

# Rules and Regulations

Federal Register

Vol. 78, No. 175

Tuesday, September 10, 2013

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

The Code of Federal Regulations is sold by the Superintendent of Documents. Prices of new books are listed in the first FEDERAL REGISTER issue of each week.

## SPECIAL INSPECTOR GENERAL FOR IRAQ RECONSTRUCTION

### 5 CFR Chapter LXXXII

#### Removal of Standards of Ethical Conduct Regulations

**AGENCY:** Special Inspector General for Iraq Reconstruction.

**ACTION:** Final rule.

**SUMMARY:** On September 22, 2010, the Special Inspector General for Iraq Reconstruction (SIGIR), with the concurrence of the Office of Government Ethics (OGE), issued a final rule for employees of the SIGIR that supplemented the executive-branch-wide Standards of Ethical Conduct (Standards) issued by OGE. With certain exceptions, this supplemental regulation, required SIGIR employees, except special Government employees, to obtain approval before engaging in outside employment. This is the only rule SIGIR has published in the **Federal Register** and codified in the Code of Federal Regulations. The SIGIR is due to terminate its operations on September 30, 2013. Accordingly, there is no need for this Chapter or any SIGIR regulation in the Code of Federal Regulations (CFR) after that date because SIGIR will not exist and will therefore have no employees subject to this rule.

**DATES:** This rule is effective on September 30, 2013.

**FOR FURTHER INFORMATION CONTACT:** Michael H. Mobbs, Deputy General Counsel, Telephone- 703-604-0429; email- [michael.h.mobbs2.civ@mail.mil](mailto:michael.h.mobbs2.civ@mail.mil).

#### SUPPLEMENTARY INFORMATION:

#### Background

SIGIR's enabling legislation, Public Law 108-106, 5 U.S.C. app 8G note, as amended, at section 3001(o), requires SIGIR to terminate within 180 days after the date on which amounts appropriated or otherwise made

available for the reconstruction of Iraq that are unexpended are less than \$250,000,000. SIGIR has determined this date to be September 30, 2013. Accordingly, this issuance removes SIGIR's rule and existing text from the **Federal Register**.

The SIGIR is due to terminate its operations on September 30, 2013. Accordingly, there is no need for this Chapter or any SIGIR regulation in the Code of Federal Regulations (CFR) after that date because SIGIR will not exist and will therefore have no employees subject to this CFR chapter.

#### *Administrative Procedure Act*

Pursuant to 5 U.S.C. 553(b) SIGIR finds good cause exists for waiving the general notice of proposed rulemaking and opportunity for public comment as to this rule.

Notice and comment before the effective date are being waived because this rule concerns matters of agency organization, practice and procedure.

#### *Executive Orders 12866 and 12988*

Because this rule relates to SIGIR personnel, it is exempt from the provisions of Executive Orders Nos. 12866 and 12988.

#### *Regulatory Flexibility Act*

SIGIR has determined, pursuant to the Regulatory Flexibility Act, 5 U.S.C. chapter 6, that this rulemaking will not have a significant economic impact on a substantial number of small entities because it primarily affects SIGIR employees.

#### *Paperwork Reduction Act*

The Paperwork Reduction Act, 44 U.S.C. chapter 35, does not apply because this rulemaking does not contain information collection requirements subject to the approval of the Office of Management and Budget.

#### *Congressional Review Act*

SIGIR has determined that this rule is not a rule as defined in 5 U.S.C. 804, and thus, does not require review by Congress.

#### List of Subjects in 5 CFR Part 9201

Conflict of interests, Government employees.

Accordingly, for the reasons set forth in the preamble, under the authority of 5 CFR 2635.105 and the agency's general rulemaking authority, the

Special Inspector General for Iraq Reconstruction, with the concurrence of the Office of Government Ethics, is amending title 5 of the Code of Federal Regulations by removing chapter LXXXII, consisting of part 9201.

Dated: September 3, 2013.

