fourteen (14) month time period to February 4, 2015 (''Extended Pilot''). At this time, not all self-regulatory organizations (''SROs'') have adopted similar rules eliminating position limits on SPY. As a result, market participants that are members of such SROs are required to comply with the more restrictive SPY position limits and there has been no trading on Phlx wherein a position limit has not applied with respect to SPY.

This filing does not propose any substantive changes to the SPY Pilot Program. In proposing to extend the SPY Pilot Program, the Exchange reaffirms its consideration of several factors that supported the original proposal of the SPY Pilot Program, including (1) the availability of economically equivalent products and their respective position limits; (2) the liquidity of the option and the underlying security; (3) the market capitalization of the underlying security and the related index; (4) the reporting of large positions and requirements surrounding margin; and (5) the potential for market on close volatility.

The Exchange also states that it is not filing a report with this extension request, which report is due at this time pursuant to the current pilot.[4] As noted above, the Exchange does not have any data to report because as explained herein there has been no trading on its market wherein a position limit has not applied with respect to SPY.

As with the original proposal to establish the SPY Pilot Program, the Exchange represents that a Pilot Report will be submitted within thirty (30) days of the end of the first twelve (12) month time period of the Extended Pilot and would analyze that period. The Pilot Report will detail the size and different types of strategy employed with respect to positions established as a result of the elimination of position limits in SPY. In addition, the report will note whether any problems resulted due to the no limit approach and any other information that may be useful in evaluating the effectiveness of the Extended Pilot. The Pilot Report will compare the impact of the SPY Pilot Program, if any, on the volumes of SPY options and the volatility in the price of the underlying SPY shares, particularly at expiration during the Extended Pilot. In preparing the report the Exchange will utilize various data elements such as volume and open interest. In addition the Exchange will make available to Commission staff data elements relating to the effectiveness of the Spy Pilot Program.

Conditional on the findings in the Pilot Report, the Exchange will file with the Commission a proposal to extend the pilot program, adopt the pilot program on a permanent basis or terminate the pilot. If the Pilot Program is not extended or adopted on a permanent basis by the expiration of the Extended Pilot, the position limits for SPY would revert to limits in effect at the commencement of the SPY Pilot Program.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act[5] in general, and furthers the objectives of Section 6(b)(5) of the Act[6] 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.

The Exchange believes that its proposal to extend the SPY Pilot Program would be beneficial to market participants, including market makers, institutional investors and retail investors, by permitting them to establish greater positions when pursuing their investment goals and needs.

B. Self-Regulatory Organization's Statement on Burden on Competition

The proposed rule change does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] ''SPDR®,'' ''Standard & Poor's®,'' ''S&P®,'' ''S&P 500®,'' and ''Standard & Poor's 500'' are registered trademarks of Standard & Poor's Financial Services LLC. The SPY ETF represents ownership in the SPDR S&P 500 Trust, a unit investment trust that generally corresponds to the price and yield performance of the SPDR S&P 500 Index.

[4] The Exchange noted in its original SPY Pilot Program that it would file a report analyzing the first twelve months of the SPY Pilot Program within thirty (30) days of the end of the twelve (12) month time period (''Pilot Report''). *See* Securities Exchange Act Release No. 67999 (October 5, 2012), 77 FR 62295 (October 12, 2012) (SR–Phlx–2012–122).

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

In this regard and as indicated above, the Exchange notes that the rule change is being proposed as a competitive response to similar filings by other options exchanges. The Exchange believes this proposed rule change is necessary to permit fair competition among the options exchanges and to establish uniform positions for a multiply listed options class.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[7] and subparagraph (f)(6) of Rule 19b–4 thereunder.[8]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act[9] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii)[10] permits the Commission to 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. The Exchange believes that waiver of the 30-day operative delay is appropriate and will benefit market participants because immediate operability will allow the SPY Pilot Program to continue without interruption. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the 30-day operative delay and designates the proposal operative upon filing.[11]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–Phlx–2013–108 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–Phlx–2013–108. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–Phlx–2013–108 and should be submitted on or before December 11, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–27759 Filed 11–19–13; 8:45 am]

BILLING CODE 8011–01–P

[7] 15 U.S.C. 78s(b)(3)(A).

[8] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[9] 17 CFR 240.19b–4(f)(6).

[10] 17 CFR 240.19b–4(f)(6)(iii).

[11] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[12] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–70880; File No. SR–FINRA–2013–047]

Self-Regulatory Organizations; Financial Industry Regulatory Authority, Inc.; Notice of Filing of a Proposed Rule Change To Amend FINRA Rule 8312 (FINRA BrokerCheck Disclosure) To Include Information About Members and Their Associated Persons of Any Registered National Securities Exchange That Uses the CRD System for Registration Purposes

November 14, 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 November 1, 2013, the Financial Industry Regulatory Authority, Inc. (''FINRA'') 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 FINRA. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

FINRA is proposing to amend FINRA Rule 8312 (FINRA BrokerCheck Disclosure) to include in BrokerCheck information about members and their associated persons of any registered national securities exchange that uses

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

the Central Registration Depository (''CRD®'') for registration purposes. The proposed rule change also would make non-substantive technical changes to FINRA Rule 8312 to reflect a change in FINRA's style convention for referencing the CRD system.

The text of the proposed rule change is available on FINRA's Web site at *http://www.finra.org,* at the principal office of FINRA and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, FINRA included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. FINRA has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

FINRA BrokerCheck provides the public with information on the professional background, business practices, and conduct of FINRA member firms and their associated persons. The information that FINRA releases to the public through BrokerCheck is derived from the CRD system, the securities industry online registration and licensing database. FINRA member firms, their associated persons, and regulators report information to the CRD system via the uniform registration forms. By making most of this information publicly available, BrokerCheck, among other things, helps investors make informed choices about the individuals and firms with which they conduct business.BrokerCheck allows investors and others to obtain registration information about firms and their associated persons by telephone [3] and the Internet.[4]

In 2006, Congress amended Section 15A(i) of the Act [5] with the enactment of the Military Personnel Financial Services Protection Act (''MPFSPA'').[6] The amendment requires, among other things, that FINRA, as a registered securities association, maintain a toll-free telephone listing and a readily accessible electronic or other process to receive and promptly respond to inquiries regarding (i) registration information on its members and their associated persons, and (ii) registration information on the members and their associated persons of any registered national securities exchange that uses the CRD system for the registration of its members and their associated persons (''CRD Exchange'').[7]

The registration information currently available through BrokerCheck is limited to firms and individuals that are currently or were previously registered with FINRA. BrokerCheck does not contain information regarding firms or individuals whose registrations have been exclusively with a registered national securities exchange (although such information is contained in the CRD system).

The proposed rule change would amend FINRA Rule 8312 to include these non-FINRA member firms and their associated persons in BrokerCheck. Specifically, the proposed rule change would make publicly available in BrokerCheck information about members and their associated persons of any CRD Exchange.[8] The information that would be disclosed through BrokerCheck about CRD Exchange members and their associated persons would be the same as the information disclosed about FINRA members and their associated persons pursuant to FINRA Rule 8312. CRD Exchange members and their associated persons would be able to dispute inaccuracies in their BrokerCheck reports as provided for in FINRA Rule 8312(e).

The proposed rule change also would make non-substantive technical changes to FINRA Rule 8312 to reflect a change in FINRA's style convention for referencing the CRD system.

FINRA will announce the effective date of the proposed rule change in a *Regulatory Notice* to be published no later than 60 days following Commission approval. The effective date will be no later than 180 days following publication of the *Regulatory Notice* announcing Commission approval.

2. Statutory Basis

FINRA believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,[9] which requires, among other things, that FINRA rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. FINRA believes that the proposed rule change will enhance investor protection by providing investors and other users of BrokerCheck with information regarding the professional background, business practices, and conduct of additional firms and their associated persons.

FINRA also believes that the proposed rule change is consistent with the provisions of Section 15A(i)(1) of the Act,[10] which requires, among other things, that FINRA maintain a toll-free telephone listing and a readily accessible electronic or other process to receive and promptly respond to inquiries regarding registration information on CRD Exchange members and their associated persons. FINRA believes that the proposed rule change satisfies this requirement by expanding BrokerCheck to include registration information about CRD Exchange members and their associated persons.

B. Self-Regulatory Organization's Statement on Burden on Competition

FINRA does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. As discussed above, Section 15A(i) of the Act requires FINRA to maintain a toll-free telephone listing and a readily accessible electronic or other process to respond to inquiries regarding registration information on FINRA members and their associated persons, as well as CRD Exchange members and their associated persons. BrokerCheck is the program by which FINRA releases to the public registration information on its members and their associated persons and, consistent with Section 15A(i) of the Act, FINRA intends to expand

[3] The BrokerCheck Hotline telephone number is (800) 289–9999.

[4] BrokerCheck is available online at *http://www.finra.org/Investors/ToolsCalculators/BrokerCheck*.

[5] 15 U.S.C. 78*o*–3(i).

[6] Public Law 109–290, 120 Stat. 1317 (2006).

[7] For purposes of Section 15A(i) of the Act, registration information is defined as ''the information reported in connection with the registration or licensing of brokers and dealers and their associated persons, including disciplinary actions, regulatory, judicial, and arbitration proceedings, and other information required by law, or exchange or association rule, and the source and status of such information.''

[8] Firms and individuals that have been registered exclusively with a CRD Exchange will be included in BrokerCheckonly if such registration occurred on or after August 16, 1999. Filings for those firms and individuals whose registrations terminated prior to August 16, 1999 were not made electronically so BrokerCheck reports for such firms and individuals cannot be made in an automated fashion. *See* proposed Supplementary Material .03 to FINRA Rule 8312.

