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## DEPARTMENT OF HOMELAND SECURITY

### Office of the Secretary

### 6 CFR Part 5

**[Docket No. DHS–2011–0047]**

## Privacy Act of 1974: Implementation of Exemptions; Department of Homeland Security U.S. Citizenship and Immigration Services, Immigration and Customs Enforcement, Customs and Border Protection—001 Alien File, Index, and National File Tracking System of Records

**AGENCY:** Privacy Office, DHS.

**ACTION:** Final rule.

**SUMMARY:** The Department of Homeland Security is issuing a final rule to amend its regulations to exempt portions of an updated and reissued system of records titled, ''Department of Homeland Security U.S. Citizenship and Immigration Services, Immigration and Customs Enforcement, Customs and Border Protection—001 Alien File, Index, and National File Tracking System of Records'' from certain provisions of the Privacy Act. Specifically, the Department exempts portions of the system of records from one or more provisions of the Privacy Act because of criminal, civil, and administrative enforcement requirements.

**DATES:** *Effective Date:* This final rule is effective November 22, 2013.

**FOR FURTHER INFORMATION CONTACT:** For general questions about this system of records please contact: Donald K. Hawkins (202) 272–8000, Privacy Officer, U.S. Citizenship and Immigration Services, 20 Massachusetts Avenue NW., Washington, DC 20529. For privacy issues please contact: Jonathan R. Cantor (202) 343–1717, Deputy Chief Privacy Officer, Privacy Office, Department of Homeland Security, Washington, DC 20528.

**SUPPLEMENTARY INFORMATION:**

### Background

The Department of Homeland Security (DHS) U.S. Citizenship and Immigration Services (USCIS), U.S. Immigration and Customs Enforcement (ICE), U.S. Customs and Border Protection (CBP) published a notice of proposed rulemaking in the **Federal Register**, 76 FR 34177 (June 13, 2011), proposing to exempt portions of the system of records from one or more provisions of the Privacy Act because of criminal, civil, and administrative enforcement requirements. The system of records is the DHS/USCIS–ICE–CBP–001 Alien File, Index, and National File Tracking System of Records. The DHS/USCIS–ICE–CBP–001 Alien File, Index, and National File Tracking System of Records Notice was published concurrently in the **Federal Register**, 76 FR 34233 (June 13, 2011), and comments were invited on both the Notice of Proposed Rulemaking (NPRM) and System of Records Notice (SORN).

### Public Comments

DHS received two public comments regarding the NPRM and one public comment regarding the SORN.

*NPRM*

DHS received comments from two individuals regarding the DHS/USCIS–ICE–CBP–001 NPRM. We have determined not to makes any changes to the Final Rule based on the comments but have made some non-substantive edits for clarity and consistency. Both commenters expressed concerns about DHS exempting records without justification. Pursuant to the Privacy Act of 1974, DHS exempts these records from the access and amendment provisions of the Privacy Act because they may contain classified and sensitive unclassified information related to intelligence, counterterrorism, homeland security, and law enforcement programs. These exemptions are needed to protect information relating to DHS activities from disclosure to subjects or others related to these activities. Specifically, the exemptions are required to preclude subjects of these activities from frustrating these processes; to avoid disclosure of activity techniques; to protect the identities and physical safety of confidential informants and law enforcement personnel; to ensure DHS's ability to obtain information from third parties and other sources; to protect the privacy of third parties; and to safeguard classified information. Disclosure of information to the subject of the inquiry could also permit the subject to avoid detection or apprehension.

One commenter had several additional concerns. This commenter contended that individuals are not properly notified about the extent to which their information may be shared. DHS indicates on all information collection forms that the information will be shared pursuant to the routine uses listed in the appropriate SORN. DHS informs the public that as part of collecting the information in the Alien File, information may be shared for immigration, law enforcement, and national security purposes.

The commenter expressed concern that the new routine uses exceed the purposes of the original collection of information, weakening the privacy protections of the system. DHS is providing this updated list of routine uses to better inform the public about the typical uses of information contained in the Alien File. The Alien File provides a central location for information to address several immigration and law enforcement needs. Because of the nature of the immigration lifecycle, this information must be available for several purposes consistent with the original collection. Information is necessary not just to adjudicate the requested benefit, but also provide information for law enforcement purposes and normal agency functions. The commenter expressed concern about the use of this information for audit purposes, but such a routine use is necessary to ensure the integrity of the immigration system and evaluate DHS's performance.

The commenter expressed concern about DHS reviewing requests for information pursuant to the Privacy Act on a case-by-case basis, because it is an inefficient method for reviewing requests. DHS reviews requests for information on a case-by-case basis to prevent information from being withheld categorically. When the release of information will not interfere with the purposes of an exemption, DHS will release the information. System-level exemptions do not permit the

individualized attention afforded by a case-by-case review, and would result in information being needlessly withheld.

The commenter expressed concern that the system does not embody the Fair Information Practice Principles (FIPPs). As is evident from the SORN and the above, DHS implements the FIPPs in developing all of its systems of records. DHS provides transparency through notice to the public describing the records it maintains about individuals; provides individual participation by collecting information directly from the individual whenever possible; provides purpose specification and use limitation by enumerating the general purposes and routine uses of the information; provides data minimization by limiting the amount of and time data is retained; provides data integrity by correcting and updating information and providing redress; and implements security and auditing controls.

The commenter recommended DHS require any agency requesting records from this system complete a Privacy Impact Assessment (PIA). Generally, the E-Government Act of 2002 requires federal agencies to perform a PIA when information technology is involved in collecting, using, or maintaining personally identifiable information from the public. DHS does not evaluate the application of the E-Government Act to another agency's request for records from this system and does not require other agencies to perform PIAs. However, DHS requires each agency that receives information from the Alien File to demonstrate a proper need to know the information consistent with Privacy Act exceptions and routine uses and agree to terms of use safeguarding the information. Accordingly, DHS believes that it takes adequate steps to ensure that information from the Alien file is afforded adequate privacy protections when it is disclosed to another agency.

*SORN*

DHS received one comment about the DHS/USCIS–ICE–CBP–001 SORN expressing frustration with the public comment process and with the general state of immigration in the United States. DHS acknowledges the commenter's frustration.

After consideration of public comments, DHS will implement the rulemaking as proposed with minor grammatical changes.

**List of Subjects in 6 CFR Part 5**

Freedom of Information; Privacy.

For the reasons stated in the preamble, DHS proposes to amend Chapter I of Title 6, Code of Federal Regulations, as follows:

## PART 5—DISCLOSURE OF RECORDS AND INFORMATION

■ 1. The authority citation for Part 5 continues to read as follows:

**Authority:** 6 U.S.C. 101 et seq.; Pub. L. 107–296, 116 Stat. 2135; 5 U.S.C. 301. Subpart A also issued under 5 U.S.C. 552. Subpart B also issued under 5 U.S.C. 552a.

■ 2. In Appendix C to Part 5, add paragraph 70 to read as follows:

### Appendix C to Part 5—DHS Systems of Records Exempt From the Privacy Act

* * * * *

70. DHS/USCIS–ICE–CBP–001 Alien File, Index, and National File Tracking System of Records consists of electronic and paper records and will be used by USCIS, ICE, and CBP. DHS/USCIS–ICE–CBP–001 Alien File, Index, and National File Tracking System of Records is a repository of information held by DHS in connection with its several and varied missions and functions, including, but not limited to: The enforcement of civil and criminal laws; investigations, inquiries, and proceedings thereunder; and national security and intelligence activities. DHS/USCIS–ICE–CBP–001 Alien File, Index, and National File Tracking System of Records contains information that is collected by, on behalf of, in support of, or in cooperation with DHS and its components and may contain personally identifiable information collected by other federal, state, local, tribal, territorial, foreign, or international government agencies. The Secretary of Homeland Security has exempted this system from the following provisions of the Privacy Act pursuant to 5 U.S.C. 552a(j)(2): 5 U.S.C. 552a(c)(3) and (c)(4), (d), (e)(1), (e)(2), (e)(3), (e)(4)(G), (e)(4)(H), (e)(4)(I), (e)(5), (e)(8), (e)(12), (f), (g)(1), and (h). Additionally, the Secretary of Homeland Security has exempted this system from the following provisions of the Privacy Act pursuant to 5 U.S.C. 552a(k)(1) and (k)(2): 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(G), (e)(4)(H), (e)(4)(I), and (f). Exemptions from these particular subsections may be justified, on a case-by-case basis to be determined at the time a request is made, for the following reasons:

(a) From subsection (c)(3) and (4) (Accounting for Disclosures) because release of the accounting of disclosures could alert the subject of an investigation of an actual or potential criminal, civil, or regulatory violation to the existence of that investigation and reveal investigative interest on the part of DHS as well as the recipient agency. Disclosure of the accounting would therefore present a serious impediment to law enforcement efforts and/or efforts to preserve national security. Disclosure of the accounting would also permit the individual who is the subject of a record to impede the investigation, to tamper with witnesses or evidence, and to avoid detection or apprehension, which would undermine the entire investigative process.

(b) From subsection (d) (Access to Records) because access to the records contained in this system of records could inform the subject of an investigation of an actual or potential criminal, civil, or regulatory violation to the existence of that investigation and reveal investigative interest on the part of DHS or another agency. Access to the records could permit the individual who is the subject of a record to impede the investigation, to tamper with witnesses or evidence, and to avoid detection or apprehension. Amendment of the records could interfere with ongoing investigations and law enforcement activities and would impose an unreasonable administrative burden by requiring investigations to be continually reinvestigated. In addition, permitting access and amendment to such information could disclose security-sensitive information that could be detrimental to homeland security.

(c) From subsection (e)(1) (Relevancy and Necessity of Information) because in the course of investigations into potential violations of federal law, the accuracy of information obtained or introduced occasionally may be unclear, or the information may not be strictly relevant or necessary to a specific investigation. In the interests of effective law enforcement, it is appropriate to retain all information that may aid in establishing patterns of unlawful activity.

(d) From subsection (e)(2) (Collection of Information from Individuals) because requiring that information be collected from the subject of an investigation would alert the subject to the nature or existence of the investigation, thereby interfering with that investigation and related law enforcement activities.

(e) From subsection (e)(3) (Notice to Individuals) because providing such detailed information could impede law enforcement by compromising the existence of a confidential investigation or reveal the identity of witnesses, DHS employees, or confidential informants.

(f) From subsections (e)(4)(G), (e)(4)(H), and (e)(4)(I) (Agency Requirements) and (f) (Agency Rules), because portions of this system are exempt from the individual access provisions of subsection (d) for the reasons noted above, and therefore DHS is not required to establish requirements, rules, or procedures with respect to such access. Providing notice to individuals with respect to existence of records pertaining to them in the system of records or otherwise setting up procedures pursuant to which individuals may access and view records pertaining to themselves in the system would undermine investigative efforts and reveal the identities of witnesses, potential witnesses, and confidential informants.

(g) From subsection (e)(5) (Collection of Information) because with the collection of information for law enforcement purposes, it is impossible to determine in advance what information is accurate, relevant, timely, and complete. Compliance with subsection (e)(5) would impede DHS officials' ability to effectively use their investigative training and exercise good judgment to both conduct and report on investigations.

(h) From subsection (e)(8) (Notice on Individuals) because compliance would interfere with DHS's ability to obtain, serve, and issue subpoenas, warrants, and other law enforcement mechanisms that may be filed under seal and could result in disclosure of investigative techniques, procedures, and evidence.

(i) From subsection (e)(12) (Computer Matching) if the agency is a recipient agency or a source agency in a matching program with a non-Federal agency, with respect to any establishment or revision of a matching program, at least 30 days prior to conducting such program, publish in the **Federal Register** notice of such establishment or revision.

(j) From subsection (g)(1) (Civil Remedies) to the extent that the system is exempt from other specific subsections of the Privacy Act. (k) From subsection (h) (Legal Guardians) if the parent of any minor, or the legal guardian of any individual who has been declared to be incompetent due to physical or mental incapacity or age by a court of competent jurisdiction, is acting on behalf of the individual.

Dated: October 28, 2013.