**Stuart W. Bowen, Jr.**

*Special Inspector General for Iraq Reconstruction.*

[FR Doc. 2013-21770 Filed 9-9-13; 8:45 am]

**BILLING CODE 3710-8N-P**

## DEPARTMENT OF AGRICULTURE

### Federal Crop Insurance Corporation

#### 7 CFR Part 457

[Docket No. FCIC-12-0001]

RIN 0563-AC37

#### Common Crop Insurance Regulations; Processing Sweet Corn Crop Insurance Provisions

**AGENCY:** Federal Crop Insurance Corporation, USDA.

**ACTION:** Final rule.

**SUMMARY:** The Federal Crop Insurance Corporation (FCIC) finalizes the Common Crop Insurance Regulations, Processing Sweet Corn Crop Insurance Provisions. The intended effect of this action is to provide policy changes that better meet the needs of insured producers. The changes will be effective for the 2014 and succeeding crop years.

**DATES:** This rule is effective October 10, 2013.

**FOR FURTHER INFORMATION CONTACT:** Tim Hoffmann, Product Administration and Standards Division, Risk Management Agency, United States Department of Agriculture, P.O. Box 419205, Stop 0812, Room 421, Kansas City, MO 64141-6205, telephone (816) 926-7730.

#### SUPPLEMENTARY INFORMATION:

#### Executive Order 12866

This rule has been determined to be not-significant for the purposes of Executive Order 12866 and, therefore, it has not been reviewed by the OMB.

#### Paperwork Reduction Act of 1995

Pursuant to the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the collections of information in this rule have been

approved by OMB under control number 0563–0053.

### E-Government Act Compliance

FCIC is committed to complying with the E-Government Act, to promote the use of the Internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

### Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. This rule contains no Federal mandates (under the regulatory provisions of title II of the UMRA) for State, local, and tribal governments or the private sector. Therefore, this rule is not subject to the requirements of sections 202 and 205 of UMRA.

### Executive Order 13132

It has been determined under section 1(a) of Executive Order 13132, Federalism, that this rule does not have sufficient implications to warrant consultation with the States. The provisions contained in this rule will not have a substantial direct effect on States, or on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

### Executive Order 13175

This rule has been reviewed in accordance with the requirements of Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. The review reveals that this regulation will not have substantial and direct effects on Tribal governments and will not have significant Tribal implications.

### Regulatory Flexibility Act

FCIC certifies that this regulation will not have a significant economic impact on a substantial number of small entities. Program requirements for the Federal crop insurance program are the same for all producers regardless of the size of their farming operation. For instance, all producers are required to submit an application and acreage report to establish their insurance guarantees and compute premium amounts, and all producers are required to submit a notice of loss and production information to determine the amount of an indemnity payment in the

event of an insured cause of crop loss. Whether a producer has 10 acres or 1000 acres, there is no difference in the kind of information collected. To ensure crop insurance is available to small entities, the Federal Crop Insurance Act authorizes FCIC to waive collection of administrative fees from limited resource farmers. FCIC believes this waiver helps to ensure that small entities are given the same opportunities as large entities to manage their risks through the use of crop insurance. A Regulatory Flexibility Analysis has not been prepared since this regulation does not have an impact on small entities, and, therefore, this regulation is exempt from the provisions of the Regulatory Flexibility Act (5 U.S.C. 605).

### Federal Assistance Program

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.450.

### Executive Order 12372

This program is not subject to the provisions of Executive Order 12372, which require intergovernmental consultation with State and local officials. See the Notice related to 7 CFR part 3015, subpart V, published at 48 FR 29115, June 24, 1983.

### Executive Order 12988

This final rule has been reviewed in accordance with Executive Order 12988 on civil justice reform. The provisions of this rule will not have a retroactive effect. The provisions of this rule will preempt State and local laws to the extent such State and local laws are inconsistent herewith. With respect to any direct action taken by FCIC or action by FCIC directing the insurance provider to take specific action under the terms of the crop insurance policy, the administrative appeal provisions published at 7 CFR part 11 or 7 CFR part 400, subpart J for determinations of good farming practices, as applicable, must be exhausted before any action against FCIC for judicial review may be brought.

### Environmental Evaluation

This action is not expected to have a significant economic impact on the quality of the human environment, health, or safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

#### Background:

This rule finalizes changes to the Common Crop Insurance Regulations (7 CFR part 457), Processing Sweet Corn Crop Insurance Provisions that were published by FCIC on May 11, 2012, as

a notice of proposed rulemaking in the **Federal Register** at 77 FR 27658–27659. The public was afforded 30 days to submit comments after the regulation was published in the **Federal Register**.