[9] 15 U.S.C. 78*o*–3(b)(6).

[10] 15 U.S.C. 78*o*–3(i)(1).

BrokerCheck to include CRD Exchange members and their associated persons. The proposed rule change will enhance consistency with respect to the information available via BrokerCheck by providing public access to the same information for FINRA and CRD Exchange members and their associated persons. Such information allows investors to make informed choices about the individuals and firms with which they conduct business. FINRA does not anticipate that the proposed rule change will impose any costs or burdens on CRD Exchange members or their associated persons. Specifically, FINRA expects that the only costs associated with the proposed rule change will involve programming changes to BrokerCheck, which will be borne by FINRA. No action will be required on the part of CRD Exchange members or their associated persons to implement the proposed rule change. In addition, the proposed rule change will have no impact on the reporting requirements or registration process for CRD Exchange members or their associated persons.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

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 such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

• Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or

• Send an email to *rule-comments@sec.gov.* Please include File Number SR–FINRA–2013–047 on the subject line.

Paper Comments

• Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–FINRA–2013–047. 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 FINRA. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–FINRA–2013–047 and should be submitted on or before December 11, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Kevin M. O'Neill,

Deputy Secretary.

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[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–70881; File No. SR–NSX–2013–20]

Self-Regulatory Organizations; National Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending Exchange Rule 11.11 Regarding the Entry and Execution of Zero Display Reserve Orders Marked ''Sell Short''

November 14, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act'')[1] and Rule 19b-4 thereunder,[2] notice is hereby given that on November 4, 2013, National Stock Exchange, Inc. (''NSX®'' or the ''Exchange'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change, as described in Items I and II below, which Items have been 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 the Substance of the Proposed Rule Change

The Exchange has filed the proposed rule change to amend subparagraph (c)(2)(E) of Rule 11.11 (Orders and Modifiers) regarding the manner in which the Exchange's Trading System (the ''System'')[3] handles Zero Display Reserve Orders[4] marked ''sell short'' entered by Exchange Users[5] in a security that is the subject of a short sale price test restriction under Rule 201 of Regulation SHO[6] pursuant to the Act. The proposed amendment removes a requirement that the System will reject all Zero Display Reserve Orders marked

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] NSX Rule 1.5 defines the term ''System'' to mean the electronic securities communications and trading facility designated by the Board through which orders of Users are consolidated for ranking and execution.

[4] Under Exchange Rule 11.11(c)(2), a Reserve Order is defined as a limit order with a portion of the quantity displayed (''display quantity'') and with a reserve portion of the quantity that is not displayed. Rule 11.11(c)(2)(A) provides, in relevant part, that a Reserve Order can be entered with a displayed quantity of zero, in which case the Reserve Order will be known as a ''Zero Display Reserve Order.''

[5] NSX Rule 1.5 defines the term ''User'' to mean any ETP Holder or Sponsored Participant who is authorized to obtain access to the System pursuant to Rule 11.9 (Access).

[6] 17 CFR 242.201. *See* Securities Exchange Act Release No. 61595 (February 26, 2010), 75 FR 11232 (March 10, 2010) and Securities Exchange Act Release No. 63247 (Nov. 4, 2010), 75 FR 68702 (Nov. 9, 2010).

''sell short'' entered by Users [7] and describes the System functionality for handling sell short Zero Display Reserve Orders during a short sale price test restriction.

The text of the proposed rule change is available on the Exchange's Web site at *www.nsx.com*, at the Exchange's principal office, and at the Commission's Public Reference Room.

II. Self -Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change.

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of, and statutory basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Rule 201(b)(1)(i) of Regulation SHO requires trading centers,[8] including the Exchange, to establish, maintain and enforce written policies and procedures reasonably designed to prevent the execution or display of a short sale order of a covered security [9] at a price that is less than or equal to the current national best bid if the price of that covered security decreases by 10% or more from such security's closing price on the listing market at the close of regular trading hours on the prior day. Rule 201(b)(1)(ii) of Regulation SHO requires trading centers to establish, maintain and enforce written policies and procedures reasonably designed to impose the short sale price test restriction for the remainder of the trading day and the following day, when a national best bid for the security is calculated and disseminated on a current and continuing basis by a plan processor pursuant to an effective national market system plan. Rule 201(b)(1)(iii)(A) further requires that a trading center's written policies and procedures must be reasonably designed to permit the execution of a displayed short sale order of a covered security if, at the time of initial display of the short sale order, the order was at a price above the current national best bid.[10]

The Exchange amended Rule 11.11 to add subparagraph (c)(2)(E) to comply with the requirement of Rule 201(b)(1) that it establish, maintain and enforce written policies and procedures reasonably designed to prevent the execution or display of a short sale order of a covered security at a price that is less than or equal to the current national best bid during the short sale price test restriction. Subparagraph (c)(2)(E) and accompanying changes to the System operate to automatically prevent the entry of all sell short Zero Display Reserve Orders and thereby prevent a subsequent execution of a sell short Zero Display Reserve Order at a price equal to or below the current national best bid during a short sale price test restriction in the subject security. These changes were implemented as temporary measures to address a System limitation that permitted the execution of a sell short Zero Display Reserve Order during a short sale price test restriction at a price equal to or below the current national best bid. No order or part of an order designated by a User as a Zero Display Reserve Order ever becomes displayed and, accordingly, a Zero Display Reserve Order marked ''sell short'' does not qualify for the exception under Rule 201(b)(1)(iii)(A) that would permit its execution at a price equal to or below the current national best bid if, at the time of initial display of the short sale order, the order was at a price above the current national best bid.

The Exchange has completed the development of new System functionality that will ensure that a sell short Zero Display Reserve Order will not be executed at a price at or below the current national best bid during the short sale price test restriction.[11] The Exchange proposes to amend subparagraph (c)(2)(E) of Rule 11.11 to describe the manner in which the System will handle sell short Zero Display Reserve Orders during the period in which the short sale price test restriction of Rule 201 of Regulation SHO is in effect with respect to a security traded on the Exchange. Proposed new subparagraph (c)(2)(E)(i) provides that a Zero Display Reserve Order, other than a Market Peg Zero Display Reserve Order (one of three types of ''pegging'' instructions that can be added to a Zero Display Reserve Order, the others being a Midpoint Peg and a Primary Peg),[12] entered by a User in such security and marked ''sell short'' will be matched for execution at a price above the current national best bid to the extent possible and any remaining unexecuted portion will be canceled by the System if at a price at or below the current national best bid.

A sell short Market Peg Zero Display Reserve Order tracks the Protected Best Bid, which is the better of the national best bid or the best bid on the NSX Book.[13] If executed at a price equal to or below the current national best bid during the short sale price test restriction, such an execution would violate Rule 201 of Regulation SHO which requires an execution to occur at

[7] On June 27, 2013, the Exchange filed with the Commission, for immediate effectiveness, an amendment to Rule 11.11 to add subparagraph (c)(2)(E) and the Exchange implemented a System block to automatically reject all sell short Zero display Reserve Orders. The amendment to add subparagraph (c)(2)(E) to Rule 11.11, and the accompanying technology change, address a System limitation that could allow a sell short Zero Display Reserve Order to be executed at or below the national best bid during the period that the security is subject to the short sale price test restriction under Rule 201 of regulation SHO. *See* Exchange Act Release No. 34–69874 (June 27, 2013); 78 FR 40248 (July 3, 2013); SR–NSX–2013–13.

[8] For purposes of Regulation SHO, the term ''trading center'' has the same meaning as in Rule 600(b)(78) of Regulation NMS, which defines a ''trading center'' as ''. . . a national securities exchange or national securities association that operates an SRO trading facility, an alternative trading system, an exchange market maker, an OTC market maker, or any other broker or dealer that executes orders internally by trading as principal or crossing orders as agent.'' 17 CFR 242.201(a)(9).

[9] Rule 201(a)(1) defines a ''covered security'' as any NMS stock as defined in Rule 600(b)(47) of Regulation NMS under the Act. 17 CFR 242.201(a)(1).

[10] Rule 201(b)(1)(iii)(B) further provides that a trading center's written policies and procedures must be reasonably designed to permit the execution or display of a short sale order of a covered security marked ''short exempt'' without regard to whether the order is at a price that is less than or equal to the current national best bid. This provision of Rule 201 is not relevant here. 17 CFR 242.201(b)(1)(iii)(B).

[11] The new System functionality was not released into production pending the filing of the proposed rule amendment to eliminate the requirement of Rule 11.11(c)(2)(E) that the System automatically block the entry of all sell short Zero Display Reserve Orders.

[12] Under Exchange Rule 11.11(c)(2)(A), a Zero Display Reserve Order may be set or ''pegged'' to: Track the buy side of the Protected Best Bid or Offer (''PBBO''), which is defined in Exchange Rule 1.5 as the better of the protected national best bid or offer (''NBBO'') or the displayed Top of Book on the NSX; or the sell side of the PBBO, or the midpoint of the PBBO. A pegged Zero Display Reserve Order which tracks the inside quote on the opposite side of the market is defined as a Market Peg; a pegged Zero Display Reserve Order that tracks the midpoint is defined as a Midpoint Peg; and a pegged Zero Display Reserve Order that tracks the inside quote of the same side of the market is called a Primary Peg.