**Jonathan R. Cantor,**

*Deputy Chief Privacy Officer, Department of Homeland Security.*

[FR Doc. 2013–27896 Filed 11–21–13; 8:45 am]

**BILLING CODE 9111–97–P**

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### 7 CFR Part 948

**[Doc. No. AMS–FV–13–0072; FV13–948–2 IR]**

## Irish Potatoes Grown in Colorado; Decreased Assessment Rate for Area No. 2

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Interim rule with request for comments.

**SUMMARY:** This rule decreases the assessment rate established for the Colorado Potato Administrative Committee, Area No. 2 (Committee), for the 2013–2014 and subsequent fiscal periods from $0.0051 to $0.0033 per hundredweight of potatoes handled. The Committee locally administers the marketing order, which regulates the handling of Irish potatoes grown in Colorado. Assessments upon potato handlers are used by the Committee to fund reasonable and necessary expenses of the program. The fiscal period begins September 1 and ends August 31. The assessment rate will remain in effect indefinitely unless modified, suspended, or terminated.

**DATES:** Effective November 23, 2013. Comments received by January 21, 2014, will be considered prior to issuance of a final rule.

**ADDRESSES:** Interested persons are invited to submit written comments concerning this rule. Comments must be sent to the Docket Clerk, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Fax: (202) 720–8938; or internet: *http://www.regulations.gov.* Comments should reference the document number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: *http://www.regulations.gov.* All comments submitted in response to this rule will be included in the record and will be made available to the public. Please be advised that the identity of the individuals or entities submitting the comments will be made public on the internet at the address provided above.

**FOR FURTHER INFORMATION CONTACT:** Sue Coleman, Marketing Specialist, or Gary D. Olson, Regional Director, Northwest Marketing Field Office, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA; Telephone: (503) 326–2724, Fax: (503) 326–7440, or Email: *Sue.Coleman@ams.usda.gov or GaryD.Olson@ams.usda.gov.*

Small businesses may request information on complying with this regulation by contacting Jeffrey Smutny, Marketing Order and Agreement Division, Fruit and Vegetable Program, AMS, USDA, 1400 Independence Avenue SW., STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–2491, Fax: (202) 720–8938, or Email: *Jeffrey.Smutny@ams.usda.gov.*

**SUPPLEMENTARY INFORMATION:** This rule is issued under Marketing Agreement No. 97 and Order No. 948, both as amended (7 CFR part 948), regulating the handling of Irish potatoes grown in Colorado, hereinafter referred to as the ''order.'' The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department of Agriculture (USDA) is issuing this rule in conformance with Executive Orders 12866 and 13563.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the order now in effect, Colorado Area No. 2 potato handlers are subject to assessments. Funds to administer the order are derived from such assessments. It is intended that the assessment rate, as issued herein, will be applicable to all assessable potatoes beginning September 1, 2013, and continue until amended, suspended, or terminated.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This rule decreases the assessment rate established for the Committee for the 2013–2014 and subsequent fiscal periods from $0.0051 to $0.0033 per hundredweight of potatoes. This change was unanimously recommended by the Committee at a meeting held on July 18, 2013.

Section 948.4 of the order divides the State of Colorado into three areas of regulation for marketing order purposes. These areas include: Area No. 1, commonly known as the Western Slope; Area No. 2, commonly known as San Luis Valley; and, Area No. 3, which consists of the remaining producing areas within the State of Colorado not included in the definition of Area No. 1 or Area No. 2. Currently, the order only regulates the handling of potatoes produced in Area No. 2 and Area No. 3. Regulation for Area No. 1 has been suspended.

Section 948.50 of the order establishes committees as administrative agencies for each of the areas set forth under § 948.4. Section 948.75 establishes that each area committee is authorized to incur such expenses as the Secretary may find are reasonable and likely to be incurred during each fiscal period for its maintenance and functioning, and for purposes determined to be appropriate for administration of this part. Section 948.76 requires each area committee to prepare and submit an estimated budget to the Secretary for approval and to recommend a rate of assessment sufficient to provide funds to defray its proposed expenditures.

The members of the Committee are producers and handlers of Colorado Area No. 2 potatoes. They are familiar with the Committee's needs and with the costs of goods and services in their local area and are in a position to formulate an appropriate budget and assessment rate. The assessment rate is formulated and discussed in a public meeting. Thus, all directly affected persons have an opportunity to participate and provide input.

For the 2003–2004 and subsequent fiscal periods, the Committee recommended, and USDA approved, an assessment rate for Colorado Area No. 2 that would continue in effect from fiscal period to fiscal period unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Committee or other information available to USDA.

The Committee met on July 18, 2013, and unanimously recommended 2013–2014 expenditures of $55,745 and an assessment rate of $0.0033 per hundredweight of potatoes. In comparison, last year's budgeted expenditures were $71,227 and the assessment rate was $0.0051 per hundredweight of potatoes. The assessment rate of $0.0033 is $0.0018 lower than the rate currently in effect. The assessment rate decrease is necessary to reduce the funds held in reserve to less than approximately two fiscal periods' expenses (§ 948.78).

The major expenditures recommended by the Committee for the 2013–2014 fiscal period include $49,265 for administrative expenses, $3,393 for office expenses, and $3,087 for building maintenance expenses. Budgeted expenses for these items in 2012–2013 were $59,122 for administrative expenses, $4,275 for office expenses, and $7,830 for building maintenance expenses, respectively.

The assessment rate recommended by the Committee was derived by dividing anticipated expenses by expected shipments of Colorado Area No. 2 potatoes. Colorado Area No. 2 potato shipments are estimated to be 14,363,000 hundredweight, which should provide $47,397.90 in assessment income. Income derived from handler assessments and funds from the Committee's authorized reserve will be adequate to cover budgeted expenses. Funds in the reserve (currently $120,995) will be reduced to comply with the maximum permitted by the order of approximately two fiscal periods' expenses.

The assessment rate established in this rule will continue in effect indefinitely unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Committee or other available information.

Although this assessment rate is effective for an indefinite period, the Committee will continue to meet prior to or during each fiscal period to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of Committee meetings are available from the Committee or USDA. Committee meetings are open to the public and interested persons may express their views at these meetings. USDA will evaluate Committee recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking will be undertaken as necessary. The Committee's 2013–2014 budget and those for subsequent fiscal periods will be reviewed and, as appropriate, approved by USDA.

**Initial Regulatory Flexibility Analysis**

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf.

There are approximately 80 handlers of Colorado Area No. 2 potatoes subject to regulation under the order and approximately 180 producers in the regulated production area. Small agricultural service firms are defined by the Small Business Administration as those having annual receipts of less than $7,000,000, and small agricultural producers are defined as those having annual receipts of less than $750,000 (13 CFR 121.201).

During the 2011–2012 fiscal period, the most recent for which statistics are available, 15,072,963 hundredweight of Colorado Area No. 2 potatoes were inspected under the order and sold into the fresh market. Based on an estimated average f.o.b. price of $12.60 per hundredweight, the Committee estimates that 66 Area No. 2 handlers, or about 83 percent, had annual receipts of less than $7,000,000. In view of the foregoing, the majority of Colorado Area No. 2 potato handlers may be classified as small entities.

In addition, based on information provided by the National Agricultural Statistics Service, the average producer price for the 2011 Colorado fall potato crop was $10.70 per hundredweight. Multiplying $10.70 by the shipment quantity of 15,072,963 hundredweight yields an annual crop revenue estimate of $161,280,704. The average annual fresh potato revenue for each of the 180 Colorado Area No. 2 potato producers is therefore calculated to be approximately $896,000 ($161,280,704 divided by 180), which is greater than the SBA threshold of $750,000. Consequently, on average, many of the Colorado Area No. 2 potato producers may not be classified as small entities.

This rule decreases the assessment rate established for the Committee, and collected from handlers, for the 2013–2014 and subsequent fiscal periods from $0.0051 to $0.0033 per hundredweight of potatoes. The Committee unanimously recommended 2013–2014 expenditures of $55,745 and an assessment rate of $0.0033. The assessment rate of $0.0033 is $0.0018 lower than the 2012–2013 rate. The quantity of assessable potatoes for the 2013–2014 fiscal period is estimated at 14,360,000 hundredweight. Thus, the $0.0033 rate should provide $47,388 in assessment income. Income derived from handler assessments and funds from the Committee's authorized reserve will be adequate to cover budgeted expenses.

The major expenditures recommended by the Committee for the 2013–2014 year include $49,265 for administrative expenses, $3,393 for office expenses, and $3,087 for building maintenance expenses. Budgeted expenses for these items in 2012–2013 were $59,122, $4,275, and $7,830, respectively.

The lower assessment rate is necessary to reduce the reserve balance to less than approximately two fiscal periods' expenses. The reserve balance on August 31, 2012, was $120,995. This amount exceeds the maximum authorized reserve amount of $111,490 by $9,505. Assessment income for 2013–2014 is estimated at $47,397.90, while expenses are estimated at $55,745. The Committee anticipates using $8,347.10 of their reserve fund for the 2013–2014 fiscal period. While the reserve fund may exceed the maximum authorized level by $1,157.90, it was noted that there is a potential that the Committee may receive less assessments than estimated. In addition, the Committee expects to draw funds from the reserve

in subsequent fiscal periods that would further reduce the balance.

The Committee discussed alternatives to this action. Leaving the assessment rate at the current $0.0051 per hundredweight was initially considered, but not recommended because of the Committee's desire to decrease the level of the monetary reserve so that it is not more than approximately two fiscal periods' expenses. Lower assessment rates were considered, but also not recommended, because they would not generate the amount of income necessary to administer the program. The Committee ultimately determined that an assessment income of $47,397.90, generated from the $0.0033 rate, combined with reserve funds, would be sufficient to meet its 2013–2014 expenses.

A review of historical information and preliminary information pertaining to the upcoming fiscal period indicates that the producer price for the 2013–2014 season could range between $8.00 and $15.00 per hundredweight of potatoes. Therefore, the estimated assessment revenue for the 2013–2014 fiscal period, as a percentage of total producer revenue, could range between 0.02 and 0.04 percent.

This action decreases 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 Colorado Area No. 2 potato industry, and all interested persons were invited to attend and participate in the Committee's deliberations. Like all Committee meetings, the July 18, 2013, meeting was a public meeting and all entities, both large and small, were able to express views on this issue. Finally, interested persons are invited to submit comments on this interim rule, including the regulatory and informational impacts of this action on small businesses.

In accordance with the Paperwork Reduction Act of 1995, (44 U.S.C. Chapter 35), the order's information collection requirements were previously approved by the Office of Management and Budget (OMB) and assigned OMB No. 0581–0178 (Generic Vegetable and Specialty Crops). No changes in those requirements as a result of this action are necessary. 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 Colorado Area No. 2 potato 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.

AMS 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 citizens to access Government information and services, and for other purposes.

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

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *http://www.ams.usda.gov/MarketingOrdersSmallBusinessGuide.* Any questions about the compliance guide should be sent to Jeffrey Smutny at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant material presented, including the information and recommendation submitted by the Committee and other available information, it is hereby found that this action, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect, and that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because: (1) The 2013–2014 fiscal period began on September 1, 2013, and the marketing order requires that the rate of assessment for each fiscal period apply to all assessable potatoes handled during such fiscal period; (2) this action decreases the assessment rate for assessable potatoes beginning with the 2013–2014 fiscal period; (3) handlers are aware of this action which was unanimously recommended by the Committee at a public meeting and is similar to other assessment rate actions issued in past years; and (4) this interim rule provides a 60-day comment period, and all comments timely received will be considered prior to finalization of this rule.

**List of Subjects in 7 CFR Part 948**

Marketing agreements, Potatoes, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 948 is amended as follows:

## PART 948—IRISH POTATOES GROWN IN COLORADO

■ 1. The authority citation for 7 CFR part 948 continues to read as follows:

**Authority:** 7 U.S.C. 601–674.

■ 2. Section 948.216 is revised to read as follows:

**§ 948.216 Assessment rate.**

On and after September 1, 2013, an assessment rate of $0.0033 per hundredweight is established for Colorado Area No. 2 potatoes.

Dated: November 18, 2013.

