one fiscal period's operating expenses, the maximum permitted by the order.

This rule continues in effect the action that decreased the assessment obligation imposed on handlers. Assessments are applied uniformly on all handlers, and some of the costs may be passed on to producers. However, decreasing the assessment rate reduces the burden on handlers, and may reduce the burden on producers.

In addition, the Committee's meeting was widely publicized throughout the Washington sweet cherry industry. All interested persons were invited to attend the meeting and participate in Committee deliberations. Like all Committee meetings, the May 21, 2013, meeting was a public meeting and all entities, both large and small, were able to express their views on this issue.

In accordance with the Paperwork Reduction Act of 1995, (44 U.S.C. Chapter 35), the order's information collection requirements have been previously approved by the Office of Management and Budget (OMB) and assigned OMB No. 0581–0189, Generic Fruit Crops. No changes in those requirements as a result of this action are anticipated. Should any changes become necessary, they would be submitted to OMB for approval.

This action imposes no additional reporting or recordkeeping requirements on either small or large Washington sweet cherry handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

Comments on the interim rule were required to be received on or before October 7, 2013. No comments were received. Therefore, for reasons given in the interim rule, we are adopting the interim rule as a final rule, without change.

To view the interim rule, go to: *http://www.regulations.gov/#!documentDetail;D=AMS-FV-13-0055-0001*.

This action also affirms information contained in the interim rule concerning Executive Orders 12866, 12988, and 13563; the Paperwork Reduction Act (44 U.S.C. Chapter 35); and the E-Gov Act (44 U.S.C. 101).

After consideration of all relevant material presented, it is found that finalizing the interim rule, without change, as published in the **Federal Register** (78 FR 48283, August 8, 2013) will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 923

Cherries, Marketing agreements, Reporting and recordkeeping requirements.

PART 923—SWEET CHERRIES GROWN IN DESIGNATED COUNTIES IN WASHINGTON

Accordingly, the interim rule amending 7 CFR part 923, which was published at 78 FR 48283 on August 8, 2013, is adopted as a final rule, without change.

Dated: December 9, 2013.

Rex A. Barnes,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2013–29674 Filed 12–13–13; 8:45 am]

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FEDERAL ELECTION COMMISSION

11 CFR Part 100

[Notice 2013–16]

Date of Political Party Nominations of Candidates for Special Primary Elections in New York

AGENCY: Federal Election Commission.

ACTION: Notice of interpretive rule.

SUMMARY: The Federal Election Commission is clarifying its interpretation of its rules for determining the date of a special primary election as those rules apply to nominations conducted under New York statutes that provide for a candidate to be nominated for a special election by a vote of a state or county party committee.

DATES: December 16, 2013.

FOR MORE INFORMATION CONTACT: Robert M. Knop, Assistant General Counsel, or Cheryl A.F. Hemsley, Attorney, 999 E Street NW., Washington, DC 20463, (202) 694–1650 or (800) 424–9530.

SUPPLEMENTARY INFORMATION: This Notice clarifies that, for purposes of the Federal Election Campaign Act of 1971, as amended (the ''Act''), and Commission regulations, the date of a special primary election under New York law is the date on which the political party committee votes to nominate the party's candidate for the special general election, not the date on which the certification of that vote is filed. Because the Act and Commission regulations provide for separate contribution limits for each ''election,'' [1] the Commission issues this clarification to assist candidates and their authorized committees in distinguishing contributions for special primary elections in New York from contributions for special general elections.

The Act provides that an ''election'' includes ''a general, special, primary, or runoff election . . . [or] a convention or caucus of a political party which has authority to nominate a candidate.'' 2 U.S.C. 431(1)(A), (B). Commission regulations define a ''primary election'' as an ''election which is held prior to a general election, as a direct result of which candidates are nominated, in accordance with applicable State law, for election to Federal office in a subsequent election.'' 11 CFR 100.2(c)(1).[2] A ''special election'' is an election to fill a vacancy in a Federal office and may be a primary, general, or runoff election. 11 CFR 100.2(f). Under the Act and Commission regulations, therefore, a special primary election is an election, convention, or caucus with the authority to nominate candidates in accordance with applicable state law for a subsequent general election that is held to fill a vacancy in a Federal office.