[13] Exchange Rule 1.5 defines the term ''Protected NBBO'' as ''. . . the national best bid or offer that is a protected quotation.'' The term ''Protected BBO'' is defined as ''the better of . . . [t]he Protected NBBO or . . . [t]he Displayed Top of Book.'' Thus, the Protected Best Bid to which a sell short Market Peg Zero Display Reserve Order tracks is the current protected national best bid or the best-ranked buy order on the NSX Book.

a price above the current national best bid. Proposed subparagraph (c)(2)(E)(ii) states that a Market Peg Zero Display Reserve Order marked ''sell short'' entered in a security for which the short sale price test restriction is in effect will be rejected by the System. The Exchange has determined that it will not accept new sell short Market Peg Zero Display Reserve Orders in a security for which the short sale price test restriction of Rule 201 of Regulation SHO is in effect.

Proposed subparagraph (c)(2)(E)(iii) explains that a sell short Market Peg Zero Display Reserve Order resting on the NSX Book tracks the Protected Best Bid and, if matched for execution during a short sale price test restriction in that security, it will be executed only to the extent that the Protected Best Bid is above the current national best bid and the sell short order can be executed, in whole or in part, at a price above the current national best bid in compliance with Rule 201 of Regulation SHO. Any such order or portion of such order will be canceled by the System if at a price at or below the current national best bid.

Accordingly, upon this proposed rule amendment becoming effective, the Exchange will discontinue the automatic block to the entry of all Zero Display Reserve Orders marked ''sell short'' and release the System modifications that will enforce the Exchange's written policies and procedures regarding the handling of sell short Zero Display Reserve Orders during the short sale price test restriction.

2. Statutory Basis

The Exchange believes that the proposed amendment to Rule 11.11(c)(2)(E) to eliminate the requirement that the System will reject the entry of Zero Display Reserve Orders marked ''sell short,'' thereby allowing the removal of the automated block preventing the entry of such orders, and describe the manner in which the System will process sell short Zero Display Reserve Orders, is consistent with the provisions of Section 6(b) [14] of the Act, with Section 6(b)(5) [15] thereunder, and with Rule 201.

The Exchange submits that these amendments further the purposes of Section 6(b)(5) of the Act in that they promote just and equitable principles of trade and operate to remove impediments to and perfect the mechanism of a free and open market and national market system. As a trading center, the Exchange is required by Rule 201 to establish, maintain and enforce written policies and procedures reasonably designed to prevent the execution or display of a short sale order of a covered security at a price that is less than or equal to the current national best bid if the price of that covered security decreases by 10% or more from the covered security's closing price as determined by the listing market for the covered security as of the end of regular trading hours on the prior day; and to impose this requirement for the remainder of the day and the following day when a national best bid for the covered security is calculated and disseminated on a current and continuing basis by a plan processor pursuant to an effective national market system plan.

The Exchange submits that the permanent modifications it will make to the System upon this filing becoming effective will provide that, during a short sale price test restriction, sell short Zero Display Reserve Orders will be accepted and executed only to the extent that such orders can be executed at a price above the current national best bid, and will be rejected by the System if at a price at or below the current national best bid. The Exchange, however, has determined to reject any new Market Peg Zero Display Reserve Orders marked ''sell short'' entered in a security for which the short sale price test restriction is in effect.

The Exchange's proposal further provides that any sell short Zero Display Reserve Orders resting on the NSX Book, if matched for execution at a price at or below the current national best bid during the short sale price test restriction in that security, will only execute in whole or in part to the extent possible at a price or prices above the current national best bid and any remaining unexecuted portion will be canceled by the System if at a price at or below the current national best bid. The proposed amendment specifically states that, with respect to a sell short Market Peg Zero Display Reserve Order resting on the NSX Book, which tracks to the Protected Best Bid, such an order or portion of an order will be executed during a short sale price test restriction only to the extent that the Protected Best Bid is above the current national best bid and the sell short order can be fully or partially executed at a price above the current national best bid in compliance with Rule 201 of Regulation SHO.

The Exchange believes that this System functionality will assure that sell short Zero Display Reserve Orders, which are not displayed, will only be executed at a price above the current national best bid. The Exchange submits that the proposed amendment and the new System functionality are consistent with its obligations as a trading center pursuant to Rule 201 and that, in this regard, the proposed rule amendment will further the purposes of the Act and specifically Rule 201.

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 for the furtherance of the Act. The proposed amendment will remove a System block to the entry of all Zero Display Reserve Orders marked ''sell short.'' The implementation of the automatic block was necessitated by a limitation in the System that did allow the execution of a sell short Zero Display Reserve Order in a covered security at a price at or below the current national best bid during the short sale price test restriction. This System limitation was not consistent with the Exchange's obligations as a trading center to establish, maintain and enforce written policies and procedures reasonably designed to prevent the execution of a short sale order of a covered security at a price that is less than or equal to the current national best bid during the short sale price restriction.

By determining to automatically block the entry of all sell short Zero Display Reserve Orders until permanent modifications to the System could be made, the Exchange was limiting the use of an approved order type to fulfill its obligations as a trading center under Rule 201 of Regulation SHO.

In its proposal to amend subparagraph (c)(2)(E) of Rule 11.11 to permit the removal of the automatic block, the Exchange submits that it is restoring the ability of Users to fully use the Zero Display Reserve Order, including entering such orders marked ''sell short.'' Moreover, the Exchange's proposed amendment to subparagraph (c)(2)(E) to describe the new System functionality with respect to sell short Zero Display Reserve Orders provides transparency to Users, their customers and the investing public as to how these orders will be processed by the System. The Exchange believes that these factors do not represent any burden on competition that is not necessary or appropriate for purposes of the Act and, in fact, can operate to enhance competition by restoring full functionality to the use of Zero Display Reserve Orders.

[14] 15 U.S.C. 78f(b).

[15] 15 U.S.C.78f(b)(5).

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 written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [16] and Rule 19b–4(f)(6) thereunder [17] to be immediately effective because the proposed rule change (i) does not significantly affect the protection of investors or the public interest; (ii) does not impose any significant burden on competition; and (iii) does not 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; provided that the self-regulatory organization has given the Commission written notice of its intent to file the proposed rule change at least five business days prior to the filing date of the proposed rule change.[18]

A proposed rule change filed under Rule 19b–4(f)(6) [19] normally does not become operative prior to 30 days from the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[20] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange requests that the Commission waive the 30-day operative delay so that the proposed rule change may become effective and operative upon filing with the Commission pursuant to Section 19(b)(3)(A)(iii) of the Act and Rule 19b–4(f)(6) thereunder.

In support of its request, the Exchange has stated that, as a trading center, it is required under Regulation SHO to establish, maintain and enforce written policies and procedures reasonably designed to prevent the execution or display of sell short orders of covered securities at prices at or below the current national best bid if the short sale price restriction is in effect for the covered security. A waiver of the 30-day operative delay period will enable the Exchange to immediately deploy the System changes to ensure that a sell short Zero Display Reserve Order will be not be executed at a price at or below the current national best bid during the short sale price test restriction. The Exchange submits that, under these circumstances, the waiver of the 30-day operative delay is consistent with the protection of investors and the public interest.

The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest, as it will allow the Exchange, as a trading center, to comply with its requirements under Rule 201 of Regulation SHO. For this reason, the Commission waives the 30-day operative delay and designates the proposal effective upon filing.[21]

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 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–NSX–2013–20 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–NSX–2013–20. This file number should be included in the subject line if email is used. To help the Commission process and review 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 a.m. and 3 p.m. Copies of such filings will also 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–NSX–2013–20 and should be submitted on or before December11, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to the delegated authority.[22]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–27761 Filed 11–19–13; 8:45 am]

BILLING CODE 8011–01–P

[16] 15 U.S.C. 78s(b)(3)(A)(iii).

[17] 17 CFR 240.19b–4(f)(6).

[18] 17 CFR 240.19b–4(f)(6)(iii). As required under Rule 19b–4(f)(6)(iii), the Exchange provided 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 filing of the proposed rule change, or such shorter time as designated by the Commission.

[19] *Id.*

[20] 17 CFR 240.19b–4(f)(6)(iii).

[21] For purposes of only waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition and capital formation. *See* 15 U.S.C. 78c(f).

[22] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–70878; File No. SR–CBOE–2013–106]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Fourteen Month Extension of Pilot Program That Eliminates Position and Exercise Limits for Physically-Settled SPDR S&P 500 ETF Trust (''SPY'') Options

November 14, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on November 5, 2013, the Chicago Board Options Exchange, Incorporated (the ''Exchange'' or ''CBOE'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [3] and Rule 19b–4(f)(6) thereunder.[4] 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

CBOE proposes to amend Interpretation and Policy .07 to Rule 4.11 (Position Limits) by extending a pilot program that eliminates the position and exercise limits for physically-settled options on the SPDR S&P 500 ETF Trust (''SPY Pilot Program''), which is currently set to expire on November 27, 2013.

The text of the proposed rule change is available on the Exchange's Web site (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Interpretation and Policy .07 to Rule 4.11 (Position Limits) to extend the duration of the SPY Pilot Program for an additional fourteen months.[5] The SPY Pilot Program is currently scheduled to expire on November 27, 2013 and this proposal would extend the SPY Pilot Program through January 27, 2015. There are no substantive changes being proposed to the SPY Pilot Program.

In proposing to extend the SPY Pilot Program, the Exchange reaffirms its consideration of several factors that supported its original proposal to establish the SPY Pilot Program, which include: (1) The liquidity of the option and the underlying security; (2) the market capitalization of the underlying security and the securities that make up the S&P 500 Index; (3) options reporting requirements; and (4) financial requirements imposed by CBOE and the Commission.