**Rex A. Barnes,**

*Associate Administrator, Agricultural Marketing Service.*

[FR Doc. 2013–28102 Filed 11–21–13; 8:45 am]

**BILLING CODE 3410–02–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### 14 CFR Part 39

**[Docket No. FAA–2013–0556; Directorate Identifier 2007–SW–30–AD; Amendment 39–17662; AD 2013–23–07]**

**RIN 2120–AA64**

## Airworthiness Directives; Erickson Air-Crane Incorporated Helicopters (Type Certificate Previously Held by Sikorsky Aircraft Corporation)

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** We are superseding airworthiness directive (AD) 90–26–12 for Sikorsky Aircraft Corporation (Sikorsky) Model S–64E helicopters. AD 90–26–12 required checks of the main rotor blades for a crack. This new AD retains the actions required by AD 90–26–12, reflects that the type certificate (TC) for this model helicopter has been transferred to Erickson Air-Crane Incorporated (Erickson), and expands the applicability to include the similar Erickson Model S–64F helicopters. This AD is prompted by a need to expand the applicability to include Model S–64F helicopters and clarify the applicable main rotor blades by part number. These actions are intended to detect a crack in the main rotor blade and prevent blade separation and subsequent loss of control of the helicopter.

**DATES:** This AD is effective December 27, 2013.

**ADDRESSES:** For service information identified in this AD, contact Erickson Air-Crane Incorporated, ATTN: Chris Erickson, Director of Regulatory Compliance, 3100 Willow Springs Rd., P.O. Box 3247, Central Point, OR 97502; telephone (541) 664–5544; fax (541) 664–2312; email *cerickson@ ericksonaircrane.com*. You may review a copy of the referenced service information at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth Texas 76137.

**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 AD, the economic evaluation, any comments received, and other information. The street address for the Docket Operations Office (phone: 800–647–5527) is U.S. Department of Transportation, Docket Operations Office, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

**FOR FURTHER INFORMATION CONTACT:** Michael Kohner, Aviation Safety Engineer, Rotorcraft Certification Office, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone (817) 222–5170; email *7-AVS-ASW-170@faa.gov*.

**SUPPLEMENTARY INFORMATION:**

**Discussion**

We issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 90–26–12, Amendment 39–6841 (55 FR 51406, December 14, 1990) (AD 90–26–12), which applied to Sikorsky Model S–64E helicopters. The NPRM published in the **Federal Register** on July 3, 2013 (78 FR 40063). Since we issued AD 90–26–12, cracks were detected on the main rotor blades of Model S–64F helicopters, which are are similar to the main rotor blades used on the Model S–64E helicopter. Also, on February 13, 1992, Sikorsky transferred TC H6EA for Model S 64E and S 64F helicopters to Erickson. We also determined that the primary temperatures listed in the Required Actions section of this AD should be converted from degrees Celsius to degrees Fahrenheit for increased clarity.

As a result, the NPRM proposed to retain the same checks and procedures as those required by AD 90–26–12, but in a revised format to meet current publication requirements and to expand the applicability to include both the Erickson S–64E and S–64F helicopters. The NPRM also proposed to require recurring checks of the Blade Inspection Method (BIM) indicator on each blade to determine whether the BIM indicator is signifying that the blade pressure may have been compromised by a blade crack.

**Comments**

We gave the public the opportunity to participate in developing this AD, but we did not receive any comments on the NPRM (78 FR 40063, July 3, 2013).

**FAA's Determination**

We have reviewed the relevant information and determined that an unsafe condition exists and is likely to exist or develop on other products of these same type designs and that air safety and the public interest require adopting the AD requirements as proposed.

**Related Service Information**

Erickson issued Service Bulletin (SB) No. 64F15–2, Revision A, dated July 14, 1999, for the Model S–64F and SB No. 64B15–4, Revision 5, dated September 17, 2013, for the Model S–64E. Erickson released both service bulletins to provide operation and check procedures for BIM blades installed on the Model S–64E and S–64F helicopters. Several blade spars with a crack emanating from corrosion pits and other damage have been found because of BIM pressure indications. The checks in SB No. 64F15–2 for the Model S–64F are the same as those required by AD 90–26–12 for the Model S–64E helicopters.

**Costs of Compliance**

We estimate that this AD affects 27 helicopters of U.S. Registry. We estimate that operators will incur the following costs in order to comply with this AD. Each visual BIM pressure indicator color check will take about 0.1 work-hour at an average labor rate of $85 per work-hour. Based on these figures, each visual BIM pressure indicator color check will cost about $9 per helicopter or $230 for the fleet. Each BIM pressure indicator function check will take about 0.25 work-hour, and cost about $21, or $574 for the fleet.

If a main rotor blade must be replaced, it will take about 2 work-hours and required parts cost about $125,000. Based on these figures, it will cost about $125,170 per helicopter to replace a main rotor blade.

**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 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**

This AD will not have federalism implications under Executive Order 13132. This AD will 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 that this AD:

(1) Is not a ''significant regulatory action'' under Executive Order 12866;

(2) Is not a ''significant rule'' under 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 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.

**Adoption of the Amendment**

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 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 Airworthiness Directive (AD) 90–26–12, Amendment 39–6841 (55 FR 51406, December 14, 1990), and adding the following new AD:

**2013–23–07 Erickson Air-Crane Incorporated (Type Certificate Previously Held By Sikorsky Aircraft Corporation):** Amendment 39–17662; Docket No. FAA–2013–0556; Directorate Identifier 2007–SW–30–AD.

**(a) Applicability**

This AD applies to Erickson Air-Crane Incorporated (Erickson) Model S–64E and S–64F helicopters, with rotary wing blade assembly (main rotor blade), part number 6415–20201–043, –045, –047, –048, –049, –050, or –051; or 6415–20601–041, –042, –043, –044, –045, –046, –047, –048, –049, –050, –051, or –052, installed, certificated in any category.

**(b) Unsafe Condition**

This AD defines the unsafe condition as a crack in the main rotor blade (blade), which could result in blade separation and subsequent loss of control of the helicopter.

**(c) Affected ADs**

This AD supersedes AD 90–26–12, Docket No. 90–ASW–27, Amendment 39–6841 (55 FR 51406, December 14, 1990).

**(d) Effective Date**

This AD becomes effective December 27, 2013.

**(e) 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.

**(f) Required Actions**

(1) Before further flight, visually check the Blade Inspection Method (BIM) pressure indicators of the main rotor blades for a black or red color indication.

(2) Before further flight, replace any blade with a black or red color indication in a BIM pressure indicator with an airworthy part of the same part number unless the black or red color indication is determined to be the result of BIM system malfunction.

**Note 1 to paragraph (f)(2) of this AD:** Paragraphs (f)(4)(i–iv) of this AD specify how to determine if a BIM system is functioning correctly.

(3) Repeat the visual BIM pressure indicator check required by paragraph (f)(1) of this AD prior to the first flight of each day and thereafter at intervals not to exceed:

(i) Three hours time-in-service (TIS) from the last check for helicopters engaged in seven or more external lifts per hour; or

(ii) Five hours TIS from the last check for helicopters engaged in either less than seven external lifts per hour or operation without external cargo.

(4) Prior to the first flight of each day, check the BIM pressure indicator for proper function as follows:

(i) Press in and hold the manual test lever (grenade-type handle) on the raised area of the handle over the pin-type actuation plunger. Do not handle the indicator glass bulb since the heat of the hand may change the internal reference pressure and result in an erroneous indicator reading.

(ii) Depress the actuation plunger fully to shut off the pressure completely from the blade into the indicator. If necessary, press with the thumbs of both hands to overcome the plunger spring force.

**Note 2 to paragraph (f)(4)(ii) of this AD:** If pressure is applied to the end of the lever on the flat area, the actuation plunger will not fully depress.

(iii) Verify proper operation of the indicator by observing that a full-black or full-red (unsafe) indication appears in not less than 10 or more than 30 seconds after depressing the plunger for a temperature of 20 degrees F (−6.7 degrees C) or above. At lower temperatures, extend the upper limit to the corresponding time as follows:

(A) 19 to 0 degrees F (−7.2 to −17.8 degrees C); upper limit of 35 seconds.

(B) −1 to −20 degrees F (−18.3 to −28.9 degrees C); upper limit of 40 seconds.

(C) −21 to −40 degrees F (−29.4 to −40.0 degrees C); upper limit of 50 seconds.

(D) −41 to −60 degrees F (−40.5 to −51.1 degrees C); upper limit of 60 seconds.

(iv) Release the lever and observe that the black or red indication snaps back immediately, leaving an all-white or all-yellow (safe) indication.

(v) If the indicator does not meet the specified requirements, then either identify and correct the BIM indicator malfunction or replace the suspect main rotor blade with an airworthy blade of the same part number prior to further flight.

(5) The checks required by paragraphs (f)(1) and (f)(4)(i–iv) of this AD may be performed by the owner/operator (pilot) holding at least a private pilot certificate, and must be entered into the aircraft records showing compliance with this AD in accordance with 14 CFR §§ 43.9(a)(1)–(4) and 14 CFR 91.417(a)(2)(v). The record must be maintained as required by 14 CFR §§ 91.417, 121.380, or 135.439.

**(g) Special Flight Permits**

Special flight permits will not be issued.

**(h) Alternative Methods of Compliance (AMOCs)**

(1) The Manager, Rotorcraft Certification Office, FAA, may approve AMOCs for this AD. Send your proposal to: Michael Kohner, Aviation Safety Engineer, Rotorcraft Certification Office, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone (817) 222–5170; email *7-AVS-ASW-170@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.

**(i) Additional Information**

Erickson Air-Crane Incorporated Service Bulletins No. 64B15–4, Revision 5, dated September 17, 2013 for the Model S–64E and No. 64F15–2, Revision A, dated July 14, 1999 for the Model S–64F, which are not incorporated by reference, contain additional information about the subject of this AD. For service information identified in this AD, contact Erickson Air-Crane Incorporated, ATTN: Chris Erickson, Director of Regulatory Compliance, 3100 Willow Springs Rd, P.O. Box 3247, Central Point, OR 97502; telephone (541) 664–5544; fax (541) 664–2312; email *cerickson@ericksonaircrane.com.* You may review a copy of this information at the FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137.

**(j) Subject**

Joint Aircraft Service Component (JASC) Code: 6210, Main Rotor Blades.

Issued in Fort Worth, Texas, on October 30, 2013.

**Kim Smith,**

*Directorate Manager, Rotorcraft Directorate, Aircraft Certification Service.*

[FR Doc. 2013–27635 Filed 11–21–13; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

**[Docket No. FAA–2013–0523; Directorate Identifier 2012–SW–091–AD; Amendment 39–17664; AD 2013–23–09]**

**RIN 2120–AA64**

## Airworthiness Directives; Eurocopter France Helicopters

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** We are adopting a new airworthiness directive (AD) for Eurocopter France (Eurocopter) Model AS350B, AS350BA, AS350B1, AS350B2, AS350B3, AS350C, AS350D, AS350D1, AS355E, AS355F, AS355F1, AS355F2, AS355N, and AS355NP helicopters with sliding doors, except those with modification AL.4262. This AD requires removing from service certain part-numbered nuts and washers from the lower ball-joint bolt. This AD was prompted by a report of a sliding door detaching from the helicopter in flight. These actions are intended to prevent loss of the lower ball-joint nut, which could lead to loss of the sliding door and damage to the helicopter.

**DATES:** This AD is effective December 27, 2013.

**ADDRESSES:** For service information identified in this AD, contact American Eurocopter Corporation, 2701 N. Forum Drive, Grand Prairie, TX 75052;

telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.eurocopter.com/techpub.* 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.

**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 AD, the foreign authority's AD, the economic evaluation, any comments received, and other information. The street address for the Docket Operations Office (phone: 800–647–5527) is U.S. Department of Transportation, Docket Operations Office, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.