FCIC received a total of 22 comments from 4 commenters. The commenters were insurance providers, an insurance services organization, and a Regional Office of the Risk Management Agency (RMA). The public comments received regarding the proposed rule and FCIC's responses to the comments are as follows:

#### Order of Priority Statement

*Comment:* Commenters recommended deleting the order of priority statement, as the order of priority is contained in the Common Crop Insurance Policy, Basic Provisions and the order of priority statement has been removed from other recently updated policies.

*Response:* No changes were proposed to this provision and the proposed change does not address a conflict or vulnerability in the provision. No change has been made to the final rule.

#### Section 1—Definitions

*Comment:* Commenters recommended eliminating unnecessary repetition of language contained in the definition of “practical to replant”.

*Response:* No changes were proposed to this provision and the proposed change does not address a conflict or vulnerability in the provision. Further, such a change would be substantive in nature and the public has not been provided an opportunity to comment. No change has been made to the final rule.

*Comment:* Commenters stated that the proposed change to the “price election” definition makes no distinction between the “base contract price” and the “price election”. Commenters further stated that the proposed definition could be read to mean that the producer must insure at 100 percent of the base contract price and cannot choose a lesser percentage. Commenters recommended adding language to the proposed definition to clarify that a producer may elect to insure a percentage of the base contract price.

*Response:* FCIC considered this change but has determined that a revision to section 3 of the policy is more appropriate to address the issue raised by the commenters because this is more than a definitional change because it concerns an obligation of the policyholder to make the selection. No change has been made to the definition of “price election”.

*Comment:* One commenter recommended that FCIC add language to

the definition of “price election” stating the definition of “price election” may be otherwise defined by FCIC in the Special Provisions.

*Response:* FCIC disagrees with the proposed change. In accordance with the order of priority contained in the Common Crop Insurance Policy, Basic Provisions, FCIC has the authority to provide the definition of “price election” in the Special Provisions, in lieu of the definition in the Basic Provisions. Therefore, no change has been made to the final rule.

*Comment:* Commenters recommended that FCIC clarify the definition of “processor contract” regarding different base contract prices on multiple contracts with the same processor that specify amounts of production.

*Response:* FCIC agrees with the suggested change and recognizes that it addresses a conflict created by FCIC’s proposed revision to the definition of “price election”. FCIC has revised the definition to clarify how multiple contracts are handled under the policy.

**Section 2—Unit Division**

*Comment:* Commenters recommended that FCIC clarify policy provisions regarding the availability of unit structures under sections 2(a) and 2(b).

*Response:* No changes were proposed to this provision and the proposed change does not address a conflict or vulnerability in the provision. Further, such a change would be substantive in nature and the public has not been provided an opportunity to comment. No change has been made to the final rule.

**Section 3—Insurance Guarantees, Coverage Levels, and Prices for Determining Indemnities**

*Comment:* Commenters recommended that FCIC adjust the provision in 3(a) that limits the producer to selecting only one price election for all the processing sweet corn in the county to be consistent with the definition of “price election” proposed by FCIC. Commenters stated that the provision should instead limit the producer to selecting only one percentage of the price election for all the processing sweet corn in the county.

*Response:* FCIC agrees with the suggested change and recognizes that it addresses a conflict created by FCIC’s proposed revision to the definition of “price election”. FCIC has revised the provision accordingly.

*Comment:* One commenter recommended that FCIC review 3(b) in relation to the Dry Bean Crop Provisions to determine if similar language is appropriate for processing sweet corn.

*Response:* No changes were proposed to this provision and the proposed change does not address a conflict or vulnerability in the provision because the provision is question is specific to dry beans and is not applicable here. Further, such a change would be substantive in nature and the public has not been provided an opportunity to comment. No change has been made to the final rule.

**Section 6—Report of Acreage**

*Comment:* One commenter recommended that FCIC revise section 6 to require the producer to report the base contract price on the acreage report.

*Response:* No changes were proposed to this provision and the proposed change does not address a conflict or vulnerability in the provision. Further, such a change would be substantive in nature and the public has not been provided an opportunity to comment. No change has been made to the final rule.