In the original proposal to establish the SPY Pilot Program, CBOE stated that if CBOE were to submit a proposal to either extend the SPY Pilot Program, adopt the SPY Pilot Program on a permanent basis, or terminate the SPY Pilot Program, CBOE would submit, along with any proposal, a report providing any analysis of the SPY Pilot Program covering the first twelve months during which the SPY Pilot Program was in effect (the ''Pilot Report'').[6] However, because not all self-regulatory organizations (''SROs'') have adopted similar rules eliminating position and exercise limits for SPY options and because market participants that are members of such SROs are required to comply with the more restrictive SPY option position and exercise limits, no market participants have availed themselves of the SPY Pilot Program. As a result, there is not sufficient data to compile a meaningful Pilot Report at this time to file with this current extension request.

The Exchange believes that it is appropriate to extend the SPY Pilot Program for an additional fourteen months to provide time for other SROs to adopt similar pilot programs that eliminate positions and exercise limits for SPY options. In that event (and in a year's time), the Exchange will be able to prepare a meaningful Pilot Report in support of a proposal to either extend the SPY Pilot Program, adopt the SPY Pilot Program on a permanent basis, or terminate the SPY Pilot Program.

As with the original proposal to establish the SPY Pilot Program, the Exchange represents that the Pilot Report would be submitted within thirty (30) days of the end of the first twelve months of the extended SPY Pilot Program time period and would cover the twelve months that just ended. The Pilot Report would detail the size and different types of strategies employed with respect to positions established as a result of the elimination of position limits in SPY options. In addition, the Pilot Report would note whether any problems resulted due to the no limit approach and any other information that may be useful in evaluating the effectiveness of the SPY Pilot Program. The Pilot Report would compare the impact of the SPY Pilot Program, if any, on the volumes of SPY options and the volatility in the price of the underlying SPY shares, particularly at expiration. In preparing the report the Exchange would utilize various data elements such as volume and open interest. In addition the Exchange would make available to Commission staff data elements relating to the effectiveness of the SPY Pilot Program.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[7] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [8] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

Specifically, the Exchange believes that extending the SPY Pilot Program promotes just and equitable principles of trade by permitting market participants, including market makers, institutional investors and retail investors, to establish greater positions when pursuing their investment goals and needs.

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 rule change is not designed to address any aspect of competition, whether between the Exchange and its competitors, or among market participants. Instead, the proposed rule change is designed to allow the SPY Pilot Program to continue while other SROs adopt similar provisions and meaningful data can be compiled into a Pilot Report.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] *See* Securities Exchange Act Release No. 67937 (September 27, 2012) 77 FR 60489 (October 3, 2012) (SR–CBOE–2012–091).

[6] *See* 77 FR at 60490.

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the proposed rule change does not: (i) Significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative prior to 30 days from the date on which it was filed, or such shorter time as the Commission may designate, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [9] and Rule 19b–4(f)(6) thereunder.[10]

A proposed rule change filed pursuant to Rule 19b–4(f)(6) under the Act [11] normally does not become operative for 30 days after the date of its filing. However, Rule 19b–4(f)(6)(iii) [12] permits the Commission to 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. The Exchange believes that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest because it will benefit market participants since immediate operability will allow the SPY Pilot Program to continue without interruption. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. Therefore, the Commission hereby waives the 30-day operative delay and designates the proposal operative upon filing.[13]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's Internet comment form (*http://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include File Number SR–CBOE–2013–106 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–CBOE–2013–106. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's Internet Web site (*http://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549, on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–CBOE–2013–106 and should be submitted on or before December 11, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–27758 Filed 11–19–13; 8:45 am]

BILLING CODE 8011–01–P

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[11] 17 CFR 240.19b–4(f)(6).

[12] 17 CFR 240.19b–4(f)(6)(iii).

[13] For purposes only of waiving the 30-day operative delay, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[14] 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #13818 and #13819]

South Dakota Disaster # D–00063

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of South Dakota (FEMA–4155–DR), dated 11/08/2013.

Incident: Severe Winter Storm, Snowstorm, and Flooding.

Incident Period: 10/03/2013 through 10/16/2013.

Effective Date: 11/08/2013.

Physical Loan Application Deadline Date: 01/07/2014.

Economic Injury (EIDL) Loan Application Deadline Date: 08/08/2014.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 11/08/2013, Private Non-Profit organizations that provide essential services of governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Butte, Corson, Custer, Dewey, Fall River, Haakon, Harding, Jackson, Lawrence, Meade, Pennington, Perkins, Shannon, Ziebach, and the Cheyenne River Sioux Tribe of the Cheyenne River Reservation within Dewey and Ziebach Counties and the Oglala Sioux Tribe within Jackson and Shannon Counties.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations With Credit Available Elsewhere	2.875
Non-Profit Organizations Without Credit Available Elsewhere	2.875
For Economic Injury:	
Non-Profit Organizations Without Credit Available Elsewhere	2.875

The number assigned to this disaster for physical damage is 13818B and for economic injury is 13819B.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2013–27737 Filed 11–19–13; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Airports Grants Program

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on August 21, 2013, vol. 78, no. 162, page 51807. The FAA collects data from airport sponsors and planning agencies to determine eligibility, and to ensure proper use of Federal Funds and project accomplishment for the Airports Grants Program.

DATES: Written comments should be submitted by December 20, 2013.

FOR FURTHER INFORMATION CONTACT: Kathy DePaepe at (405) 954–9362, or by email at: *Kathy.DePaepe@faa.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0569.

Title: Airports Grants Program.

Form Numbers: FAA forms 5100–100, 5100–101, 5100–108, 5100–125, 5100–126, and 5370–1.

Type of Review: Renewal of an information collection.

Background: Codification of Certain U.S. Transportation Laws at 49 U.S.C. (Pub. L. 103–272), which is referred to as the ''Act,'' provides funding for airport planning and development projects at airports included in the National Plan of Integrated Airport Systems. The Act also authorizes funds for noise compatibility planning and to carry out noise compatibility programs. The information required by this program is necessary to protect the Federal interest in safety, efficiency, and utility of the Airport. Data is collected to meet report requirements of 49 CFR part 18 for financial management and performance monitoring. Information is collected in the application, and grant agreement amendments; financial management; and performance reporting.

Respondents: Approximately 1,950 sponsors and planning agencies for grant projects.

Frequency: Information is collected on occasion.

Estimated Average Burden per Response: 6.75 hours.

Estimated Total Annual Burden: 80,569 hours.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW., Washington, DC 20503.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Issued in Washington, DC on: November 13, 2013.

Albert R. Spence,

FAA Assistant Information Collection Clearance Officer, IT Enterprises Business Services Division, AES–200.

[FR Doc. 2013–27688 Filed 11–19–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Associate Administrator for Commercial Space Transportation (AST) Customer Service Survey

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on August 21, 2013, vol. 78, no. 162, page 51808. The FAA Office of the Associate Administrator for Commercial Space Transportation (AST) conducts this survey in order to obtain industry input on customer service standards which have been developed and distributed to industry customers.

DATES: Written comments should be submitted by December 20, 2013.

FOR FURTHER INFORMATION CONTACT: Kathy DePaepe at (405) 954–9362, or by email at: *Kathy.DePaepe@faa.gov*.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0611.

Title: Associate Administrator for Commercial Space Transportation (AST) Customer Service Survey

Form Numbers: There are no FAA forms associated with this collection.

Type of Review: Renewal of an information collection.

Background: This information is being collected to obtain feedback from the companies and organizations that utilize the products and services of the Federal Aviation Administration's Office of Commercial Space Transportation (AST). The data collected will be analyzed by AST to determine the quality of services provided by AST to its industry and

government customers, and to address any problems or issues found as a result of the data analysis.

Respondents: Approximately 50 industry customers.

Frequency: Information is collected on occasion.

Estimated Average Burden per Response: 1 hour.

Estimated Total Annual Burden: 50 hours.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW., Washington, DC 20503.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Issued in Washington, DC, on November 13, 2013.

Albert R. Spence,

FAA Assistant Information Collection Clearance Officer, IT Enterprises Business Services Division, AES–200.

[FR Doc. 2013–27682 Filed 11–19–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Certification and Operations

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on August 21, 2013, vol. 78, no. 162, pages 51806–51807. 14 CFR Part 125 prescribes requirements for issuing operating certificates and for appropriate operating rules. In addition to the statutory basis, the collection of this information is necessary to issue, reissue, or amend applicant's operating certificates and operations specifications.

DATES: Written comments should be submitted by December 20, 2013.

FOR FURTHER INFORMATION CONTACT: Kathy DePaepe at (405) 954–9362, or by email at: *Kathy.DePaepe@faa.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0085.

Title: Certification and Operations.

Form Numbers: There are no FAA forms associated with this collection.

Type of Review: Renewal of an information collection.

Background: 14 CFR Part 125 prescribes requirements for leased aircraft, aviation service firms, and air travel. A letter of application and related documents which set forth an applicant's ability to conduct operations in compliance with the provisions of 14 CFR Part 125 are submitted to the appropriate Flight Standards District Office (FSDO). Inspectors in FAA FSDO's review the submitted information to determine certificate eligibility.

Respondents: Approximately 163 certificated operators.

Frequency: Information is collected on occasion.

Estimated Average Burden per Response: 1.33 hours.

Estimated Total Annual Burden: 61,388 hours.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW., Washington, DC 20503.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Issued in Washington, DC on November 13, 2013.

Albert R. Spence,

FAA Assistant Information Collection Clearance Officer, IT Enterprises Business Services Division, AES–200.