**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:**

**Discussion**

On June 20, 2013 at 78 FR 37154, the **Federal Register** published our notice of proposed rulemaking (NPRM), which proposed to amend 14 CFR part 39 to add an AD that would apply to Eurocopter Model AS350B, AS350BA, AS350B1, AS350B2, AS350B3, AS350C, AS350D, AS350D1, AS355E, AS355F, AS355F1, AS355F2, AS355N, and AS355NP helicopters with sliding doors installed, except those with modification AL.4262. The NPRM proposed to require removing from service each nut, part number (P/N) ASN52320BH060N, and each washer, P/N 23111AG0LE, within 165 hours time-in-service (TIS) and replacing them with an airworthy nut and washer. The proposed requirements were intended to prevent loss of the lower ball-joint nut, which could lead to loss of the sliding door and damage to the helicopter.

The NPRM was prompted by AD No. 2012–0205, dated October 1, 2012, issued by the European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union. EASA issued AD 2012–0205 to correct an unsafe condition for Eurocopter Model AS350B, AS350BA, AS350BB, AS350B1, AS350B2, AS350B3, AS350D, AS355E, AS355F, AS355F1, AS355F2, AS355N, and AS355NP helicopters with a sliding door installed, except those with modification AL. 4262. EASA advises that during a patrol flight with the doors open, the right-hand (RH) sliding door became detached and was lost in-flight. EASA states it was discovered that the nut of the ball-joint bolt was missing, which allowed the ball-joint bolt to detach from the door and the door to ''fall off'' the aircraft. According to EASA, a check of the left-hand (LH) sliding door revealed that the nut of the ball-joint bolt was not tightened, and could be unscrewed by hand. EASA advises that the self-locking characteristics of the nut were lost, possibly due to a defective assembly of the ball-joint bolt. This failure of the self-locking characteristics of the nut could lead to loss of the sliding door in-flight, potentially resulting in damage of the surrounding helicopter structure and possible injury to persons on the ground. For these reasons, EASA issued AD 2012–0205 to require modification AL.4262, which specifies replacing each nut, P/N ASN52320BH060N, and washer, P/N 23111AG0LE, with nut, P/N 22542K060, and lock-washer, P/N 23351AC060LE, on the lower ball-joint bolt.

**Comments**

We gave the public the opportunity to participate in developing this AD, but we did not receive any comments on the NPRM (78 FR 37154, June 20, 2013).

**FAA's Determination**

These helicopters have been approved by the aviation authority of France and are approved for operation in the United States. Pursuant to our bilateral agreement with France, EASA, its technical representative, has notified us of the unsafe condition described in the EASA AD. We are issuing this AD because we evaluated all information provided by EASA and determined the unsafe condition exists and is likely to exist or develop on other helicopters of these same type designs and that air safety and the public interest require adopting the AD requirements as proposed.

**Differences Between This AD and the EASA AD**

The EASA AD requires replacing the lower ball-joint nut and washer within 165 flight hours or 13 calendar months, while this AD requires replacing the affected lower ball joint nut and washer within 165 hours TIS. In addition, this AD does not apply to the Model AS350BB as that helicopter is not type-certificated in the U.S., but it applies to Models AS350C and AS350D1 because those models have a similar lower ball joint nut and washer.

**Related Service Information**

Eurocopter has issued Alert Service Bulletin (ASB) No. AS350–52.00.34 for Model AS350 B, B1, B2, B3, BA, BB, D, and L1 helicopters and ASB No. AS355–52.00.26 for Model AS355 E, F, F1, F2, N, and NP helicopters, both Revision 0 and both dated July 9, 2012. The ASBs describe procedures to replace the nuts and lock-washers on the LH and RH sliding door lower ball-joint bolts with different part numbered nuts and lock-washers, to ''double lock'' the lower ball-joint bolts. Eurocopter designates the maintenance procedure and design change in its ASBs as modification AL.4262.

**Costs of Compliance**

We estimate that this AD will affect 900 helicopters of U.S. Registry.

We estimate that operators may incur the following costs in order to comply with this AD. At an average labor rate of $85 per hour, replacing the nuts and washers on the sliding doors will require about 1 work-hour, and required parts costs will be minimal, for a cost per helicopter of $85 and a total cost to U.S. operators of $76,500.

**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 regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on helicopters identified in this rulemaking action.

**Regulatory Findings**

This AD will not have federalism implications under Executive Order 13132. This AD will 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 that this AD:

(1) Is not a ''significant regulatory action'' under Executive Order 12866;

(2) Is not a ''significant rule'' under 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 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.

**Adoption of the Amendment**

Accordingly, under the authority delegated to me by the Administrator, the FAA amends 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):

**2013–23–09 Eurocopter France:** Amendment 39–17664; Docket No. FAA–2013–0523; Directorate Identifier 2012–SW–091–AD.

**(a) Applicability**

This AD applies to Eurocopter France (Eurocopter) Model AS350B, AS350BA, AS350B1, AS350B2, AS350B3, AS350C, AS350D, AS350D1, AS355E, AS355F, AS355F1, AS355F2, AS355N, and AS355NP helicopters with sliding doors installed, except those with modification AL.4262, certificated in any category.

**(b) Unsafe Condition**

This AD defines the unsafe condition as loss of the self-locking feature of the sliding door lower ball-joint nut. This condition could result in detachment of the lower ball-joint bolt from the sliding door and subsequent loss of the sliding door from the helicopter in flight.

**(c) Effective Date**

This AD becomes effective December 27, 2013.

**(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**

(1) Within 165 hours time-in-service, remove each nut, part number (P/N) ASN52320BH060N, and each washer, P/N 23111AG0LE, from the left-hand and right-hand sliding door lower ball-joint bolts and replace them with an airworthy nut and washer.

(2) Do not install a nut, P/N ASN52320BH060N, or washer, P/N 23111AG0LE, on any sliding door lower ball-joint bolt.

**(f) Special Flight Permits**

Special flight permits are prohibited.

**(g) 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.

**(h) Additional Information**

(1) Eurocopter Alert Service Bulletin (ASB) No. AS350–52.00.34 for Model AS350B, B1, B2, B3, BA, BB and D and L1 helicopters and ASB No. AS355–52.00.26 for Model AS355E, F, F1, F2, N, and NP helicopters, both Revision 0 and both dated July 9, 2012, which are not incorporated by reference, contain additional information about the subject of this AD. For service information identified in this AD, contact American Eurocopter Corporation, 2701 N. Forum Drive, Grand Prairie, TX 75052; telephone (972) 641–0000 or (800) 232–0323; fax (972) 641–3775; or at *http://www.eurocopter.com/techpub.* 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.

(2) The subject of this AD is addressed in European Aviation Safety Agency (EASA) AD No. 2012–0205, dated October 1, 2012. You may view the EASA AD on the internet in AD Docket No. FAA–2013–0523 at *http://www.regulations.gov.*

**(i) Subject**

Joint Aircraft Service Component (JASC) Code: 5200: Doors.

Issued in Fort Worth, Texas, on November 5, 2013.

**Lance T. Gant,**

*Acting Directorate Manager, Rotorcraft Directorate, Aircraft Certification Service.*

[FR Doc. 2013–27636 Filed 11–21–13; 8:45 am]

BILLING CODE 4910–13–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

### 21 CFR Part 14

**[Docket No. FDA–2013–N–1380]**

### Advisory Committee; Veterinary Medicine Advisory Committee; Termination

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is announcing the termination of the Veterinary Medicine Advisory Committee. This document removes the Veterinary Advisory Committee from the Agency's list of standing advisory committees.

**DATES:** This rule is effective November 22, 2013.

**FOR FURTHER INFORMATION CONTACT:** Michael Ortwerth, Advisory Committee Oversight and Management Staff, Food and Drugs Administration, 10903 New Hampshire Ave., Bldg. 32, Rm. 5129, Silver Spring MD 20993–0002, FAX: 301–847–8640, or email at *Michael.Ortwerth@fda.hhs.gov.*

**SUPPLEMENTARY INFORMATION:** The Veterinary Medicine Committee was established on April 24, 1984 (49 FR 20809; May 17, 1984). The purpose of the Committee was to review and evaluate available data concerning safety and effectiveness of marketed and investigational new animal drugs, feeds, and devices for use in the treatment and prevention of animal diseases and increased animal production. The Committee is no longer needed and was terminated on September 24, 2013.

Under 5 U.S.C. 553(b)(3)(B) and (d) and 21 CFR 10.40 (d) and (e), the Agency finds good cause to dispense with notice and public comment procedures and to proceed to an immediate effective date on this rule. Notice and public comment and a delayed effective date are unnecessary and are not in the public interest as this final rule merely removes the name of the Veterinary Medicine Advisory Committee from the list of FDA's standing advisory committees in 21 CFR 14.100.

Therefore, the Agency is amending 21 CFR 14.100(f) as set forth in the regulatory text of this document.

**List of Subjects in 21 CFR Part 14**

Administrative practice and procedure, Advisory committees, Color additives, Drugs, Radiation protection.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 14 is amended as follows:

## PART 14—PUBLIC HEARING BEFORE A PUBLIC ADVISORY COMMITTEE:

■ 1. The authority citation for 21 CFR part 14 continues to read as follows:

**Authority:** 5 U.S.C. App. 2; 15 U.S.C. 1451–1461, 21 U.S.C. 41–50, 141–149, 321–394, 467f, 679, 821, 1034; 28 U.S.C. 2112; 42 U.S.C. 201, 262, 263b, 264; Pub. L. 107–109; Pub. L. 108–155.

### § 14.100 [Amended]

■ 2. Section 14.100 is amended by removing paragraph (f) and redesignating paragraph (g) as paragraph (f).

Dated: November 14, 2013.

**Jill Hartzler Warner,**

*Acting Associate Commissioner for Special Medical Programs.*

[FR Doc. 2013–27854 Filed 11–21–13; 8:45 am]

**BILLING CODE 4160–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

### 21 CFR Part 123

**[Docket No. FDA–2013–D–0269]**

## Guidance for Industry on Purchasing Reef Fish Species Associated With the Hazard of Ciguatera Fish Poisoning; Availability

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice of availability.

**SUMMARY:** The Food and Drug Administration (FDA or we) is announcing the availability of a guidance for industry entitled ''Guidance for Industry: Purchasing Reef Fish Species Associated with the Hazard of Ciguatera Fish Poisoning.'' The document provides guidance to primary seafood processors who purchase reef fish on how to minimize the risk of ciguatera fish poisoning (CFP) from fish that they distribute. The guidance intends to help protect the public health by reducing the risk of CFP.

**DATES:** Submit either electronic or written comments on FDA guidances at any time.

**ADDRESSES:** Submit written requests for single copies of the guidance to Division of Seafood Safety/Office of Food Safety, Center for Food Safety and Applied Nutrition, (HFS–325), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740. Send two self-addressed adhesive labels to assist that office in processing your request. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance.

Submit electronic comments on the guidance to *http://www.regulations.gov.* Submit written comments on the guidance to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

**FOR FURTHER INFORMATION CONTACT:** Karen Swajian, Division of Seafood Safety, Center for Food Safety and Applied Nutrition (HFS–325), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, 240–402–2300.

**SUPPLEMENTARY INFORMATION:**

### I. Background

We are announcing the availability of a guidance for industry entitled ''Guidance for Industry: Purchasing Reef Fish Species Associated with the Hazard of Ciguatera Fish Poisoning.'' This guidance is being issued consistent with our good guidance practices regulation (21 CFR 10.115). The guidance represents our 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 requirements of the applicable statutes and regulations.

In the **Federal Register** of March 26, 2013 (78 FR 18273), FDA made available a draft guidance entitled ''Guidance for Industry: Purchasing Reef Fish Species Associated with the Hazard of Ciguatera Fish Poisoning'' and gave interested parties an opportunity to submit comments by May 28, 2013, for us to consider before beginning work on the final version of the guidance. We received three comments on the draft guidance, but the comments did not prompt us to revise the guidance. Therefore, we are issuing the guidance with minor changes (revising dates mentioned in the guidance to reflect the most current information). The guidance announced in this notice finalizes the draft guidance dated March 2013.

### II. Comments

Interested persons may submit either electronic comments regarding the guidance 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.*

### III. Electronic Access

Persons with access to the Internet may obtain the guidance at either *http://www.fda.gov/FoodGuidances* or *http://www.regulations.gov.* Use the FDA Web site listed in the previous sentence to find the most current version of the guidance.

