

Dated: November 22, 2013.

Nichole Cadiente,

Administrative Counsel, Department of Legal Affairs.

[FR Doc. 2013-28914 Filed 12-3-13; 8:45 am]

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## OVERSEAS PRIVATE INVESTMENT CORPORATION

### 22 CFR Part 713

[No. TOUHY-2013]

RIN 3420-AA02

### Production of Nonpublic Records and Testimony of OPIC Employees in Legal Proceedings

**AGENCY:** Overseas Private Investment Corporation.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** This rule proposes revisions to the Overseas Private Investment Corporation's ("OPIC") regulations governing the production of nonpublic testimony or records for court proceedings, commonly known as Touhy regulations after *Touhy v. Ragen*, 340 U.S. 462 (1951).

**DATES:** Written comments must be postmarked and electronic comments must be submitted on or before January 3, 2014.

**ADDRESSES:** You may submit comments, identified by Docket Number TOUHY-2013, by one of the following methods:

- *Email:* [foia@opic.gov](mailto:foia@opic.gov). Include docket number TOUHY-2013 in the subject line of the message.
- *Mail:* Nichole Cadiente, Administrative Counsel, Overseas Private Investment Corporation, 1100 New York Avenue NW., Washington, DC 20527. Include docket number TOUHY-2013 on both the envelope and the letter.

**FOR FURTHER INFORMATION CONTACT:** Nichole Cadiente, Administrative Counsel, (202) 336-8400, or [foia@opic.gov](mailto:foia@opic.gov).

**SUPPLEMENTARY INFORMATION:** The amendment of Part 713 clarifies that the Touhy regulations must be complied with prior to the serving of a subpoena.

In general, comments received, including attachments and other supporting materials, are part of the public record and are available to the public. Do not submit any information in your comment or supporting materials that you consider confidential or inappropriate for public disclosure.

### Regulatory Flexibility Act (5 U.S.C. 601 et seq.)

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 601 et seq., the head of OPIC has certified that this proposed rule, as promulgated, will not have a significant economic impact on a substantial number of small entities. The proposed rule amends regulations governing the procedures for a third party to request government records and testimony in litigation, and does not economically impact Federal Government relations with the private sector. Further, under these regulations, OPIC may only charge the actual cost for records, based upon FOIA regulations in Part 706, and the fees set by the court for witness testimony. OPIC is authorized to charge actual costs for its services based on 31 U.S.C. 9701.

### Executive Order 12866

OPIC is exempted from the requirements of this Executive Order per the Office of Management and Budget's October 12, 1993 memorandum. Accordingly, OMB did not review this proposed rule. However this rule was generally composed with the principles stated in § 1(b) of the Executive Order in mind.

### Unfunded Mandates Reform Act of 1995 (2 U.S.C. 202-05)

This proposed rule will not result in the expenditure by State, local, and tribal governments in the aggregate, or by the private sector, of \$100,000,000 or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

### Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 801 et seq.)

This proposed rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Fairness Act of 1996. This regulation will not result in an annual effect on the economy of \$100,000,000 or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States based companies to compete with foreign-based companies in domestic and export markets.

### List of Subjects in 22 CFR Part 713

Administrative practice and procedure, Courts, Government employees, Subpoenas.

For the reasons stated in the preamble the Overseas Private Investment Corporation proposes to amend 22 CFR Part 713 as follows:

### PART 713—PRODUCTION OF NONPUBLIC RECORDS AND TESTIMONY OF OPIC EMPLOYEES IN LEGAL PROCEEDINGS

■ 1. The authority citation for part 713 continues to read as follows:

**Authority:** 5 U.S.C. 301; 5 U.S.C. 552; 5 U.S.C. 552a; 5 U.S.C. 702, 18 U.S.C. 207; 18 U.S.C. 641; 22 U.S.C. 2199(d); 28 U.S.C. 1821.

■ 2. Revise § 713.2 to read as follows:

#### § 713.2 When does this part apply?

This part applies if you want to obtain nonpublic records or testimony of an OPIC employee for a legal proceeding. It does not apply to records that OPIC is required to release, records which OPIC discretionarily releases under the Freedom of Information Act (FOIA), records that OPIC releases to federal or state investigatory agencies, records that OPIC is required to release pursuant to the Privacy Act, 5 U.S.C. 552a, or records that OPIC releases under any other applicable authority.

■ 3. Revise § 713.3 to read as follows:

#### § 713.3 How do I request nonpublic records or testimony?

To request nonpublic records or the testimony of an OPIC employee, you must submit a written request as described in § 713.4 of this part to the Vice-President/General Counsel of OPIC. If you serve a subpoena on OPIC or an OPIC employee before submitting a written request and receiving a final determination, OPIC will oppose the subpoena on the grounds that you failed to follow the requirements of this part.

