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BUREAU OF CONSUMER FINANCIAL PROTECTION

12 CFR Part 1076

Claims Under the Federal Tort Claims Act for Loss of or Damage to Property or for Personal Injury or Death

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Final rule.

SUMMARY: The Bureau of Consumer Financial Protection is adopting a procedural rule that sets forth the procedures for filing, processing, and paying awards based on administrative claims under the Federal Tort Claims Act for money damages for loss of or injury to property, or for personal injury or death, caused by the negligent or wrongful act or omission of any employee of the Bureau while acting within the scope of the employee's office or employment.

DATES: The rule is effective on August 5, 2013.

FOR FURTHER INFORMATION CONTACT: Margaret H. Plank, Senior Counsel, General Law and Ethics, Legal Division, Consumer Financial Protection Bureau, 1700 G Street NW., Washington, DC 20552, 202–435–7623.

SUPPLEMENTARY INFORMATION:

I. Background and Summary of the Rule

The Federal Tort Claims Act (FTCA), as amended, 28 U.S.C. 2671–2680, and the regulations issued by the Department of Justice (DOJ) contained in 28 CFR part 14, authorize the head of the Bureau or designee to consider, ascertain, adjust, determine, compromise, and settle claims for money damages against the United States for personal injury, death, or property loss or damage caused by the negligent or wrongful act or omission of any employee of the Bureau while acting within the scope of the employee's office or employment, under circumstances where the United States, if it were a private person, would be liable, in accordance with the law of the place where the act or omission occurred. This rule (Final Rule) establishes the Bureau's procedures for filing and processing any such claims.

Under the Final Rule, a claimant may present a covered claim to the Bureau by submitting a completed claim form and appropriate supporting information and evidence to the Bureau's General Counsel. The Final Rule authorizes the Bureau's General Counsel and members of the Legal Division designated by the General Counsel to consider and attempt to resolve claims. If the General Counsel or the General Counsel's designee disallows a claim, the General Counsel or designee will notify the claimant in writing.

II. Legal Authority and Effective Date

This Final Rule is issued under the FTCA, as amended, which authorizes the Attorney General to prescribe regulations for the administrative adjustment of claims by Federal agencies. 28 U.S.C. 2672. The Attorney General, in turn, has authorized each Federal agency to issue regulations and establish procedures consistent with 28 CFR part 14. 28 CFR 14.11.

The Final Rule is procedural and not substantive and, thus, is not subject to the 30-day delay in effective date required by 5 U.S.C. 553(d). The Bureau is making the Final Rule effective immediately upon publication in the **Federal Register**.

III. Regulatory Requirements

The Final Rule constitutes a Bureau rule of organization, procedure, or practice that is exempt from notice and public comment pursuant to 5 U.S.C. 553(b). Because notice of proposed rulemaking is not required, the Final Rule is not a ''rule'' as defined by the Regulatory Flexibility Act and the provisions of that statute do not apply. 5 U.S.C. 601(2). The Final Rule does not contain any new or revised information collection requirements that require the approval of the Office of Management and Budget (OMB) under the Paperwork Reduction Act. 44 U.S.C. 3501 *et seq.* The U.S. Department of Justice has previously obtained OMB approval for the Standard Form 95 and it is assigned the OMB control number 1105–0008. Please note that, notwithstanding any other provision of law, the Bureau may not conduct and persons are not required to respond to a collection of information unless it displays a currently valid OMB control number.

List of Subjects in 12 CFR Part 1076

Claims against the government, Government employees, Money damages.

Authority and Issuance

For the reasons set forth above, the CFPB amends Chapter X in Title 12 of the Code of Federal Regulations by adding a new part 1076 to read as follows:

CHAPTER X—BUREAU OF CONSUMER FINANCIAL PROTECTION

PART 1076—CLAIMS AGAINST THE UNITED STATES

Sec.

Authority: 12 U.S.C. 5492(a)(1), (11); 28 U.S.C. 2672; 28 CFR 14.11.

§ 1076.101 Claims against a Bureau employee based on negligence, wrongful act or omission.

(a) *Procedure for filing claims.* A claimant, or the claimant's duly authorized agent or legal representative may present a claim against a Bureau employee based on negligence, or wrongful act or omission, as specified in 28 CFR 14.3. Claimant or claimant's duly authorized agent or legal representative must file with the General Counsel of the Bureau a completed Claim for Damage or Injury (*Standard Form 95*), together with appropriate evidence and information, as specified in 28 CFR 14.4. Standard Form 95 may be obtained at *http://www.justice.gov/civil/docs_forms./SF-95.pdf,* or from the CFPB. Claimants also may submit a claim in the form of a letter or any other writing, a written statement, an audio file, a Braille or electronic document, and/or a video, as long as the submission contains all of the requirements of an administrative claim specified in 28 CFR part 14. Claims should be mailed or delivered to the General Counsel, Legal Division, CFPB, 1700 G Street NW., Washington, DC 20552, or emailed to *CFPB_tortclaims@cfpb.gov.*

(b) *Determination of claims*—(1) *Delegation of authority to determine claims.* The General Counsel, and such employees of the Legal Division as the General Counsel may designate are authorized to consider, ascertain, adjust, determine, compromise, and settle claims pursuant to the FTCA, as amended, and the regulations contained in 28 CFR part 14 and in this section.