Dated: November 15, 2013.

**Leslie Kux,**

*Assistant Commissioner for Policy.*

[FR Doc. 2013–27913 Filed 11–21–13; 8:45 am]

**BILLING CODE 4160–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

### 21 CFR Part 558

**[Docket No. FDA–2013–N–0002]**

## Withdrawal of Approval of New Animal Drug Applications; Carbarsone; Roxarsone

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Final rule.

**SUMMARY:** The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect the withdrawal approval of three new animal drug applications (NADAs) for roxarsone or carbarsone Type A medicated articles at the sponsor's request because the products are no longer manufactured or marketed.

**DATES:** This rule is effective December 2, 2013.

**FOR FURTHER INFORMATION CONTACT:** John Bartkowiak, Center for Veterinary Medicine (HFV–212), Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855, 240–276–9079, *john.bartkowiak@fda.hhs.gov.*

**SUPPLEMENTARY INFORMATION:** Zoetis Inc., 333 Portage St., Kalamazoo, MI 49007, has requested that FDA withdraw approval of the following three NADAs because the products, used to manufacture Type B and Type C medicated feeds, are no longer manufactured or marketed: NADA 007–891 for 3–NITRO (roxarsone) Type A

medicated articles, NADA 092–953 for Roxarsone Type A Medicated Articles, and NADA 010–285 for CARB–O–SEP (carbarsone) Type A medicated article.

Elsewhere in this issue of the **Federal Register**, FDA gave notice that approval of NADAs 007–891, 010–285, and 092–953, and all supplements and amendments thereto, is withdrawn, effective December 2, 2013. As provided in the regulatory text of this document, the animal drug regulations are amended to reflect these voluntary withdrawals of approval.

This rule does not meet the definition of ''rule'' in 5 U.S.C. 804(3)(A) because it is a rule of ''particular applicability.'' Therefore, it is not subject to the congressional review requirements in 5 U.S.C. 801–808.

**List of Subjects in 21 CFR Part 558**

Animal drugs, Animal feeds.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, 21 CFR part 558 is amended as follows:

## PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

■ 1. The authority citation for 21 CFR part 558 continues to read as follows:

**Authority:** 21 U.S.C. 360b, 371.

**§ 558.120 [Amended]**

■ 2. In § 558.120, remove and reserve paragraphs (a)(1) and (d)(1)(i).

■ 3. In § 558.530, remove and reserve paragraphs (a) and (b); and revise the tables in paragraphs (d)(1) through (3) to read as follows:

**§ 558.530 Roxarsone.**

* * * * *

(d) * * *

(1) * * *

| Roxarsone in grams per ton | Combinations in grams per ton | Indications for use | Limitations | Sponsor |
|---|---|---|---|---|
| (i) [Reserved] ..... | | | | |
| (ii) 22.7 to 45.4 ..... | Chlortetracycline 10 to 50. | Growing chickens: For increased rate of weight gain, improved feed efficiency, and improved pigmentation. | Feed continuously throughout growing period; withdraw 5 days before slaughter; as sole source of organic arsenic; drug overdose or lack of water may result in weakness or paralysis of the legs. Chlortetracycline as provided by No. 054771 in § 510.600(c) of this chapter. | 054771 |
| (iii) 22.7 to 45.4 ..... | Chlortetracycline 100 to 200. | Growing chickens: For increased rate of weight gain, improved feed efficiency, and improved pigmentation; and for control of infectious synovitis caused by *Mycoplasma synoviae* susceptible to chlortetracycline. | Feed continuously for 7 to 14 days; withdraw 5 days before slaughter; as sole source of organic arsenic; drug overdose or lack of water may result in weakness or paralysis of the legs. Chlortetracycline as provided by No. 054771 in § 510.600(c) of this chapter. | 054771 |
| (iv) 22.7 to 45.4 ..... | Chlortetracycline 200 to 400. | Growing chickens: For increased rate of weight gain, improved feed efficiency, and improved pigmentation; and for control of chronic respiratory disease (CRD) and air sac infection caused by *M. gallisepticum* and *Escherichia coli* susceptible to chlortetracycline. | Feed continuously for 7 to 14 days; withdraw 5 days before slaughter; as sole source of organic arsenic; drug overdose or lack of water may result in weakness or paralysis of the legs. Chlortetracycline as provided by No. 054771 in § 510.600(c) of this chapter. | 054771 |
| (v) 22.7 to 45.4 ..... | Chlortetracycline 500. | Growing chickens: For increased rate of weight gain, improved feed efficiency, and improved pigmentation; and for reduction of mortality due to *E. coli* infections susceptible to chlortetracycline. | Feed continuously for 5 days; withdraw 5 days before slaughter; as sole source of organic arsenic; drug overdose or lack of water may result in weakness or paralysis of the legs. Chlortetracycline as provided by No. 054771 in § 510.600(c) of this chapter. | 054771 |

(2) * * *

| Roxarsone in grams per ton | Combinations in grams per ton | Indications for use | Limitations | Sponsor |
|---|---|---|---|---|
| (i) [Reserved] ..... | | | | |
| (ii) 22.7 to 45.4 ..... | Chlortetracycline 10 to 50. | Growing turkeys: For increased rate of weight gain, improved feed efficiency, and improved pigmentation. | Feed continuously throughout growing period; withdraw 5 days before slaughter; as sole source of organic arsenic; drug overdose or lack of water may result in weakness or paralysis of the legs. Chlortetracycline as provided by No. 054771 in § 510.600(c) of this chapter. | 054771 |

| Roxarsone in grams per ton | Combinations in grams per ton | Indications for use | Limitations | Sponsor |
|---|---|---|---|---|
| (iii) 22.7 to 45.4 ..... | Chlortetracycline 200. | Growing turkeys: For increased rate of weight gain, improved feed efficiency, and improved pigmentation; and for control of infectious synovitis caused by *Mycoplasma synoviae* susceptible to chlortetracycline. | Feed continuously for 7 to 14 days; withdraw 5 days before slaughter; as sole source of organic arsenic; drug overdose or lack of water may result in weakness or paralysis of the legs. Chlortetracycline as provided by No. 054771 in § 510.600(c) of this chapter. | 054771 |
| (iv) 22.7 to 45.4 ..... | Chlortetracycline 400. | 1. Growing turkeys: For increased rate of weight gain, improved feed efficiency, and improved pigmentation; and for control of hexamitiasis caused by *Hexamita meleagrides* susceptible to chlortetracycline. 2. Turkey poults not over 4 weeks of age: Reduction of mortality due to paratyphoid caused by *Salmonella typhimurium* susceptible to chlortetracycline. | Feed continuously for 7 to 14 days; withdraw 5 days before slaughter; as sole source of organic arsenic; drug overdose or lack of water may result in weakness or paralysis of the legs. Chlortetracycline as provided by No. 054771 in § 510.600(c) of this chapter. | 054771 |
| (v) 22.7 to 45.4 ..... | Chlortetracycline, 25 mg/lb body weight daily. | Growing turkeys: For increased rate of weight gain, improved feed efficiency, and improved pigmentation; and for control of complicating bacterial organisms associated with bluecomb (transmissible enteritis, coronaviral enteritis) susceptible to chlortetracycline. | Feed continuously for 7 to 14 days; withdraw 5 days before slaughter; as sole source of organic arsenic; drug overdose or lack of water may result in weakness or paralysis of the legs. Chlortetracycline as provided by No. 054771 in § 510.600(c) of this chapter. | 054771 |

(3) * * *

| Roxarsone in grams per ton | Combinations in grams per ton | Indications for use | Limitations | Sponsor |
|---|---|---|---|---|
| (i) [Reserved] ..... | | | | |
| (ii) 22.7 to 34.1 ..... | Chlortetracycline 400 (to administer 10 mg/lb body weight). | Growing and finishing swine: For increased rate of weight gain and improved feed efficiency; and for treatment of bacterial enteritis caused by *E. coli* and *S. choleraesuis* and bacterial pneumonia caused by *Pasteurella multocida* susceptible to chlortetracycline. | Feed for not more than 14 days; withdraw 5 days before slaughter; as sole source of organic arsenic. | 054771 |
| (iii) [Reserved] ..... | | | | |
| (iv) 181.5 ..... | Chlortetracycline 10 to 50. | Growing and finishing swine: For increased rate of weight gain and improved feed efficiency; and for treatment of swine dysentery. | Feed for not more than 6 consecutive days; if improvement is not observed, consult a veterinarian; withdraw 5 days before slaughter; as a sole source of organic arsenic; animals must consume enough medicated feed to provide a therapeutic dose. | 054771 |
| (v) 181.5 ..... | Chlortetracycline 400 (to administer 10 mg/lb body weight). | Growing and finishing swine: For the treatment of swine dysentery; and for treatment of bacterial enteritis caused by *E. coli* and *S. choleraesuis* and bacterial pneumonia caused by *P. multocida* susceptible to chlortetracycline. | Feed for not more than 6 consecutive days; if improvement is not observed, consult a veterinarian; withdraw 5 days before slaughter; as a sole source of organic arsenic; animals must consume enough medicated feed to provide a therapeutic dose. | 054771 |

* * * * *

Dated: November 18, 2013.

**Bernadette Dunham,**

*Director, Center for Veterinary Medicine.*

[FR Doc. 2013–27917 Filed 11–21–13; 8:45 am]

**BILLING CODE 4160–01–P**

## DEPARTMENT OF HOMELAND SECURITY

### Coast Guard

### 33 CFR Part 117

**[Docket No. USCG–2013–0936]**

### Drawbridge Operation Regulation; Upper Mississippi River, Rock Island, IL

**AGENCY:** Coast Guard, DHS.

**ACTION:** Notice of deviation from drawbridge regulation.

**SUMMARY:** The Coast Guard has issued a temporary deviation from the operating schedule that governs the Rock Island Railroad and Highway Drawbridge across the Upper Mississippi River, mile 482.9, at Rock Island, Illinois. The deviation is necessary to allow the bridge owner time to perform preventive maintenance and critical repairs that are essential to the continued safe operation of the drawbridge. The work is scheduled in the winter, when the impact on navigation is minimal, instead of scheduling the work at other times in the year, when river traffic is prevalent. This deviation allows the bridge to be maintained in the closed-to-navigation position for 77 days.

**DATES:** This deviation is effective from 7:30 a.m., December 18, 2013 to 7:30 a.m. March 4, 2014.

**ADDRESSES:** The docket for this deviation, USCG–2013–0936, is available at *http://www.regulations.gov*. Type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this deviation. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** If you have questions on this temporary deviation, call or email Eric A. Washburn, Bridge Administrator, Western Rivers, Coast Guard; telephone (314) 269–2378, email *Eric.Washburn@uscg.mil*. If you have questions on viewing the docket, call Cheryl F. Collins, Program Manager, Docket Operations, telephone (202)366–9826.

**SUPPLEMENTARY INFORMATION:** The U.S. Army Rock Island Arsenal requested a temporary deviation for the Rock Island Railroad and Highway Drawbridge, mile 482.9, at Rock Island, Illinois across the Upper Mississippi River. It has a vertical clearance of 23.8 feet above normal pool in the closed position. The Rock Island Railroad and Highway Drawbridge currently operates in accordance with 33 CFR 117.5, which states the general requirement that drawbridges shall open promptly and fully for the passage of vessels when a request to open is given in accordance with the subpart.

The deviation period is from 7:30 a.m., December 18, 2013 to 7:30 a.m., March 4, 2014 when the draw span will remain in the closed-to-navigation position. During this time the bridge owner will replace critical control components that are essential to the continued safe operation of the drawbridge. The bridge will not be able to open for emergencies and there is no immediate alternate route for vessels to pass this section of the Upper Mississippi River. The Coast Guard will also inform the users of the waterway through our Local and Broadcast Notices to Mariners of the change in operating schedule for the bridge so that vessels can arrange their transits to minimize any impact caused by the temporary deviation.

Winter conditions on the Upper Mississippi River coupled with the closure of Army Corps of Engineer's Lock No. 18 (Mile 410.5 UMR) and Lock No. 22 (Mile 301.2 UMR) till 11 a.m., March 4, 2014 will preclude any significant navigation demands for the drawspan opening.