■ 4. Revise § 713.5 to read as follows:

#### § 713.5 When should I make my request?

Submit your request at least 45 days before the date you need the records or testimony. If you want your request processed in a shorter time, you must explain why you could not submit the request earlier and why you need such expedited processing. OPIC retains full discretion to grant, deny, or propose a new completion date on any request for expedited processing. If you are requesting the testimony of an OPIC employee, OPIC expects you to anticipate your need for the testimony in sufficient time to obtain it by deposition. The Vice-President/General Counsel may well deny a request for testimony at a legal proceeding unless you explain why you could not have used deposition testimony instead. The Vice-President/General Counsel will

determine the location of a deposition, taking into consideration OPIC's interest in minimizing the disruption for an OPIC employee's work schedule and the costs and convenience of other persons attending the deposition.

■ 5. Revise the section heading of § 713.10 to read as follows:

**§ 713.10 Definitions.**

\* \* \* \* \*

Dated: November 22, 2013.

**Nichole Cadiente,**

*Administrative Counsel, Department of Legal Affairs.*

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## DEPARTMENT OF EDUCATION

### 34 CFR Chapters I–VI

RIN 1894-AA05

[Docket ID ED–2013–OII–0110]

#### Proposed Priority—Promise Zones

**AGENCY:** Department of Education.

**ACTION:** Proposed priority; notice to reopen the public comment period.

**SUMMARY:** On October 25, 2013, the Secretary of Education (Secretary) published in the **Federal Register** (78 FR 63913) a notice of proposed priority regarding the expansion of Department of Education (Department) programs and projects that support activities in designated Promise Zones. This notice established a November 25, 2013, deadline for the submission of written comments. We are reopening the public comment period until December 13, 2013.

**DATES:** We must receive your comments on or before December 13, 2013.

**ADDRESSES:** Submit your comments through the Federal eRulemaking Portal or via postal mail, commercial delivery, or hand delivery. We will not accept comments by fax or email. To ensure that we do not receive duplicate copies, please submit your comments only once. In addition, please include the Docket ID at the top of your comments.

• **Federal eRulemaking Portal:** Go to [www.regulations.gov](http://www.regulations.gov) to submit your comments electronically. Information on using Regulations.gov, including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under “How to Use This Site.”

• **Postal Mail, Commercial Delivery, or Hand Delivery:** If you mail or deliver your comments about these proposed regulations, address them to Jane

Hodgdon, U.S. Department of Education, 400 Maryland Avenue SW., Room 4W219, LBJ, Washington, DC 20202–3970.

**Privacy Note:** The Department's policy is to make all comments received from members of the public available for public viewing in their entirety on the Federal eRulemaking Portal at [www.regulations.gov](http://www.regulations.gov). Therefore, commenters should be careful to include in their comments only information they wish to make publicly available.

**FOR FURTHER INFORMATION CONTACT:** Jane Hodgdon. Telephone: 202–453–6620. Or by email: [Jane.Hodgdon@ed.gov](mailto:Jane.Hodgdon@ed.gov).

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll free, at 1–800–877–8339.

#### SUPPLEMENTARY INFORMATION:

**Background:** The Promise Zones notice of proposed priority we published on October 25, 2013, set November 25, 2013, as the closing dates for comments. However, [www.regulations.gov](http://www.regulations.gov), the Government-wide portal that allows the public to comment electronically on notices in the **Federal Register**, was unavailable for public use most of November 4–6, 2013, and November 10–12, 2013. We reopen the comment period from December 4, 2013 through December 13, 2013 to give the public the full 30 days to provide comments.

**Accessible Format:** Individuals with disabilities can obtain this document in an accessible format (e.g., braille, large print, audiotope, or compact disc) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT**.

**Electronic Access to This Document:** The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: [www.gpo.gov/fedsys](http://www.gpo.gov/fedsys). At this site you can view this document, as well as all other documents of this Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the **Federal Register**, by using the article search feature at: [www.federalregister.gov](http://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 26, 2013.

**Arne Duncan,**

*Secretary of Education.*

[FR Doc. 2013–28799 Filed 12–3–13; 8:45 am]

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## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 95

[GN Docket No. 12–354; FCC 13–144]

#### Commission Seeks Comment on Licensing Models and Technical Requirements in the 3550–3650 MHz Band

**AGENCY:** Federal Communications Commission.

**ACTION:** Proposed rule.

**SUMMARY:** In this notice of proposed rulemaking, the Commission seeks comment on some specific variations of the licensing and technical proposals for the 3550–3650 MHz band (3.5 GHz Band) originally set forth in Amendment of the Commission's rules with Regard to Commercial Operations in the 3550–3650 MHz Band.

**DATES:** Submit comments on or before December 5, 2013 and reply comments on or before March 20, 2013.

**ADDRESSES:** You may submit comments, identified by GN Docket No. 12–354, by any of the following methods:

■ **Federal Communications Commission's Web site:** <http://fjallfoss.fcc.gov/ecfs2/>. Follow the instructions for submitting comments.

■ **Mail:** All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St. SW., Room TW–A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building. 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.

■ **People with Disabilities:** Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by email: [FCC504@fcc.gov](mailto:FCC504@fcc.gov) or phone: 202–418–0530 or TTY: 202–418–0432.

For detailed instructions for submitting comments and additional