**Section 11—Duties in the Event of Damage or Loss**

*Comment:* Commenters recommended that FCIC clarify terminology in 11(c).

*Response:* Without more information FCIC is unable to determine what needs clarification. Further, no changes were proposed to this provision and the proposed change does not address a conflict or vulnerability in the provision, and any such change could be substantive in nature and the public has not been provided an opportunity to comment. No change has been made to the final rule.

**Section 12—Settlement of Claim**

*Comment:* Commenters recommended that FCIC revise instructions and examples for settling claims due to the proposed change to the “price election” definition.

*Response:* No changes were proposed to this provision and the proposed change does not address a conflict or vulnerability in the provision. Further, such a change would be substantive in nature and the public has not been provided an opportunity to comment. No change has been made to the final rule.

**Section 14—Prevented Planting**

*Comment:* Commenters recommended eliminating the increased prevented planting coverage options for sweet corn.

*Response:* No changes were proposed to this provision and the proposed change does not address a conflict or vulnerability in the provision. Further,

such a change would be substantive in nature and the public has not been provided an opportunity to comment. No change has been made to the final rule.

**List of Subjects in 7 CFR Part 457**

Crop insurance, Processing sweet corn policy, Price elections.

**Final Rule**

Accordingly, as set forth in the preamble, the Federal Crop Insurance Corporation amends 7 CFR part 457 effective for the 2014 and succeeding crop years as follows:

**PART 457—COMMON CROP INSURANCE REGULATIONS**

■ 1. The authority citation for 7 CFR part 457 continues to read as follows:

**Authority:** 7 U.S.C. 1506(l), 1506(o).

- 2. Amend § 457.154 as follows:
  - a. Amend the introductory text by removing “1998” and adding “2014” in its place;
  - b. Amend section 1 by adding a definition for “price election” in alphabetical order and revising the definition of “processor contract”;
  - c. Amend section 3 by revising paragraph (a).

The revised and added text reads as follows:

**§ 457.154 Processing Sweet Corn crop insurance provisions.**

\* \* \* \* \*  
 1. Definitions.  
 \* \* \* \* \*

*Price election.* In lieu of the definition of price election in the Basic Provisions, the price election will be the base contract price stated in your processor contract.

\* \* \* \* \*

*Processor contract.* A written agreement between the producer and a processor, containing at minimum:

- (a) The producer’s commitment to plant and grow sweet corn, and to deliver the sweet corn production to the processor;
- (b) The processor’s commitment to purchase all the production stated in the processor contract; and
- (c) A base contract price.

Multiple contracts with the same processor that specify amounts of production will be considered as a single processor contract, unless the contracts are for different types. Your base contract price will be the weighted average of all applicable base contract prices.

\* \* \* \* \*

3. Insurance Guarantees, Coverage Levels, and Prices for Determining Indemnities.

\* \* \* \* \*

(a) You may select only one price election percentage for all the processing sweet corn in the county insured under this policy. The percentage of the maximum price election you choose for one type will be applicable to all other types insured under this policy.

\* \* \* \* \*

Signed in Washington, DC, on August 29, 2013.

**Brandon Willis,**

*Manager, Federal Crop Insurance Corporation.*

[FR Doc. 2013-21826 Filed 9-9-13; 8:45 am]

BILLING CODE 3410-08-P

## DEPARTMENT OF ENERGY

### 10 CFR Part 1046

[Docket No. DOE-HQ-2012-0002]

RIN 1992-AA40

### Medical, Physical Readiness, Training, and Access Authorization Standards for Protective Force Personnel

**AGENCY:** Department of Energy.

**ACTION:** Final rule.

**SUMMARY:** The Department of Energy (DOE or Department) is amending its regulations governing the standards for medical, physical performance, training, and access authorizations for protective force (PF) personnel employed by contractors providing security services to the Department.

Since the publication of the existing regulations in 1984, and particularly since 9/11, the DOE has totally transformed its approach to dealing with a much-evolved terrorist threat. This transformation has been informed by repeated analysis and testing since 9/11. The primary changes are: a move to more sophisticated weapons and detection and targeting systems, an increased reliance on hardened positions and armored response vehicles, and increased use of barriers to channel adversaries. The result is a defensive strategy designed to take full advantage of the fact that the terrorist must fight through the protective force to reach our SNM and other targets. This contrasts directly with the posture in the 1980s and 1990s. Today we expect the terrorist to fight his way through a pre-positioned, layered defense, which places a premium on operating sophisticated weapons and detection

and tracking systems. The proposed revisions bring DOE protective force firearms qualification, training, medical and physical readiness requirements in line with these tactical and organizational priorities of 2013. It removes barriers to maintaining the desired experience levels of our protective forces while maintaining established qualification standards.