There are no alternate routes for vessels transiting this section of the Upper Mississippi River.

In accordance with 33 CFR 117.35(e), the drawbridge must return to its regular operating schedule immediately at the end of the effective period of this temporary deviation. This deviation from the operating regulations is authorized under 33 CFR 117.35.

Dated: November 5, 2013.

**Eric A. Washburn,**

*Bridge Administrator, Western Rivers.*

[FR Doc. 2013–28039 Filed 11–21–13; 8:45 am]

**BILLING CODE 9110–04–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

**[EPA–R07–OAR–2013–0585; FRL–9903–14–Region 7]**

### Approval and Promulgation of Implementation Plans; State of Missouri; Restriction of Emission of Sulfur Compounds and Emissions Banking and Trading

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Direct final rule.

**SUMMARY:** EPA is approving two revisions to the State Implementation Plan (SIP) for Missouri that were submitted on September 5, 2012. The revision to the Missouri rule ''Restriction of Emission of Sulfur Compounds'' removes redundant sulfur dioxide standards and outdated compliance dates. Due to these revisions, several within-rule references are amended. Revisions to the Missouri rule ''Emissions Banking and Trading'' removes all definitions, as they are now included in the general definitions rule. The reference to the state's Ambient Air Quality Standards rule that is included in the definition of National Ambient Air Quality Standards is also removed. The revisions to Missouri's rules do not have an adverse affect on air quality. EPA's approval of this SIP revision is being done in accordance with the requirements of the Clean Air Act (CAA).

**DATES:** This direct final rule will be effective January 21, 2014, without further notice, unless EPA receives adverse comment by December 23, 2013. If EPA receives adverse comment, we will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–R07–OAR–2013–0585, by one of the following methods:

1. *www.regulations.gov*. Follow the on-line instructions for submitting comments.

2. Email: *bhesania.amy@epa.gov*.

3. Mail or Hand Delivery: Amy Bhesania, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219.

*Instructions:* Direct your comments to Docket ID No. EPA–R07–OAR–2013–0585. 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 through *www.regulations.gov* or email information that you consider to be CBI or otherwise protected. 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, any form of encryption, and be free of any defects or viruses.

*Docket:* All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, i.e., 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 form. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219. The Regional Office's official hours of business are Monday through Friday, 8:00 to 4:30 excluding Federal holidays. The interested persons wanting to examine these documents should make an appointment with the office at least 24 hours in advance.

**FOR FURTHER INFORMATION CONTACT:** Amy Bhesania at (913) 551–7147, or by email at *bhesania.amy@epa.gov*.

**SUPPLEMENTARY INFORMATION:** Throughout this document ''we,'' ''us,'' or ''our'' refer to EPA. This section provides additional information by addressing the following:

I. What is being addressed in this document?
II. Have the requirements for approval of a SIP revision been met?
III. What action is EPA taking?

## I. What is being addressed in this document?

EPA is approving two revisions to the Missouri SIP submitted to EPA on September 5, 2012. The revision to Missouri rule 10 CSR 10–6.260, ''Restriction of Emission of Sulfur Compounds'' removes redundant sulfur dioxide standards and outdated compliance dates. Due to these revisions, several within-rule references are amended. Revisions to Missouri rule 10 CSR 10–6.410, ''Emissions Banking and Trading'' removes all definitions, as they are now included in the general definitions rule. The reference to the State's Ambient Air Quality Standards rule that was included in the definition of National Ambient Air Quality Standards is also removed.

EPA has conducted an analysis of the State's amendments and has concluded that these revisions do not adversely affect the stringency of the SIP or adversely impact air emissions.

## II. Have the requirements for approval of a SIP revision been met?

The state submission has met the public notice requirements of 40 CFR 51.102 for SIP submissions. The submission also satisfied the completeness criteria of 40 CFR part 51, appendix V. In addition, the revision meets the substantive SIP requirements of the CAA, including section 110 and implementing regulations.

## III. What action is EPA taking?

EPA is approving two revisions to the Missouri SIP. The first revision will amend 10 CSR 10–6.260 ''Restriction of Emission of Sulfur Compounds,'' and will remove redundant sulfur dioxide standards and outdated compliance dates. The state is removing the reference to 10 CSR 10–6.010, which refers to the Ambient Air Quality Standards. The section is redundant in that sources have to comply with this requirement through other SIP approved permitting programs and rules, and it is burdensome and costly to update this reference each time the rule is revised. Several within-rule references are amended to accommodate the revisions.

The second revision amends 10 CSR 10–6.410 ''Emissions Banking and Trading'' by removing definitions, as they are now included in the general definitions rule. In addition to removing the definition of National Ambient Air Quality Standards, a reference to the State's Ambient Air Quality Standards rule will also be removed.

EPA has determined that these changes will not relax the SIP or adversely impact air emissions. For more information about these changes, see the Technical Support Document which is available in the public docket for this rulemaking.

We are processing this action as a direct final action because the revisions do not adversely impact air emissions, and we do not anticipate any adverse comments. Please note that if EPA receives adverse comment on part of this rule and if that part can be severed from the remainder of the rule, EPA may adopt as final those parts of the rule that are not the subject of an adverse comment.

*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 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 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 note) because

application of those requirements would be inconsistent with the CAA; 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 rule 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.

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action 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**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by January 21, 2014. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the proposed rules section of today's **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Incorporation by reference, Sulfur dioxide, Reporting and recordingkeeping requirements.

Dated: November 8, 2013.

**Karl Brooks,**

*Regional Administrator, Region 7.*

40 CFR part 52 is amended as follows:

## PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

**Authority:** 42 U.S.C. 7401 *et seq.*

### Subpart AA—Missouri

■ 2. In § 52.1320 the table in paragraph (c) is amended by revising the entries for 10–6.260 and 10–6.410 to read as follows:

**§ 52.1320 Identification of plan.**

* * * * *

(c) * * *

EPA-APPROVED MISSOURI REGULATIONS

| Missouri citation | Title | State effective date | EPA approval date | Explanation |
|---|---|---|---|---|
| **Missouri Department of Natural Resources** | | | | |
| * | * | * | * | * |
| **Chapter 6—Air Quality Standards, Definitions, Sampling and Reference Methods, and Air Pollution Control Regulations for the State of Missouri** | | | | |
| * | * | * | * | * |
| 10–6.260 ..... | Restriction of Emission of Sulfur Compounds. | 09/30/12 | 11/22/13 [*insert Federal Register page number where the document begins*]. | Section (3)(A)(1–4) approved pursuant to 111d only. |
| 10–6.410 ..... | Emissions Banking and Trading ..... | 09/30/12 | 11/22/13 [*insert Federal Register page number where the document begins*]. | |
| * | * | * | * | * |

* * * * *

[FR Doc. 2013–28002 Filed 11–21–13; 8:45 am]

BILLING CODE 6560–50–P

**ENVIRONMENTAL PROTECTION AGENCY**

**40 CFR Part 52**

**[EPA–R08–OAR–2013–0417; FRL 9902–13–R08]**

## Approval and Promulgation of Air Quality Implementation Plans; Rescission of Federal Implementation Plan; Wyoming; Prevention of Significant Deterioration; Greenhouse Gas Tailoring Rule Revisions

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** EPA is approving revisions and additions to the Wyoming State Implementation Plan (SIP) submitted by the Wyoming Department of Environmental Quality (WDEQ) to EPA on March 8, 2013. The SIP revision to the Wyoming Prevention of Significant Deterioration (PSD) program updates the program to regulate permitting of sources of greenhouse gases (GHGs). Specifically, we are approving revisions to Wyoming's Air Quality Standards and Regulations (WAQSR) Chapter 1, Common Provisions, Section 3, Definitions, and Chapter 6, Permitting Requirements, Section 4, Prevention of Significant Deterioration, and the addition of Chapter 1, Section 7, Greenhouse Gases. EPA is also rescinding the GHG PSD Federal Implementation Plan (FIP) for Wyoming that was put in place to ensure the availability of a permitting authority for GHG PSD permitting in Wyoming. EPA is taking this final action under section 110 and part C of the Clean Air Act (the Act or CAA).

**DATES:** This action is effective on December 23, 2013.

**ADDRESSES:** EPA has established a docket for this action under Docket ID No. EPA–R08–OAR–2013–0417. All documents in the docket are listed in the *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 *www.regulations.gov* or in hard copy at the Air Program, Environmental Protection Agency (EPA), Region 8, 1595 Wynkoop St., Denver, Colorado 80202–1129. EPA requests that if at all possible, 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, 8:00 a.m. to 4:00 p.m., excluding Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Jody Ostendorf, Air Program, Mailcode 8P–AR, Environmental Protection Agency (EPA), Region 8, 1595 Wynkoop St., Denver, Colorado 80202–1129, (303) 312–7814, *ostendorf.jody@epa.gov.*

**SUPPLEMENTARY INFORMATION:** Throughout this document whenever ''we,'' ''us,'' or ''our'' is used, we mean EPA. Information is organized as follows:

### Table of Contents

I. Background for Our Final Action
II. Response to Comments
III. What final action is EPA taking?
IV. Statutory and Executive Order Reviews

### I. Background for Our Final Action

The background for today's final rule and EPA's national actions pertaining to PSD permitting of sources of GHGs are discussed in detail in our June 24, 2013 proposal (see 78 FR 37752). The comment period was open for thirty days, and one comment, from WDEQ, was received.

### II. Response to Comments

*Comment:* The WDEQ supported our proposed approval of Wyoming's March 8, 2013 GHG PSD submittal and concurrent rescission of our FIP. However, WDEQ requested that we propose action on the State's May 11, 2011 SIP submittal (which generally concerned New Source Review regulations for non-attainment areas) in parallel or as close as possible to final approval of the March 8, 2013 GHG PSD submittal. WDEQ stated it was concerned about future inconsistency in the GHG PSD permitting regulations.

*Response:* EPA acknowledges WDEQ's support for our final approval. It does not appear that our final approval could result in some inconsistency in light of the fact that we are not, at the same time, proposing action on the May 11, 2011 submittal. EPA has already approved the portion of the May 11, 2011 submittal that revised the State's PSD program. See 76 FR 44265 (July 25, 2011). The remaining portion of the May 11, 2011 submittal adds two new sections to Wyoming's permitting rules. Section 13, entitled ''Nonattainment permit requirements,'' incorporates by reference federal rules at 40 CFR 51.165. Section 14, entitled ''Incorporation by reference,'' establishes the date of incorporation by reference of federal rules and provides information on how the public can inspect or obtain copies of the Code of Federal Regulations. We proposed to approve the May 11, 2011 addition of Section 14 in a separate action that will be completed concurrently with this one. In addition, the GHG revision to Section 4 independently provides a date of incorporation by reference and identical information to Section 14 about the Code of Federal Regulations. With respect to Section 13, WDEQ did not identify any specific dependency between it and the March 8, 2013 GHG PSD submittal that would cause any future inconsistency in GHG permitting. In addition, the March 8, 2013 GHG PSD submittal did not include Section 13, so it appears to EPA that the two are independent.

### III. What final action is EPA taking?

We are approving portions of Wyoming's March 8, 2013 SIP submittal that update the PSD program to regulate permitting of sources of GHGs. Specifically, EPA is approving revisions to WAQSR Chapter 1, Common Provisions, Section 3, and Chapter 6, Permitting Requirements, Section 4, Prevention of Significant Deterioration, and the addition of Chapter 1, Common Provisions, Section 7, Greenhouse Gases. EPA has determined that these March 8, 2013 revisions are approvable because they were adopted and submitted in accordance with the CAA and EPA regulations regarding PSD permitting for GHGs. As explained in the June, 24, 2013 proposal, we are not taking action at this time on the revision to Chapter 6, Permitting Requirements, Section 14, Incorporation by Reference.