[FR Doc. 2013–27687 Filed 11–19–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Experimental Permits for Reusable Suborbital Rockets

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on August 21, 2013, vol. 78, no. 162, pages 51807–51808. The FAA collects data from applicants for experimental permits in order to determine whether they satisfy the requirements for obtaining an experimental permit under 14 CFR part 437.

DATES: Written comments should be submitted by December 20, 2013.

FOR FURTHER INFORMATION CONTACT: Kathy DePaepe at (405) 954–9362, or by email at: *Kathy.DePaepe@faa.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2120–0722.

Title: Experimental Permits for Reusable Suborbital Rockets.

Form Numbers: There are no FAA forms associated with this collection.

Type of Review: Renewal of an information collection.

Background: 14 CFR Part 437 established requirements for the FAA's authority to issue experimental permits for reusable suborbital rockets to authorize launches for the purpose of research and development, crew training and showing compliance with the regulations. The information collected includes data required for performing a safety review, which includes a technical assessment to determine if the applicant can launch a reusable suborbital rocket without jeopardizing public health and safety and the safety of property. The applicant is required to submit information that enables FAA to determine, before issuing a permit, if issuance of the experimental permit would jeopardize the foreign policy or national security interests of the U.S.

Respondents: Approximately 10 applicants for experimental permits.

Frequency: Information is collected on occasion.

Estimated Average Burden per Response: 18.6 hours.

Estimated Total Annual Burden: An estimated 2,567 hours annually.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to *oira_submission@omb.eop.gov,* or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW., Washington, DC 20503.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Issued in Washington, DC, on November 13, 2013.

Albert R. Spence,

FAA Assistant Information Collection Clearance Officer, IT Enterprises Business Services Division, AES–200.

[FR Doc. 2013–27690 Filed 11–19–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Commercial Space Transportation Advisory Committee—Open Meeting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Commercial Space Transportation Advisory Committee Open Meeting.

SUMMARY: Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C. App. 2), notice is hereby given of a meeting of the Commercial Space Transportation Advisory Committee (COMSTAC). The meeting will take place on Tuesday, December 10, 2013, from 8:00 a.m. to 5:00 p.m., and Wednesday, December 11, from 8:30 a.m. to 2:00 p.m., at the National Housing Center, 1201 15th Street NW., Washington, DC 20005. This will be the 58th meeting of the COMSTAC.

The proposed schedule for the COMSTAC working group meetings on December 10 is below:

—Business/Legal (8:00 a.m.–10:00 a.m.)
—Systems (10:00 a.m.–12:00 p.m.)
—Operations (1:00 p.m.–3:00 p.m.)
—International Space Policy—(3:00 p.m.–5:00 p.m.)

The full Committee will meet on December 11. The meeting will address general issues relevant to the commercial space transportation industry, as well as reports and recommendations from the working groups.

Interested members of the public may submit relevant written statements for the COMSTAC members to consider under the advisory process. Statements may concern the issues and agenda items mentioned above and/or additional issues that may be relevant for the U.S. commercial space transportation industry. Interested parties wishing to submit written statements should contact Larry Scott, (the Contact Person listed below) in writing (mail or email) by November 26, 2013, so that the information can be made available to COMSTAC members for their review and consideration before the December 10 and 11 meetings. Written statements should be supplied in the following formats: One hard copy with original signature and/or one electronic copy (no macros in Microsoft Word doc) via email.

Subject to approval, a portion of the December 11th meeting will be closed to the public (starting at approximately 2:00 p.m.).

An agenda will be posted on the FAA Web site at *www.faa.gov/go/ast.*

Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should inform the Contact Persons listed below in advance of the meeting.

FOR FURTHER INFORMATION CONTACT: Larry Scott, telephone (202) 267–7982; email *larry.scott@faa.gov,* FAA Office of Commercial Space Transportation (AST–3), 800 Independence Avenue SW., Room 331, Washington, DC 20591.

Complete information regarding COMSTAC is available on the FAA Web site at: *http://www.faa.gov/about/office_org/headquarters_offices/ast/advisory_committee/.*

Issued in Washington, DC, November 8, 2013.

George C. Nield,

Associate Administrator for Commercial Space Transportation.

[FR Doc. 2013–27691 Filed 11–19–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2013–0055]

Agency Information Collection Activities: Request for Comments for a New Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice and request for comments.

SUMMARY: FHWA invites public comments about our intention to request the Office of Management and Budget's (OMB) approval for a new information collection, which is summarized below under **SUPPLEMENTARY INFORMATION**. We published a **Federal Register** Notice with a 60-day public comment period on this information collection on June 21, 2013. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by December 20, 2013.

ADDRESSES: You may send comments within 30 days to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention DOT Desk Officer. You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burden; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and

(4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. All comments should include the Docket number FHWA–2013–0055.

FOR FURTHER INFORMATION CONTACT: Joseph Cheung, 202–366–6994 or Brian Fouch, 202–366–0744, Office of Safety Design Team, Federal Highway Administration, Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590. Office hours are from 7 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: *Title:* Roadway Departure Safety Profile.

Background: Roadway departure fatalities account for 53 percent of all highway deaths in the United States. Identifying roadway departure crash types and locations is an important part of the FHWA Office of Safety's development of an internal Roadway Departure Strategic Plan. To assist in this effort, FHWA seeks to focus on the following primary emphasis areas based on crash type: overturning, opposite direction, and fixed-object crashes (particularly trees and utility poles). Recognizing that States face similar issues in preventing such crashes, the FHWA proposes to collect information from each State to identify and document methods and knowledge gained about addressing fixed object crashes. This includes gathering details and descriptions of State policies including design guidance, clear zone policies; case studies, innovative best practices, and notable strategies/projects to address fixed object crashes; studies or data that document the effectiveness of implemented countermeasures, policies, or design guidance in reducing the number and/or severity of vehicle crashes into roadside trees and utility poles and other fixed objects; and lessons learned. In addition to State policies, FHWA is interested in documenting any ''special projects'' that States have used to enhance roadside safety, such as the Colleton County I–95 Timber Harvest Project. The purpose of the project was to identify areas along interstate highways that would enhance forest health, improve and enhance aesthetics, and improve highway safety. The result of the project culminated in identifying 15 potential forestation thinning sites. By thinning these forested areas, the South Carolina DOT hopes to reduce the incidence of fixed-object crashes involving trees adjacent to the roadway. Such efforts are outside of State's typical design practices but can have a positive effect on roadside safety. Additionally, FHWA would encourage States, as part of the information gathering, to share information about local efforts by cities and counties. Using the information gathered, FHWA will develop a Synthesis of State practices. A part of the survey will involve a set of questions to determine the current ''State of the State'' regarding Roadway Departure safety. From the information gathered, FHWA will develop a Roadway Departure Safety Profile Report for each State to support future technical assistance to the State DOTs, FHWA Division office, and local agencies.

The survey will be disseminated electronically, enabling respondents to answer questions via a link established specifically for the purposes of this survey.

Respondents: Approximately 52 representatives from State DOTs, Washington DC and Puerto Rico.

Frequency: One time survey.

Estimated Average Burden per Response: Approximately 16 hours per response.

Estimated Total Annual Burden Hours: Approximately 832 hours.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burdens; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued On: November 14, 2013.

Michael Howell,

Information Collection Officer

[FR Doc. 2013–27851 Filed 11–19–13; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Caddo Parish, Louisiana

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Revised Notice of Intent.

SUMMARY: The FHWA is issuing this revised notice of intent to advise the public of modifications to the I–49 Inner City Connector Environmental Impact Statement (EIS). The previous notice of intent described the I–49 Inner City Connector as an approximate 3.8 mile new freeway designed to connect existing I–49 to future I–49 North at its proposed junction with I–220 in Shreveport, Louisiana. During the public involvement process undertaken as part of the EIS, a build alternative utilizing an existing roadway was proposed and will be studied in the EIS. This alternative represents an approximate 12 mile connector to link existing I–49 at its junction with Louisiana Highway 3132 to future I–49 North at its proposed junction with I–220. This NOI revises the NOI issued on February 8, 2012.

FOR FURTHER INFORMATION CONTACT: Charles Bolinger, Division Administrator, Louisiana Division, Federal Highway Administration, 5304 Flanders Drive, Suite A, Baton Rouge, LA 70808 Telephone: 225–757–7600. See also the project Web site at *http://www.i49shreveport.com.*

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Louisiana Department of Transportation and Development (DOTD) and the Northwest Louisiana Council of Governments (NLCOG), is preparing an EIS on a proposal to construct the I–49 Inner City Connector.

The I–49 Inner City Connector is freeway designed to connect existing I–49 to future I–49 North at its proposed junction with I–220 in Shreveport, Louisiana. The project's purpose and need are to provide connectivity between existing I–49 and future I–49 and is intended to improve economic opportunities by providing increased access to the interstate system. Alternatives currently under consideration include: (1) Taking no action; (2) constructing an elevated freeway on new location; (3) constructing a freeway that is partly elevated and partly at-grade on new location; and (4) upgrade and modification of existing roadways. Build alternatives for the I–49 Inner City Connector involve a travel distance of approximately three and one-half miles up to approximately 12 miles. Incorporated into and studied with the various build alternatives will be design variations of grade and alignment.