New York election law generally provides that ''[p]arty nominations for an office to be filled at a special election shall be made in the manner prescribed by the rules of the party.'' N.Y. Elec. Law 6–114. New York Democratic and Republican State party committee rules provide that the county committees within a vacant congressional district nominate candidates for a special election to the U.S. House of Representatives; and that the state committees nominate candidates for a special election to the U.S. Senate. *See* Party Rules New York State Democratic Committee, Art. VI, Sec. 2 (2012); and Rules of the New York Republican State Committee, Art. VII, Rule 1 (June 9, 2011). Similarly, when a vacancy in an elected office occurs too late for candidates to participate in a regularly scheduled primary, New York election law requires a party to nominate its candidate by a vote of the appropriate state or county party committee. *See* N.Y. Elec. Law 6–116. After a party committee votes to nominate a candidate, a ''certificate of nomination shall be filed'' with the appropriate election board certifying the committee's vote. *Id.*; *see also id.* 6–144,

[1] *See* 2 U.S.C. 441a(a)(1)(A); 11 CFR 110.1(b)(1), 110.2(b)(1).

[2] Because the date of a special primary election for an independent or minor-party candidate is governed by different regulatory criteria, *see* 11 CFR 100.2(c)(4), this Notice encompasses only nominations by a major political party, which is a party whose candidate for President received at least 25 percent of the popular vote in the preceding presidential election. 26 U.S.C. 9002(6).

6–156. Failure to file this certification is ''a fatal defect'' in the nomination. *Id.* 1–106.

Sections 6–114 and 6–116 vest special election nominating authority in the party committees, either directly or by operation of state party rules. Under these provisions, therefore, candidates are placed on the general election ballot ''in accordance with applicable state law'' as ''a direct result'' of the relevant party committee vote. *See* 11 CFR 100.2(c)(1). Accordingly, the party committee vote is a ''primary election'' within the meaning of the Act and Commission regulations. *See* Advisory Opinion 2004–20 (Farrell for Congress) (determining that party convention constituted primary election where convention's endorsement of only one candidate caused candidate to be placed directly on general election ballot); Advisory Opinion 1992–25 (Owens for Senate Committee) (concluding that party convention constituted primary election where candidate would be placed directly on general election ballot if candidate received at least 70% of votes at convention). The subsequent filing of a certification formalizes the nomination, but such a filing is not the primary election itself. *See FEC* v. *Citizens for Senator Wofford,* No. 1:CV–94–2057, slip op. at 8–10 (M.D. Pa. Sept. 27, 1995) (holding that state party convention constituted ''primary election'' under Act and Commission regulations even though state law required party to file subsequent certificate of nomination with state).

For the foregoing reasons, the Commission issues this interpretive rule to clarify that the date of a special primary election held pursuant to N.Y. Elec. Law 6–114 or 6–116 is the date of the party committee's nomination vote. To the extent that other states' nominating procedures for special elections are materially indistinguishable from those of New York, the Commission anticipates that this interpretation would apply to such other states as well.

This interpretive rule clarifies the Commission's interpretation of existing statutory and regulatory provisions and therefore does not constitute an agency action subject to notice and comment requirements or a delayed effective date under the Administrative Procedure Act. *See* 5 U.S.C. 553. The provisions of the Regulatory Flexibility Act, which apply when notice and comment are required by the Administrative Procedure Act or another statute, do not apply. *See* 5 U.S.C. 603(a). The Commission is not required to submit this interpretive rule for congressional review. *See* 2 U.S.C. 438(d)(1), (4).

Dated: December 5, 2013.

On behalf of the Commission,

Ellen L. Weintraub,

Chair, Federal Election Commission.

[FR Doc. 2013–29597 Filed 12–13–13; 8:45 am]

BILLING CODE 6715–01–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

12 CFR Part 1026

Truth in Lending (Regulation Z)

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Final rule; official interpretation.