In our June 24, 2013 action, we proposed to approve a portion of the SIP revision that deferred until July 21, 2014 application of the PSD permitting requirements to biogenic carbon dioxide ($CO_2$) emissions from bioenergy and other biogenic stationary sources. This portion of the SIP revision was included to align Wyoming's state regulations with EPA's July 20, 2011 Biomass Deferral Rule. However, on July 12, 2013 the U.S. Court of Appeals for the DC Circuit vacated EPA's deferral rule for biogenic $CO_2$, stating that EPA is not authorized under the CAA to temporarily exempt such emissions from the PSD program. In light of the court's action, on July 31, 2013 Wyoming sent EPA a letter requesting that we not act on the deferral rule portion of their submittal.

As explained in our June, 24, 2013 proposal (see 78 FR 37752), as a result

of today's action we are also rescinding the GHG PSD FIP for Wyoming at 40 CFR 52.37(b)(6). Therefore, as of the effective date of this final rule, the EPA will no longer be the PSD permitting authority for GHG-emitting sources in Wyoming.

In a July 31, 2013 letter to EPA, the State requested approval to exercise its authority to administer the PSD program with respect to those sources that have existing PSD permits issued by EPA, including authority to conduct general administration of these existing permits, authority to process and issue any and all subsequent PSD permit actions relating to such permits (e.g., modifications, amendments, or revisions of any nature), and authority to enforce such permits. Pursuant to the criteria in section 110(a)(2)(E)(i) of the CAA, we have determined that the State has the authority, personnel, and funding to implement the PSD program for existing EPA-issued permits and we are therefore transferring authority for such permits to the State concurrent with the effective date of EPA's approval of the State's PSD program into the SIP.[1] The two companies with EPA-issued permits that will be transferred to the State are Cheyenne Prairie and Sinclair. EPA has already provided a copy of each such permit to the State and notified the permit holders of the transfer.

EPA will retain PSD permit implementation authority for those specific sources within the State that have submitted PSD permit applications to EPA and for which EPA has issued a proposed PSD permit decision, but for which final agency action and/or the exhaustion of all administrative and judicial appeals processes (including any associated remand actions) have not yet been concluded or completed upon the effective date of EPA's final SIP approval action. The State intends to assume full PSD responsibility for the administration and implementation of such PSD permits upon notification from EPA that all administrative and judicial appeals processes and any associated remand actions have been completed or concluded for any such permit application. We will act on their delegation request at that point.

[1] The details of our determination are provided in a memorandum in the docket.

## IV. Statutory and Executive Order Reviews

### *A. Executive Order 12866—Regulatory Planning and Review and Executive Order 13563: Improving Regulation and Regulatory Review*

This action is not a ''significant regulatory action'' under the terms of Executive Order 12866 (58 FR 51735, October 4, 1993); and is therefore, not subject to review under Executive Orders 12866 and 13563 (76 FR 3821, January 21, 2011).

### *B. Paperwork Reduction Act*

This action does not impose an information collection burden under the provisions of the *Paperwork Reduction Act,* 44 U.S.C. 3501 *et seq*. because this SIP approval and FIP rescission under section 110 and part C of the Clean Air Act will not in-and-of itself create any new information collection burdens but simply transfers the permitting authority from EPA to the State. Burden is defined at 5 CFR 1320.3(b). Because this final action does not impose an information collection burden, the Paperwork Reduction Act does not apply.

### *C. Regulatory Flexibility Act*

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions.

For purposes of assessing the impacts of today's rule on small entities, small entity is defined as: (1) A small business as defined by the Small Business Administration's (SBA) regulations at 13 CFR 121.201; (2) a small governmental jurisdiction that is a government of a city, county, town, school district or special district with a population of less than 50,000; and (3) a small organization that is any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.

This rule will transfer the permitting responsibility of GHG emissions from EPA to the State of Wyoming. This final rule will lead to permitting requirements for certain sources of GHG emissions; however, these sources are large emitters of GHGs and tend to be large sources. Further, this rule will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and part C of the Clean Air Act do not create any new requirements but simply approve requirements that are already being imposed under federal and state regulations. After considering the economic impacts of this rule on small entities, I certify that this action will not have a significant economic impact on a substantial number of small entities. This final rule will not impose any requirements on small entities.

### *D. Unfunded Mandates Reform Act*

This action contains no Federal mandates under the provisions of Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), 2 U.S.C. 1531–1538 for State, local, or tribal governments or the private sector. This action imposes no enforceable duty on any state, local or tribal governments or the private sector. Therefore, this action is not subject to the requirements of sections 202 or 205 of the UMRA.

This action is also not subject to the requirements of section 203 of UMRA because it contains no regulatory requirements that might significantly or uniquely affect small governments. This action transfers the permitting responsibility of GHG emissions from EPA to the State of Wyoming. Small governments are not impacted.

### *E. Executive Order 13132—Federalism*

This action does not have federalism implications. It will not have substantial direct effects on Wyoming, on the relationship between the national government and the State of Wyoming, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. The CAA specifies conditions under which states may request, and EPA may approve state implementation of CAA requirements. This rulemaking approves PSD permitting provisions in the State of Wyoming for GHG emissions, and as a consequence of the SIP approval, simultaneously rescinds federal PSD permitting responsibility for GHG emissions in Wyoming. This rulemaking is pursuant to the SIP approval and requirements of the CAA. As such, this final rule does not change the balance of power between Wyoming and EPA as provided for in the CAA. Thus, Executive Order 13132 does not apply to this action.

In the spirit of Executive Order 13132, and consistent with EPA policy to promote communications between EPA and state and local governments, EPA specifically solicited comment on the proposed action from state and local officials. EPA received no comments

from state or local governments on this rulemaking other than from the WDEQ.

*F. Executive Order 13175—Consultation and Coordination With Indian Tribal Governments*

This action does not have tribal implications, as specified in Executive Order 13175 (65 FR 67249, November 9, 2000). In this action, EPA is not addressing any Tribal Implementation Plans. This action is limited to Wyoming's SIP, which does not apply in Indian country. Thus, Executive Order 13175 does not apply to this action.

*G. Executive Order 13045—Protection of Children From Environmental Health Risks and Safety Risks*

EPA interprets EO 13045 (62 FR 19885, April 23, 1997) as applying only to those regulatory actions that concern health or safety risks, such that the analysis required under section 5–501 of the EO has the potential to influence the regulation. This action is not subject to EO 13045 because EPA is approving revisions to the Wyoming SIP for permitting of GHG emissions, as authorized by the CAA.

*H. Executive Order 13211—Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use*

This action is not subject to Executive Order 13211 (66 FR 28355 (May 22, 2001)), because it is not a significant regulatory action under Executive Order 12866.

*I. National Technology Transfer and Advancement Act*

Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (''NTTAA''), Public Law 104–113, 12(d) (15 U.S.C. 272 note) directs EPA to use voluntary consensus standards in its regulatory activities unless to do so would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards are technical standards (e.g., materials specifications, test methods, sampling procedures, and business practices) that are developed or adopted by voluntary consensus standards bodies. NTTAA directs EPA to provide Congress, through OMB, explanations when the Agency decides not to use available and applicable voluntary consensus standards. This action does not involve technical standards. Therefore, EPA did not consider the use of any voluntary consensus standards.

*J. Executive Order 12898—Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations*

Executive Order (EO) 12898 (59 FR 7629 (Feb. 16, 1994)) establishes federal executive policy on environmental justice. Its main provision directs federal agencies, to the greatest extent practicable and permitted by law, to make environmental justice part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority populations and low-income populations in the United States.

EPA has determined that this final rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it increases the level of environmental protection for all affected populations without having any disproportionately high and adverse human health or environmental effects on any population, including any minority or low-income population. This final rule approves the Wyoming SIP as meeting Federal requirements for GHG PSD permitting and transfers authority to the State for permitting GHG emissions subject to PSD requirements; it imposes no additional requirements beyond those imposed by Wyoming law.K. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 et seq., as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this action 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**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

*L. Petitions for Judicial Review*

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by January 21, 2014. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

**List of Subjects in 40 CFR Part 52**

Environmental protection, Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements, and Incorporation by reference.

**Authority:** 42 U.S.C. 7401 et seq.

Dated: November 14, 2013.

**Gina McCarthy,**

*Administrator, U.S. EPA.*

40 CFR part 52 is amended to read as follows:

## PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority for citation for Part 52 continues to read as follows:

**Authority:** 42 U.S.C. 7401 *et seq.*

### Subpart A—General Provisions

#### § 52.37 [Amended]

■ 2. Section 52.37 is amended by removing and reserving paragraph (b)(6).

### Subpart ZZ—Wyoming

■ 3. Section 52.2620, the table in paragraph (c)(1) is amended by:

■ a. Under Chapter 1, revise the entry for Section 3;

■ b. Under Chapter 1, add the entry for Section 7; and

■ c. Under Chapter 6, revise the entry for Section 4.

The addition and revisions read as follows:

#### § 52.2620 Identification of plan.

* * * * *

(c) * * *

(1) * * *

| State citation | Title/Subject | State adopted and effective date | EPA Approval date and citation | Explanations |
|---|---|---|---|---|
| | | **Chapter 1** | | |
| * | * | * | * | * |
| Section 3 | Definitions | 10/5/12, 2/14/13 ... | 11/22/13, [insert FEDERAL REGISTER page number where document begins]. | |
| * | * | * | * | * |
| Section 7 | Greenhouse gases | 10/5/12, 2/14/13 ... | 11/22/13, [insert FEDERAL REGISTER page number where document begins]. | |
| * | * | * | * | * |
| | | **Chapter 6** | | |
| * | * | * | * | * |
| Section 4 | Prevention of significant deterioration. | 10/5/12, 2/14/13 ... | 11/22/13, [insert FEDERAL REGISTER page number where document begins]. | |
| * | * | * | * | * |

* * * * *

[FR Doc. 2013–27997 Filed 11–21–13; 8:45 am]

**BILLING CODE 6560–50–P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

### 50 CFR Part 17

**[Docket Nos. FWS–R1–ES–2012–0017; FWS–R1–ES–2013–0012; 4500030113]**

**RIN 1018–AX72; 1018–AZ54**

## Endangered and Threatened Wildlife and Plants; Threatened Status and Designation of Critical Habitat for Eriogonum codium (Umtanum Desert Buckwheat) and Physaria douglasii subsp. tuplashensis (White Bluffs Bladderpod); Delay of Effective Dates

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Final rules; delay of effective dates.

**SUMMARY:** This document delays for an additional 4 weeks the effective date of two rules to conserve *Eriogonum codium* (Umtanum desert buckwheat) and *Physaria douglasii* subsp. *tuplashensis* (White Bluffs bladderpod). Both rules had an effective date of November 22, 2013. We are taking this action to allow time for us to address additional public comments received on the rules.

**DATES:** The effective dates of both the ''Threatened Status for *Eriogonum codium* (Umtanum Desert Buckwheat) and *Physaria douglasii* subsp. *tuplashensis* (White Bluffs Bladderpod)'' (78 FR 23984; April 23, 2013) and ''Designation of Critical Habitat for *Eriogonum codium* (Umtanum Desert Buckwheat) and *Physaria douglasii* subsp. *tuplashensis* (White Bluffs Bladderpod)'' (78 FR 24008; April 23, 2013) are delayed until December 20, 2013.

**ADDRESSES:** You may obtain copies of these rules and related materials at *http://www.regulations.gov* in Dockets FWS–R1–ES–2012–0017 (for the listing rule) and FWS–R1–ES–2013–0012 (for the critical habitat rule).

**FOR FURTHER INFORMATION CONTACT:** Ken Berg, Manager, U.S. Fish and Wildlife Service, Washington Fish and Wildlife Office, 510 Desmond Drive, Suite 102, Lacey, Washington 98503–1263, by telephone (360) 753–9440, or by facsimile (360) 753–9405. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 800–877–8339.

**SUPPLEMENTARY INFORMATION:** Under the authority of the Endangered Species Act (Act) (16 U.S.C. 1531 et seq.), the U.S. Fish and Wildlife Service issued the following two rules on April 23, 2013: ''Endangered and Threatened Wildlife and Plants; Threatened Status for *Eriogonum codium* (Umtanum Desert Buckwheat) and *Physaria douglasii* subsp. *tuplashensis* (White Bluffs Bladderpod)'' (78 FR 23984) and ''Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for *Eriogonum codium* (Umtanum Desert Buckwheat) and *Physaria douglasii* subsp. *tuplashensis* (White Bluffs Bladderpod)'' (78 FR 24008). The final rule pertaining to threatened status implements the Federal protections provided by the Act for these species. The critical habitat final rule conserves both species' habitat under the Act. Both rules had an effective date of May 23, 2013.