Letters describing the proposed action and soliciting comments were sent to appropriate Federal, State, and local agencies, and to private organizations and citizens who have previously

expressed or are known to have interest in this proposal. A series of Public Meetings were held at various locations in Shreveport in December 2011 and December 2012 to discuss the four build alternatives under consideration. An additional round of Public Meetings will be held in early 2014 to present the new build alternative along with the four original build alternatives. A Public Hearing will also be held. Public notice will be given of the time and place of the meetings and hearing. The draft EIS will be available for public and agency review and comment prior to the Public Hearing. A formal scoping meeting was held at NLCOG on October 18, 2011, when the project was approved to move forward as an Environmental Assessment. On December 1 2011, FHWA determined the required class of action to comply with the NEPA process as an Environmental Impact Statement. Additional public scoping was conducted during the Public Meetings held in December 2011.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments, and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: November 8, 2013.

Charles W. Bolinger,

Division Administrator, Baton Rouge, Louisiana.

[FR Doc. 2013–27788 Filed 11–19–13; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[NHTSA–2013–0117]

Reports, Forms, and Recordkeeping Requirements

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Request for public comment on proposed collection of information.

SUMMARY: Before a Federal agency can collect certain information from the public, it must receive approval from the Office of Management and Budget (OMB). Under procedures established by the Paperwork Reduction Act of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions and reinstatements of previously approved collections. This document describes one collection of information for which NHTSA intends to seek OMB approval.

DATES: Comments must be received on or before January 21, 2014.

ADDRESSES: Direct all written comments to U.S. Department of Transportation Dockets, 1200 New Jersey Ave. SE., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: David Bonelli, Office of Chief Counsel, NCC–110, telephone (202) 366–1834, fax (202) 366–3820; NHTSA, 1200 New Jersey Ave. SE., Washington, DC 20590.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995, before an agency submits a proposed collection of information to OMB for approval, it must first publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. OMB has promulgated regulations describing what must be included in such a document. Under OMB's regulation (at 5 CFR 1320.8(d)), an agency must ask for public comment on the following:

(i) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(ii) The accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(iii) How to enhance the quality, utility, and clarity of the information to be collected;

(iv) How to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

In compliance with these requirements, NHTSA asks for public comments on the following proposed collection of information:

Title: Designation of Agent for Service of Process.

OMB Control Number: 2127–0040.

Requested Expiration Date of Approval: Three years from the approval date.

Type of Request: Extension of previously approved collection.

Affected Public: Business or other for-profit.

Form Number: N/A.

Abstract: This collection of information applies to motor vehicle and motor vehicle equipment manufacturers located outside of the United States (''foreign manufacturers''). Section 110(e) of the National Traffic and Motor Vehicle Safety Act of 1966 (49 U.S.C. § 30164) requires a foreign manufacturer offering a motor vehicle or motor vehicle equipment for importation into the United States to designate a permanent resident of the United States as its agent upon whom service of notices and processes may be made in administrative and judicial proceedings. These designations are required to be filed with NHTSA. NHTSA requires this information in case it needs to advise a foreign manufacturer of a safety related defect in its products so that the manufacturer can, in turn, notify purchasers and correct the defect. This information also enables NHTSA to serve a foreign manufacturer with all administrative and judicial processes, notices, orders, decisions and requirements.

When NHTSA amended the regulation implementing that statutory requirement, codified at 49 CFR part 551, subpart D, NHTSA included an appendix containing a suggested designation form for use by foreign manufacturers and their agents. The purpose of the suggested designation format was to simplify the information collection and submission process, and thereby reduce the burden imposed on each covered manufacturer by 49 CFR Part 551, subpart D. To further streamline the information collection process, NHTSA has set up a customer Web site that may be accessed at *http://www.nhtsa.dot.gov/cars/rules/manufacture/agent/customer.html*.

Estimated Annual Burden: 120 hours.

Estimated Number of Respondents: 240 respondents.

The Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection

techniques or other forms of information technology.

David Bonelli,

Attorney Advisor, Legislation and General Law.

[FR Doc. 2013–27805 Filed 11–19–13; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Pipeline and Hazardous Materials Safety Administration

[Docket No. PHMSA–2013–0254; Notice No. 13–09]

Federal Railroad Administration

[Safety Advisory 2013–07]

Safety and Security Plans for Class 3 Hazardous Materials Transported by Rail

AGENCY: Pipeline and Hazardous Materials Safety Administration (PHMSA) and Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of Safety Advisory.

SUMMARY: PHMSA and FRA are issuing this safety advisory as a follow-up to the agencies' joint safety advisory published on August 7, 2013 and FRA's Emergency Order No. 28 published that same day, both of which relate to the July 6, 2013, catastrophic accident in Lac-Mégantic, Quebec. In this safety advisory, PHMSA and FRA are reinforcing the importance of proper characterization, classification, and selection of a packing group for Class 3 materials, and the corresponding requirements in the Federal hazardous materials regulations for safety and security planning. In addition, we are reinforcing that we expect offerors by rail and rail carriers to revise their safety and security plans required by the Federal hazardous materials regulations, including the required risk assessments, to address the safety and security issues identified in FRA's Emergency Order No. 28 and the August 7, 2013, joint Safety Advisory.

FOR FURTHER INFORMATION CONTACT: Ben Supko, Standards and Rulemaking Division, PHMSA, 1200 New Jersey Ave. SE., Washington, DC 20590–0001, telephone (202) 366–8553; or Karl Alexy, Staff Director, FRA Hazardous Materials Division, 1200 New Jersey Ave. SE., Washington, DC 20590–0001, telephone (202) 493–6245.

SUPPLEMENTARY INFORMATION: On July 6, 2013, a catastrophic railroad accident occurred in Lac-Mégantic, Quebec, Canada when an unattended freight train containing hazardous materials rolled down a descending grade and subsequently derailed. The derailment resulted in multiple explosions and subsequent fires, which caused the confirmed death of forty-two people and presumed death of five more, extensive damage to the town center, clean-up costs, and the evacuation of approximately 2,000 people from the surrounding area. While the Transportation Safety Board of Canada (TSB) is still investigating the cause of the Lac-Mégantic accident, the catastrophic consequences of the accident and the known increase over the last several years in the rail transportation of Class 3 hazardous materials has made clear the need to review existing regulations and industry practices related to such transportation. PHMSA and FRA have worked closely to take a number of actions intended to prevent similar incidents from occurring in the United States and the agencies will continue to do so.

This Safety Advisory is intended to follow-up on PHMSA and FRA's actions to date to address the safety and security of the rail transportation of Class 3 hazardous materials, including FRA's Emergency Order No. 28 (78 FR 48218 (EO 28)); the agencies' Joint Safety Advisory published on August 7, 2013 (78 FR 48224) (First Joint Advisory); the initiation of a comprehensive review of operational factors that affect the transportation of hazardous materials by rail (78 FR 42998); the referral of safety issues related to EO 28 and the First Joint Advisory to FRA's Railroad Safety Advisory Committee (78 FR 48931); and the publication of an advance notice of proposed rulemaking responding to eight petitions for rulemaking related to the transportation of hazardous materials by rail (78 FR 54849). In this Safety Advisory, PHMSA and FRA are once again reinforcing the importance of proper characterization, classification, and selection of a hazardous materials packing group as required by the Federal hazardous materials law (49 U.S.C. 5101–5128) and Hazardous Materials Regulations (HMR; 49 CFR parts 171–180). The agencies are also emphasizing that offerors of hazardous materials by rail and rail carriers should have reviewed and revised, as appropriate, their safety and security plans required under Subpart I of Part 172 of the HMR, including the required risk assessments, to address the safety and security issues identified in EO 28 and the First Joint Advisory.

I. Safety and Security Plans as They Pertain to Class 3 Materials

Each person who offers for transportation in commerce or transports in commerce certain hazardous materials, including Class 3, packing group (PG) I or II materials that are offered for transportation or transported in a large bulk quantity, must develop and adhere to a transportation safety and security plan that conforms to the requirements of the HMR. *See* 49 CFR part 172, subpart I. A large bulk quantity, is defined in § 172.800(b), for a Class 3, PG I or II material as a quantity of 792 gallons (3,000 liters) or more in a single bulk packaging (e.g., cargo tank motor vehicle, portable tank, tank car, or other bulk container).

A safety and security plan must include components addressing personnel security, unauthorized access, and en route security. See 49 CFR 172.802. The HMR set forth general requirements for a safety and security plan's components rather than a prescriptive list of specific items that must be included. The HMR establish a performance standard providing offerors and rail carriers with the flexibility necessary to develop safety and security plans addressing their individual circumstances and operational environments. Accordingly, each safety and security plan may differ because it will be based on an offeror's or a carrier's individual assessment of the safety and security risks associated with the specific hazardous materials it ships or transports and its unique circumstances and operational environment.

II. Responsibilities of Offerors of Hazardous Materials and Rail Carriers

As stated above, PHMSA and FRA expect that as a result of EO 28 and the First Joint Advisory, hazmat offerors by rail and railroad carriers have reviewed and revised, as appropriate, their safety and security plans, including the required underlying risk assessments, to address the safety and security issues identified in FRA's Emergency Order No. 28 and the First Joint Advisory.