(2) *Disallowance of claims.* If the General Counsel, or the General Counsel's designee, denies a claim, the General Counsel or designee shall notify the claimant, or the claimant's duly authorized agent or legal representative.

Dated: July 11, 2013.

Richard Cordray,

Director, Bureau of Consumer Financial Protection.

[FR Doc. 2013–18844 Filed 8–2–13; 8:45 am]

BILLING CODE 4810–AM–P

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 37

RIN 3038–AD18

Core Principles and Other Requirements for Swap Execution Facilities; Correction

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rule; correction.

SUMMARY: The Commodity Futures Trading Commission is correcting a final rule that appeared in the **Federal Register** of June 4, 2013 (78 FR 33476). The final rule applies to the registration and operation of a new type of regulated entity named a swap execution facility, and implements provisions of the Dodd-Frank Wall Street Reform and Consumer Protection Act.

DATES: The effective date of this correction is August 5, 2013.

FOR FURTHER INFORMATION CONTACT: Amir Zaidi, Special Counsel, Division of Market Oversight, Commodity Futures Trading Commission, Three Lafayette Center, 1155 21st Street NW., Washington, DC 20581; 202–418–6770; *azaidi@cftc.gov.*

SUPPLEMENTARY INFORMATION: In FR Doc. 2013–12242 appearing on page 33476 in the **Federal Register** of Tuesday, June 4, 2013, the following corrections are made:

§ 37.702 [Corrected]

1. On page 33591, in the second column, in § 37.702 General financial integrity, paragraph (b) is corrected to read as follows:

(b) For transactions cleared by a derivatives clearing organization:

(1) By ensuring that the swap execution facility has the capacity to route transactions to the derivatives clearing organization in a manner acceptable to the derivatives clearing organization for purposes of clearing; and

(2) By coordinating with each derivatives clearing organization to which it submits transactions for clearing, in the development of rules and procedures to facilitate prompt and efficient transaction processing in accordance with the requirements of § 39.12(b)(7) of this chapter.

Appendix B to Part 37—Guidance on, and Acceptable Practices in, Compliance With Core Principles [Corrected]

2. On page 33600, in the second column, under the heading Core Principle 3 of Section 5h of the Act—Swaps Not Readily Susceptible to Manipulation, in paragraph (a)(3), correct the reference to ''section c(5)'' to read ''section c(4).''

Dated: July 31, 2013.

Christopher J. Kirkpatrick,

Deputy Secretary of the Commission.

[FR Doc. 2013–18773 Filed 8–2–13; 8:45 am]

BILLING CODE 6351–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 101

[Docket No. FDA–2005–N–0404]

RIN 0910–AG84

Food Labeling; Gluten-Free Labeling of Foods

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA or we) is issuing a final rule to define the term ''gluten-free'' for voluntary use in the labeling of foods. The final rule defines the term ''gluten-free'' to mean that the food bearing the claim does not contain an ingredient that is a gluten-containing grain (e.g., spelt wheat); an ingredient that is derived from a gluten-containing grain and that has not been processed to remove gluten (e.g., wheat flour); or an ingredient that is derived from a gluten-containing grain and that has been processed to remove gluten (e.g., wheat starch), if the use of that ingredient results in the presence of 20 parts per million (ppm) or more gluten in the food (i.e., 20 milligrams (mg) or more gluten per kilogram (kg) of food); or inherently does not contain gluten; and that any unavoidable presence of gluten in the food is below 20 ppm gluten (i.e., below 20 mg gluten per kg of food). A food that bears the claim ''no gluten,'' ''free of gluten,'' or ''without gluten'' in its labeling and fails to meet the requirements for a ''gluten-free'' claim will be deemed to be misbranded. In addition, a food whose labeling includes the term ''wheat'' in the ingredient list or in a separate ''Contains wheat'' statement as required by a section of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) and also bears the claim ''gluten-free'' will be deemed to be misbranded unless its labeling also bears additional language clarifying that the wheat has been processed to allow the food to meet FDA requirements for a ''gluten-free'' claim. Establishing a definition of the term ''gluten-free'' and uniform conditions for its use in food labeling will help ensure that individuals with celiac disease are not misled and are provided with truthful and accurate information with respect to foods so labeled. We are issuing the final rule under the Food Allergen Labeling and Consumer Protection Act of 2004 (FALCPA).

DATES: *Effective date:* The final rule becomes effective on September 4, 2013. *Compliance date:* The compliance date of this final rule is August 5, 2014. See section II.B.4 (comment 35 and response 35) for an additional explanation of the compliance date and implementation of this final rule.

FOR FURTHER INFORMATION CONTACT: Felicia B. Billingslea, Center for Food Safety and Applied Nutrition (HFS–820), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, 240–402–2371, FAX: 301–436–2636, email: *GlutenFreeFinalRule Questions@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

Executive Summary

Purpose of the Rule

Need for the rule: Celiac disease is a hereditary, chronic inflammatory disorder of the small intestine triggered by the ingestion of certain storage proteins referred to as gluten occurring in wheat, rye, barley, and crossbreeds of these grains. Celiac disease has no cure, but individuals who have this disease are advised to avoid all sources of gluten in their diet to protect against adverse health effects associated with the disease. Many manufacturers currently label their food with a