The revised regulations: emphasize firearms training and proficiency testing that reflect current military practice and simulations technology, maximizing training time and decreasing cost; implements the Mission Essential Task List (METL) training framework adapted from the military, which allows for more effective use of training resources by aligning them with validated mission performance priorities, eliminate medical disqualifications for conditions which have become completely treatable since the 1980s, refines a physical readiness testing regimen that currently diverts time and training emphasis from tasks more directly supportive of mission success; and above all, encourage protective force personnel to stay sharp and mission-focused. Furthermore, this shift in emphasis has placed a greater premium upon the retention of mature, tactically experienced, and technically sophisticated personnel, particularly since these personnel represent a considerable investment by DOE in security background investigations and training. The revisions bring DOE PF medical and physical readiness requirements in line with these tactical and organizational priorities. The revisions reduce the exposure of the PF population to injuries related to physical readiness testing. The revisions further ensure that PF personnel are evaluated on a case-by-case basis on their ability to perform the essential functions of their positions without posing a direct threat to themselves or site personnel, the facility, or the general public. The revisions further ensure that reasonable accommodations are considered before a determination is made that an individual cannot perform the essential functions of a particular position. The rule also provides for new medical review processes for PF personnel disqualified from medical certification. The rule ensures that DOE PF medical and physical readiness requirements are compliant with the Americans with Disabilities Act (ADA) of 1990, as amended by the Americans with Disabilities Act Amendments Act of 2009 (ADAAA), the Privacy Act and DOE implementing regulations, and changes in DOE policy regarding PF

operations made since the publication of the last version of this rule. Finally, the revision updates the regulation to reflect organizational changes in the Office of Health, Safety and Security and the creation of the National Nuclear Security Administration (NNSA) as a semi-autonomous agency within the Department of Energy.

**DATES:** This rule is effective March 10, 2014. Compliance with the provisions of this rule is required March 10, 2014 consistent with the conditions set forth in § 1046.2(e).

**ADDRESSES:** *Docket:* For access to the docket to read background documents, comments received or transcript of the public hearing, go to <http://www.regulations.gov> or contact John Cronin at (301) 903-6209 prior to visiting Department of Energy, Office of Security Policy, (HS-51), 19901 Germantown Rd., Germantown, MD 20874.

**FOR FURTHER INFORMATION CONTACT:** Mr. John Cronin, Office of Security Policy at (301) 903-6209; [John.Cronin@hq.doe.gov](mailto:John.Cronin@hq.doe.gov).

#### SUPPLEMENTARY INFORMATION:

- I. Background
- II. Section by Section Analysis Including the Disposition of Public Comments
- III. Regulatory Review and Procedural Requirements
  - A. Review under Executive Order 12866
  - B. Review under the Regulatory Flexibility Act
  - C. Review under Paperwork Reduction Act
  - D. Review under the National Environmental Policy Act
  - E. Review under Executive Order 13132
  - F. Review under Executive Order 12988
  - G. Review under the Unfunded Mandates Reform Act of 1995
  - H. Review under Executive Order 13211
  - I. Review under the Treasury and General Government Appropriations Act of 1999
  - J. Review under Section 32 of the Federal Energy Administration Act of 1974
  - K. Congressional Notification
- IV. Approval of the Office of the Secretary

#### I. Background

Pursuant to the Atomic Energy Act of 1954, as amended (42 U.S.C. 2011 *et seq.*) and DOE Organization Act of 1977 (42 U.S.C. 7101 *et seq.*), DOE owns and leases defense nuclear and other facilities in various locations in the United States. These facilities are operated by contractors (including subcontractors at all tiers) with DOE oversight or are operated by DOE. Protection of the DOE facilities is provided by armed and unarmed PF personnel employed by Federal Government contractors. These PF personnel are required to perform both routine and emergency duties, which