A. Offerors

As applied to offerors of hazardous materials by rail, PHMSA and FRA expect that in light of EO 28 and the First Joint Advisory, offerors have reviewed their safety and security plans to ensure that all materials subject to the regulatory requirement are, in fact, properly classified, described, and packaged in accordance with the HMR. The HMR require offerors of hazardous

materials to properly classify and describe the hazardous material being offered for transportation. 49 CFR 173.22. As part of this process, proper characterization of a hazardous material (considering the material's underlying chemical properties, corrosivity, and other characteristics) is fundamental to ensuring the selection of proper packaging and that the hazards of the materials are properly described in the required shipping documentation. Proper characterization will identify properties that may not affect classification, but will affect the integrity of the packaging or present additional hazards, such as corrosivity, sulfur content and dissolved gas content. Ensuring the proper classification, characterization, and PG assignment of a hazardous material is a key building block of the HMR, and is especially important for assessing risks and developing a safety and security plan. To aid in this process, we are emphasizing key definitions and information from 49 CFR 173.120 and 173.121 regarding the proper classification and packing group assignment for petroleum crude oil, namely: The definitions of flash point, flammable liquid, combustible liquid and packing group. We are also emphasizing the following applicable shipping names and packing groups as they pertain to the transportation of petroleum products:

i. *Crude oil.* Petroleum crude oil, UN 1267, is specifically listed in the Hazardous Materials Table (49 CFR 172.101) as a Class 3 material, in Packing Groups I, II, or III.

ii. *Sour crude.* Petroleum sour crude, oil, flammable, toxic, UN 3494, is specifically listed in the Hazardous Materials Table (49 CFR 172.101) as a Class 3 material, in Packing Groups I, II, or III.

Offerors of hazardous materials for transportation by rail must ensure that their current practices and operations align with HMR requirements, especially in regard to existing safety and security planning requirements for Class 3 materials.

B. Carriers

EO 28 prohibits railroads from leaving trains or vehicles transporting certain types and quantities of hazardous materials unattended on a mainline track or a mainline siding outside of a yard or terminal, until the railroad develops, adopts, and complies with a plan that identifies specific locations and circumstances where the railroad has determined that such trains or vehicles may be safely left unattended. Accordingly, EO 28 requires railroads to implement ''securement plans'' to leave unattended any train or vehicle transporting the identified hazardous materials on a mainline track or siding outside of a yard or terminal. FRA and PHMSA would like to clarify that although these ''securement plans'' are separate and distinct from the safety and security plans required by the HMR, the agencies expect rail carriers that have developed and implemented ''securement plans'' as provided for in EO 28 to evaluate the safety and security risks of leaving the equipment subject to the plan unattended and review and revise, as appropriate, their corresponding safety and security plans, including the required underlying risk assessment, required by the HMR to reflect the increased risk of leaving the equipment unattended.

III. PHMSA's and FRA's Enforcement Efforts

PHMSA and FRA are assessing regulated entities' compliance with the expectations outlined in the First Joint Advisory and this safety advisory to ensure the safe transportation of hazardous materials by rail. Recently, PHMSA initiated ''Operation Classification.'' This compliance investigation initiative involves unannounced inspections and testing by PHMSA and FRA to verify the material classification and packing group assignments selected and certified by offerors of petroleum crude oil. In addition, PHMSA is accompanying FRA on audits to evaluate safety and security plans and to determine whether the plans address vulnerabilities highlighted in EO 28 and the First Joint Advisory. FRA is also conducting additional inspections to determine compliance with EO 28.

Issued in Washington, DC, on November 14, 2013.

Magdy El-Sibaie,

Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Materials Safety Administration.

Robert C. Lauby,

Associate Administrator for Railroad Safety/ Chief Safety Officer, Federal Railroad Adminstration.

[FR Doc. 2013–27785 Filed 11–19–13; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. FD 35782]

Buckeye Railroad Holdings, LLC—Continuance in Control—Buckeye Hammond Railroad, LLC, and Buckeye East Chicago Railroad, LLC

Buckeye Railroad Holdings, LLC (BRH), has filed a verified notice of exemption under 49 CFR 1180.2(d)(2) to continue in control of Buckeye Hammond Railroad, LLC (BHRR), and Buckeye East Chicago Railroad, LLC (BECRR), both Class III rail carriers.

In November 2012, BECRR filed a verified notice of exemption under 49 CFR 1150.31 to acquire from Buckeye Partners, L.P. (Buckeye), a noncarrier, and to operate approximately 7,065 feet of track, existing railroad right-of-way, and bulk liquid transloading facilities in East Chicago, Ind. *Buckeye E. Chi. R.R.—Acquis. & Operation Exemption—Buckeye Partners, L.P.,* FD 35698 (STB served Nov. 30, 2012). In December 2012, BHRR filed a verified notice of exemption under 49 CFR 1150.31 to acquire from Buckeye and to operate approximately 6,797 feet of track, existing railroad right-of-way, and bulk liquid transloading facilities in Hammond, Ind. *Buckeye Hammond R.R.—Acquis. & Operation Exemption—Buckeye Partners, L.P.,* FD 35697 (STB served Jan. 3, 2013).

According to BRH, it owned and controlled both BECRR and BHRR before each became a Class III carrier. But BRH did not file for continuance in control authority until it filed this verified notice of exemption with the Board on November 4, 2013. Thus, the effective date of the exemption is December 4, 2013 (30 days after the verified notice of exemption was filed).[1]

BRH represents that: (1) BECRR and BHRR do not connect with each other or any railroads in their corporate family; (2) the continuance in control of BECRR and BHRR is not part of a series of anticipated transactions that would connect the railroads with each other or any railroads in their corporate family; and (3) the transaction does not involve a Class I carrier. Therefore, the transaction is exempt from the prior approval requirements of 49 U.S.C. 11323. *See* 49 CFR 1180.2(d)(2).

Under 49 U.S.C. 10502(g), the Board may not use its exemption authority to relieve a rail carrier of its statutory

[1] The class exemption invoked by BRH does not provide for retroactive effectiveness. *See DMH Trust fbo Martha M. Head—Aquis. of Control Exemption—Red River Valley & W. R.R. & Rutland Line, Inc.,* FD 35649 (STB served Aug. 8, 2012).

obligation to protect the interests of its employees. Section 11326(c), however, does not provide for labor protection for transactions under 11324 and 11325 that involve only Class III rail carriers. Accordingly, the Board may not impose labor protective conditions here because all of the carriers involved are Class III carriers.

If the notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Stay petitions must be filed no later than November 27, 2013 (at least 7 days before the exemption becomes effective).

An original and 10 copies of all pleadings, referring to Docket No. FD 35782, 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 Charles A. Spitulnik, Kaplan Kirsch & Rockwell LLP, 1001 Connecticut Avenue NW., Suite 800, Washington, DC 20036.

Board decisions and notices are available on our Web site at *www.stb.dot.gov.*

Decided: November 14, 2013.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.

Derrick A. Gardner,

Clearance Clerk.

[FR Doc. 2013–27768 Filed 11–19–13; 8:45 am]

BILLING CODE 4915–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0262]

Proposed Information Collection (Designation of Certifying Official(s)); Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed revision of a currently approved collection and allow 60 days for public comment in response to the notice. This notice solicits comments for information needed to identify individuals authorized to certify reports on behalf of an educational institution or job training establishment.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before January 21, 2014.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov* or to Nancy J. Kessinger, Veterans Benefits Administration (20M33), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email to *nancy.kessinger@va.gov.* Please refer to ''OMB Control No. 2900–0262'' in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 632–8924 or FAX (202) 632–8925.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA'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 respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Titles:

a. Designation of Certifying Official(s), 22–8794.

b. Designated Official(s) Electronic Fund Transfer (EFT) Information, VA Form 22–8794a.

OMB Control Number: 2900–0262.

Type of Review: Revision of a currently approved collection.

Abstracts:

a. Educational institutions and job training establishments complete VA Form 22–8794 to provide the name of individuals authorized to certify reports on student enrollment and hours worked on behalf of the school or training facility. VA will use the data collected to ensure that education benefits are not awarded based on reports from someone other than the designated certifying official.

b. Educational institution complete VA Form 22–8794a when there is a change to their financial institution.

Affected Public: State, Local or Tribal Government.

Estimated Annual Burden:

a. VA Form 22–8794—75.

b. VA Form 22–8794a—75.

Estimated Average Burden per Respondent: 10 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents:

a. VA Form 22–8794–450.

b. VA Form 22–8794a–450.

Dated: November 15, 2013.

By direction of the Secretary.

Crystal Rennie,

Department Clearance Officer, Department of Veterans Affairs.

[FR Doc. 2013–27794 Filed 11–19–13; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0068]

Proposed Information Collection (Application for Service-Disabled Veterans Insurance); Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to this notice. This notice solicits comments for information needed to determine a claimant's eligibility for service-disabled insurance.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before January 21, 2014.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System

(FDMS) at *www.Regulations.gov;* or to Nancy J. Kessinger, Veterans Benefits Administration (20M35), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420 or email *nancy.kessinger@va.gov*. Please refer to ''OMB Control No. 2900–0068 in any correspondence. During the comment period, comments may be viewed online through FDMS.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 632–8924 or FAX (202) 632–8925

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA'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 respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Application for Service-Disabled Veterans Insurance, VA Forms 29–4364, 29–4364c and 29–0151.

OMB Control Number: 2900–0068.

Type of Review: Extension of a currently approved collection.

Abstract: Veterans complete VA Forms 29–4364 and 29–0151 to apply for service-disabled veterans insurance, designate a beneficiary and select an optional settlement. VA uses the data collected on VA Forms 29–4364 and 29–0151 to determine the claimant's eligibility for insurance.

VA Form 29–4364c is used by veterans who were rated unemployable or with certain severely disabling conditions. Veterans completing VA Form 29–4364c do not need to provide medical information to qualify for this insurance.

Affected Public: Individuals or households.

Estimated Annual Burden: 8,333 hours.

Estimated Average Burden per Respondent: 20 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 25,000.

Dated: November 15, 2013.

By direction of the Secretary.

Crystal Rennie,

Department Clearance Officer, Department of Veterans Affairs.