SUMMARY: The Bureau of Consumer Financial Protection (Bureau) is publishing this final rule amending the regulatory text and official interpretations for Regulation Z, which implements the Truth in Lending Act (TILA). The Bureau is required to calculate annually the dollar amounts for several provisions in Regulation Z; this final rule reviews the dollar amounts for provisions implementing amendments to TILA under the Credit Card Accountability Responsibility and Disclosure Act of 2009 (CARD Act) and the Home Ownership and Equity Protection Act of 1994 (HOEPA). These amounts are adjusted, where appropriate, based on the annual percentage change reflected in the Consumer Price Index in effect on June 1, 2013. The minimum interest charge disclosure thresholds will remain unchanged in 2014. The adjusted dollar amount for the penalty fees safe harbor in 2014 is $26 for a first late payment and $37 for each subsequent violation within the following six months. The adjusted statutory fee trigger for HOPEA loans is $632, effective January 1, 2014.

DATES: This final rule is effective January 1, 2014.

FOR FURTHER INFORMATION CONTACT: David Friend, Counsel, Office of Regulations, Consumer Financial Protection Bureau, 1700 G Street NW., Washington, DC 20552 at (202) 435–7700.

SUPPLEMENTARY INFORMATION:

I. Background

A. CARD Act Annual Adjustments

In 2010, the Board of Governors of the Federal Reserve System (Board) published amendments to Regulation Z implementing the Credit Card Accountability Responsibility and Disclosure Act of 2009 (CARD Act), which amended the Truth in Lending Act (TILA). Public Law 111–24, 123 Stat. 1734 (2009). Pursuant to the CARD Act, the Board's Regulation Z amendments established new requirements with respect to open-end consumer credit plans, including requirements for the disclosure of minimum interest charge amounts and the establishment of a safe harbor provision allowing card issuers to impose penalty fees for violating account terms without violating the restrictions on penalty fees established by the CARD Act. *See* 75 FR 7658, 7799 (Feb. 22, 2010) and 75 FR 37526, 37527 (June 29, 2010). The final rule issued by the Board required that these thresholds be calculated annually using the Consumer Price Index as published by the Bureau of Labor Statistics.[1]

Minimum Interest Charge Disclosure Thresholds

Sections 1026.6(b)(2)(iii) and 1026.60(b)(3) of the Bureau's Regulation Z provide that the minimum interest charge thresholds will be re-calculated annually using the Consumer Price Index for Urban Wage Earners and Clerical Workers (CPI–W) that was in effect on the preceding June 1. When the cumulative change in the adjusted minimum value derived from applying the annual CPI–W level to the current amounts in §§ 1026.6(b)(2)(iii) and 1026.60(b)(3) has risen by a whole dollar, the minimum interest charge amounts set forth in the regulation will be increased by $1.00. The Bureau of Labor Statistics publishes consumer-based indices monthly, but does not report a CPI change on June 1; adjustments are reported in the middle of the month. The CPI–W is a subset of the CPI–U index (based on all urban consumers) and represents approximately 28 percent of the U.S. population. The adjustment reflects a 0.9 percent increase in the CPI–W from April 2012 to April 2013 and is rounded to the nearest $1 increment. This increase in the CPI–W when applied to the current amounts in §§ 1026.6(b)(2)(iii) and 1026.60(b)(3) did not trigger an increase in the minimum interest charge threshold of at least

[1] The responsibility for promulgating rules under TILA was transferred from the Board to the Bureau effective July 21, 2011. The Bureau restated Regulation Z on December 22, 2011, and the Bureau's Regulation Z is located at 12 CFR part 1026. 76 FR 79768 (Dec. 22, 2011). *See* sections 1061 and 1100A of the Dodd-Frank Wall Street Reform and Consumer Protection Act (Dodd-Frank Act), Public Law 11–203, 124 Stat. 1376 (2010). Section 1029 of the Dodd-Frank Act excludes from this transfer of authority, subject to certain exceptions, any rulemaking authority over a motor vehicle dealer that is predominantly engaged in the sale and servicing of motor vehicles, the leasing and servicing of motor vehicles, or both.