[FR Doc. 2013–27799 Filed 11–19–13; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–NEW]

Agency Information Collection *(*Access to Care Dialysis Pilot Survey and Interview*);* Activities Under OMB Review

AGENCY: Veterans Health 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 Health 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 and includes the actual data collection instrument.

DATES: Comments must be submitted on or before December 20, 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 (Access to Care Dialysis Pilot Survey and Interview).'' 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, *(*Access to Care Dialysis Pilot Survey and Interview*).''*

SUPPLEMENTARY INFORMATION:

Title: Access to Care Dialysis Pilot Survey and Interview, VA Form 10–10067.

Type of Review: New data collection.

Abstract: In May of 2012, the GAO published a Report to Congressional Requesters titled ''VA DIALYSIS PILOT: Increased Attention to Planning, Implementation, and Performance Measurement Needed to Help Achieve Goals'' (GAO–12–584, May 23, 2012). The GAO report stated four goals of the Dialysis Pilot, and the second goal, increased access for veterans, is related to this Information Collection (IC). A principal goal of the Dialysis Pilot program for the treatment of End Stage Renal Disease (ESRD) is to improve access to dialysis care for Veterans. This Access to Care IC will include a consideration of the access to care dimensions (e.g., travel distance), patient demographic, and socio-economic characteristics associated with Veterans' use of the pilot VA-operated free-standing outpatient dialysis clinics. This IC will provide an independent assessment and analysis of barriers and facilitators that Veterans may experience while accessing the pilot freestanding outpatient dialysis clinics. At the end of this assessment, a report will be developed that outlines the main findings from this IC and recommendations made that will inform future employment of free-standing outpatient dialysis clinics.

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 (Tuesday, August 20, 2013), Vol. 78, No. 161, on page 1.

Affected Public: Individuals or households.

Estimated Annual Burden: 50 burden hours.

Estimated Average Burden Per Respondent: 75 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 40.

Dated: November 15, 2013.

By direction of the Secretary.

Crystal Rennie,

VA Clearance Officer, U.S. Department of Veterans Affairs.

[FR Doc. 2013–27766 Filed 11–19–13; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 78 Wednesday,
No. 224 November 20, 2013

Part II

The President

Proclamation 9058—American Education Week, 2013

Federal Register
Vol. 78, No. 224
Wednesday, November 20, 2013

Presidential Documents

Title 3—

The President

Proclamation 9058 of November 15, 2013

American Education Week, 2013

By the President of the United States of America

A Proclamation

Education is both a pillar of democracy and a cornerstone of American opportunity. In an increasingly competitive world, it gives our children the tools to thrive and our Nation the talent to lead. During American Education Week, we reaffirm our commitment to the next generation, and we celebrate everyone who is striving to help America's young people realize their full potential.

Every day throughout America, our children mark the many milestones of learning—from scribbling their first attempts at the alphabet to conducting their first science experiment to crossing the stage at commencement. The educators who guide them deserve our highest admiration, respect, and support for investing in young people's futures. We all have a stake in public education, and we all have a role to play—from parents and mentors to community leaders and business owners. Through programs focused on tutoring, sports, the arts, and vocational training, we can inspire children to learn both inside and outside the classroom.

A great education is a ticket into the middle class, and it should be available to everyone willing to work for it. My Administration is committed to reining in college costs and reducing the burden student loans place on young people. We are also moving forward on a plan to connect 99 percent of America's students to high-speed internet within 5 years; pushing to make high-quality early education accessible to every child in America; and working to strengthen programs in science, technology, engineering, and mathematics. Because none of these plans will succeed without outstanding teachers, we must support these professionals as they perform their vital work.

As we move toward Thanksgiving, American Education Week offers a chance to express our gratitude to educators across our Nation. Let us do so with a renewed commitment to giving every young American the opportunities a world-class education affords.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 17 to November 23, 2013, as American Education Week. I call upon all Americans to observe this week by supporting their local schools through appropriate activities, events, and programs designed to help create opportunities for every school and student in America.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of November, in the year of our Lord two thousand thirteen, and of the Independence of the United States of America the two hundred and thirty-eighth.

[FR Doc. 2013–28018
Filed 11–19–13; 11:15 am]
Billing code 3295–F4

Reader Aids

Federal Register

Vol. 78, No. 224

Wednesday, November 20, 2013

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FEDERAL REGISTER PAGES AND DATE, NOVEMBER

CFR PARTS AFFECTED DURING NOVEMBER

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.

39 .....66666, 66668, 66859, 66861, 69316, 69318, 69320, 69594, 69595, 69597, 69600
71.....67324, 68777
121.....67983
135.....66865
1260.....68375, 68376
1273.....68375
1274.....68375, 68376

15 CFR

30.....67927
400.....69288
748.....69535

16 CFR

1.....65557
254.....68987
801.....68705
1500.....66840

17 CFR

1.....68506
3.....68506
15.....69178
17.....69178
18.....69178
20.....69178
22.....68506
23.....66621
30.....68506
140.....68506
190.....66621
200.....67468
240.....67468
249.....67468
Proposed Rules:
150.....68946
170.....67078, 67985
200.....66428
227.....66428
232.....66428
239.....66428
240.....66428
249.....66428
300.....66318

19 CFR

Proposed Rules:
351.....69322

20 CFR

404.....66638
416.....66638
655 .....69538, 69539, 69541
Proposed Rules:
404.....69324

21 CFR

1.....69543
73.....68713
510.....66263
520.....66263
522.....66263
558.....66263
886.....68714
1240.....66841
1308.....68716
Proposed Rules:
Ch. I.....65588
1 .....69602, 69603, 69604
16 .....69006, 69603, 69604, 69605
20.....65904
106.....69604
110.....69604
112.....69006, 69605
114.....69604
117.....69604
120.....69604
123.....69604
129.....69604
179.....69604
211.....69604
310.....65904
314.....65904, 67985
600.....65904
601.....67985
1308.....65923

22 CFR

41.....66814, 68992
230.....66841
502.....67025

24 CFR

50.....68719
55.....68719
58.....68719
Proposed Rules:
214.....66670

25 CFR

151.....67928
Proposed Rules:
226.....65589

26 CFR

1.....66639, 68735
54.....68240
Proposed Rules:
1.....68779, 68780
300.....65932

29 CFR

1910 .....66641, 66642, 69543
1926.....66641, 66642
2590.....68240
4022.....68739
Proposed Rules:
1904.....67254, 68782
1910.....65932, 69606
1926.....65932
1952.....67254, 68782

30 CFR

Proposed Rules:
75.....68783
936.....66671

32 CFR

319.....69550, 69551
320.....69289, 39291
701.....69552

33 CFR

100 .....66844, 67026, 68995
110.....67300
117 .....65873, 65874, 66265, 66266, 67027, 67938
141.....69292
151.....67027
155.....67027
160.....67027
165 .....65874, 66267, 66269, 67028, 68995
Proposed Rules:
97.....68784
100.....69007
117.....67084, 67999
140.....67326
141.....67326
142.....67326
143.....67326
144.....67326
145.....67326
146.....67326
147.....67326
160.....68784
165.....67086, 68002

34 CFR

Ch. III.....66271
Ch. VI.....69612
668.....65768
674.....65768
682.....65768
685.....65768
Proposed Rules:
200.....69336
Ch. VI.....66865

36 CFR

1191.....67303

37 CFR

384.....66276
385.....67938

38 CFR

17.....68364
Proposed Rules:
17.....69614

39 CFR

111.....69553
3010.....67951

40 CFR

9.....66279
19.....66643
52 .....65559, 65875, 65877, 66280, 66648, 66845, 67036, 67307, 67952, 68365, 68367, 68997, 69296, 69299
81.....66845
98.....68162
180 .....65561, 65565, 66649, 66651, 67038, 67042, 67048, 68741, 69562
300.....66283, 69302
372.....66848
721.....65570, 66279
Proposed Rules:
52 .....65590, 65593, 66320, 67090, 67327, 68005, 68377, 68378, 69337, 69625
63.....66108, 66321
80.....69628
98.....66674, 69337
300.....66325, 69360

42 CFR

433.....66852
Proposed Rules:
84.....69361

44 CFR

64 .....65882, 68999, 69001
206.....66852

45 CFR

146.....68240
147.....68240
153.....66653
155.....66653
156.....66653
157.....66653
158.....66653
170.....65884
Proposed Rules:
1613.....65933

46 CFR

Proposed Rules:
97.....68784

47 CFR

1.....66287, 66288
22.....66288
25.....67309
27.....66288, 66298
64.....67956
69.....67053
73.....66288, 67310
74.....66288
Proposed Rules:
Ch. I.....65601
4.....69018
64.....68005
73.....68384, 69629
90.....65594

48 CFR

204.....69273
208.....69268
212.....69268, 69273
215.....69268
225.....69282
233.....69268
239.....69268
244.....69268
252 .....69288, 69273, 69283
Proposed Rules:
927.....66865
952.....66865
970.....66865

49 CFR

27.....67882
172.....69310
571.....68748
575.....66655
Proposed Rules:
26.....68016
173.....66326
174.....66326
178.....66326
179.....66326
180.....66326

50 CFR

10.....65844
17.....68370, 69569
20.....65573
21 .....65576, 65578, 65844
223.....66140, 69310
224.....66140
300.....65887, 69002
622.....68372, 68373
635.....68757
648.....65888, 66857
660.....68764
679 .....68374, 69591, 69592
Proposed Rules:
17 .....65936, 65938, 68660
21.....65953, 65955
100.....66885
223.....66675, 69033
224.....66675, 69033

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 November 15, 2013

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