On May 23, 2013, we delayed for 6 months the effective date of the rules to November 22, 2013 (78 FR 30772). The delay in effective date was necessary to allow us time to follow proper procedure in accordance with 16 U.S.C. section 1533(b)(5). In fulfilling that responsibility, we also decided to accept and consider additional public comments on the rules. Accordingly, on May 23, 2013, we also announced the reopening of the public comment periods (78 FR 30839) on the May 15, 2012, proposed listing and designation of critical habitat for the Umtanum desert buckwheat and White Bluffs bladderpod (77 FR 28704). On July 11, 2013, we held two public hearings on the proposed rules (78 FR 38895; June 28, 2013). The second comment period closed July 22, 2013.

We are further delaying the effective dates of these rules an additional 4 weeks to allow us adequate time to fully consider the additional public comments we received on these rulemaking actions. We believe this additional time is necessary for us to carry out our responsibility under the Act to take actions to conserve these species based on the best scientific and commercial data available. To the extent that 5 U.S.C. section 553 applies to this situation, this action is exempt from notice and comment because it constitutes a rule of procedure under 5 U.S.C. section 553(b)(A).

Dated: 18 November 2013.

**Rachel Jacobsen,**

*Principal Deputy Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. 2013–28146 Filed 11–21–13; 8:45 am]

**BILLING CODE 4310–55–P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 300**

**[Docket No. 110620342–1659–03]**

**RIN 0648–XC922**

## International Fisheries; Pacific Tuna Fisheries; 2013 Bigeye Tuna Longline Fishery Closure in the Eastern Pacific Ocean; Correction

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Temporary rule; fishery closure; correction.

**SUMMARY:** This action corrects a date in a rule published in the **Federal Register** on November 4, 2013, to close the bigeye tuna longline fishery in the Eastern Pacific Ocean for the remainder of 2013.

**DATES:** Effective November 11, 2013, through December 31, 2013.

**FOR FURTHER INFORMATION CONTACT:** Heidi Taylor, West Coast Region, 562–980–4039.

**SUPPLEMENTARY INFORMATION:** NMFS announced that the bigeye tuna longline fishery in the Eastern Pacific Ocean would be closed effective November 11. Any bigeye tuna already on board a fishing vessel on November 11 may be retained on board, transshipped, and/or landed, to the extent authorized by applicable laws and regulations, provided that the fish is landed within 14 days of November 11. NMFS published that 14 days after the effective date of November 11, 2013 would be November 18, 2013; however the correct date is November 25, 2013.

### Correction

Accordingly, in the rule published on November 4, 2013 (78 FR 65887), on page 65888, in the second column, the date November 18, 2013, in the last sentence of the second paragraph is revised to read November 25, 2013.

**Authority:** 16 U.S.C. 951–962 *et seq.*

Dated: November 19, 2013.

**Sean Corson,**

*Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 2013–28063 Filed 11–19–13; 4:15 pm]

**BILLING CODE 3510–22–P**

# Proposed Rules

Federal Register
Vol. 78, No. 226
Friday, November 22, 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.

## DEPARTMENT OF TRANSPORTATION

## Federal Aviation Administration

## 14 CFR Part 39

**[Docket No. FAA–2013–0973; Directorate Identifier 2013–NM–139–AD]**

**RIN 2120–AA64**

## Airworthiness Directives; Airbus Airplanes

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** We propose to adopt a new airworthiness directive (AD) for all Airbus Model A300 series airplanes; Airbus Model A300 B4–600, B4–600R, and F4–600R series airplanes, and Model A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes); and A310 series airplanes. This proposed AD was prompted by reports of failures of the right inner tank fuel pump. This proposed AD would require repetitive functional tests of the circuit breakers for the fuel pump power supply, and replacement of any circuit breaker that fails any functional test or is found to be stuck closed. We are proposing this AD to detect and correct failure of the thermal fuses in the fuel pumps, which could result in a fuel pump overheating, leading to a fuel tank explosion.

**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, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

For service information identified in this proposed AD, contact Airbus SAS, Airworthiness Office—EAW, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.* You may view this referenced service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

### 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 Operations 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:** Dan Rodina, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone (425) 227–2125; fax (425) 227–1149.

**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–2013–0973; Directorate Identifier 2013–NM–139–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 based on those comments.

We will post all comments we receive, without change, to *http://www.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 EASA Airworthiness Directive 2013–0163, dated July 24, 2013 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> Two successive failures have been reported of a Right Hand # 1 inner tank fuel pump, Part Number 2052Cxx series (with placeholder ''xx'' indicating numerals). The fix consisted in the replacement of the pump, the associated circuit breaker and the AC [alternating current] bus load relay.
>
> Investigations determined that, in case of loss of one phase on the pump supply and the associated circuit breaker failing to trip, the fuel pump thermal fuses may not operate as quickly as expected.
>
> This condition, if not detected and corrected, would result in an overheat condition of the fuel pump in excess of 200 °C and could lead to a fuel tank explosion.
>
> To address this potential unsafe condition, Airbus issued Alert Operator Transmission (AOT) A28W002–13 providing instructions for a functional test of circuit breakers and corrective action.
>
> For the reasons described above, as a temporary measure until further notice, this [EASA] AD mandates functional tests of the affected fuel pump power supply circuit breakers, and, depending on findings, replacement of circuit breakers.
>
> This [EASA] AD will be followed by further [EASA] AD action.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2013–0973.

### Relevant Service Information

Airbus has issued Alert Operators Transmission A28W002–13, dated July 23, 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 This 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 the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an 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 affects 156 airplanes of U.S. registry.

We estimate the following costs to comply with this proposed AD:

ESTIMATED COSTS

| Action | Labor cost | Parts cost | Cost per product | Cost on U.S. operators |
|---|---|---|---|---|
| Repetitive functional tests. | 1 work-hour × $85 per hour = $85 per test ..... | $0 | $85 per test ..... | $ 13,260 per test. |

We have received no definitive data that would enable us to provide cost estimates for the on-condition actions specified in this proposed AD.

**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 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:

**Airbus:** Docket No. FAA–2013–0973; Directorate Identifier 2013–NM–139–AD.

**(a) Comments Due Date**

We must receive comments by January 6, 2014.

**(b) Affected ADs**

None.

**(c) Applicability**

This AD applies to the Airbus airplanes specified in paragraphs (c)(1), (c)(2), (c)(3), (c)(4), (c)(5), and (c)(6) of this AD; certificated in any category; all serial numbers.

(1) Model A300 B2–1A, B2–1C, B2K–3C, B2–203, B4–2C, B4–103, and B4–203 airplanes.

(2) Model A300 B4–601, B4–603, B4–620, and B4–622 airplanes.

(3) Model A300 B4–605R and B4–622R airplanes.

(4) Model A300 F4–605R and F4–622R airplanes.

(5) Model A300 C4–605R Variant F airplanes.

(6) Model A310–203, –204, –221, –222, –304, 322, –324, and –325 airplanes.

**(d) Subject**

Air Transport Association (ATA) of America Code 28, Fuel.

**(e) Reason**

This AD was prompted by reports of failures of the right inner tank fuel pump. We are issuing this AD to detect and correct failure of the thermal fuses in the fuel pumps, which could result in a fuel pump overheating, leading to a fuel tank explosion.

**(f) Compliance**

You are responsible for having the actions required by this AD performed within the compliance times specified, unless the actions have already been done.

**(g) Repetitive Functional Tests of Circuit Breakers**

(1) Within 6 months or 500 flight hours after the effective date of this AD, whichever occurs first: Do a functional test of the circuit breakers for the fuel pump power supply, as identified in paragraphs (g)(1)(i), (g)(1)(ii), and (g)(1)(iii) of this AD, as applicable, in accordance with Airbus Alert Operators Transmission A28W002–13, dated July 23, 2013. Repeat the functional test thereafter at intervals not to exceed 6 months or 500 flight hours, whichever occurs first.

(i) For Airbus Model A300 B2–1A, B2–1C, B2K–3C, and B2–203 airplanes: Inner and outer pump, No. 1 and No. 2 left-hand (LH) side and right-hand (RH) side.

(ii) For Airbus Model A300 B4–2C, B4–103, B4–203, B4–601, B4–603, B4–620, and B4–622 airplanes; and A310–203, –204, –221, and –222 airplanes:

(A) Inner and outer pump, No. 1 and No. 2, LH and RH; and

(B) Center pump, LH and RH.

(iii) For Airbus Model A300 B4–605R, B4–622R, F4–605R, F4–622R, and C4–605R Variant F airplanes; and A310–304, –322, –324, and –325 airplanes:

(A) Inner and outer pump, No. 1 and No. 2, LH and RH; and

(B) Center pump, LH and RH; and

(C) Trim tank pump No. 1 and No. 2.

(2) If, during any functional test required by paragraph (g)(1) of this AD, any circuit breaker fails any functional test, or any circuit breaker is found to be stuck closed, before further flight, replace the affected circuit breaker with a serviceable part, in accordance with Airbus Alert Operators Transmission A28W002–13, dated July 23, 2013.

(3) The replacement of one or more circuit breakers as required by paragraph (g)(2) of this AD does not terminate the repetitive functional tests required by paragraph (g)(1) of this AD.

**(h) Other FAA AD Provisions**

The following provisions also apply to this AD:

*(1) Alternative Methods of Compliance (AMOCs):* The Manager, International Branch, ANM–116, Transport Airplane Directorate, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the International Branch, send it to ATTN: Dan Rodina, Aerospace Engineer, International Branch, ANM–116, Transport Airplane Directorate, FAA, 1601 Lind Avenue SW., Renton, WA 98057–3356; telephone (425) 227–2125; fax (425) 227–1149. Information may be emailed to: *9-ANM-116-AMOC-REQUESTS@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local flight standards district office/certificate holding district office. The AMOC approval letter must specifically reference this AD.

*(2) Airworthy Product:* For any requirement in this AD to obtain corrective actions from a manufacturer, use these actions if they are FAA-approved. Corrective actions are considered FAA-approved if they were approved by the State of Design Authority (or its delegated agent or the Design Approval Holder with a State of Design Authority's design organization approval). For a repair method to be approved, the repair approval must specifically refer to this AD. You are required to ensure the product is airworthy before it is returned to service.

**(i) Related Information**

(1) Refer to Mandatory Continuing Airworthiness Information European Aviation Safety Agency Airworthiness Directive 2013–0163, dated July 24, 2013, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2013–0973.

(2) For service information identified in this AD, contact Airbus SAS, Airworthiness Office—EAW, 1 Rond Point Maurice Bellonte, 31707 Blagnac Cedex, France; telephone +33 5 61 93 36 96; fax +33 5 61 93 44 51; email *account.airworth-eas@airbus.com;* Internet *http://www.airbus.com.* You may view this service information at the FAA, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA. For information on the availability of this material at the FAA, call 425–227–1221.

Issued in Renton, Washington, on November 15, 2013.

**John P. Piccola,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 2013–28120 Filed 11–21–13; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF DEFENSE

## Department of the Army, Corps of Engineers

## 33 CFR Part 334

## Naval Base Ventura County, San Nicolas Island, California; Restricted Area

**AGENCY:** U.S. Army Corps of Engineers, DoD.

**ACTION:** Notice of proposed rulemaking and request for comments.

**SUMMARY:** The Corps of Engineers (Corps) is proposing to amend its regulations to modify an existing permanent restricted area in the waters of the Pacific Ocean surrounding San Nicolas Island, California. Naval Base Ventura County is requesting the Corps modify the existing restricted area to realign subsections (designated Alpha, Bravo and Charlie) within the restricted area to better match current operational requirements. In addition, the proposed rule would correct a mapping error in the original rule. The perimeter and overall size of the existing restricted area would remain unchanged. San Nicolas Island is wholly owned by the United States and operated by the U.S. Navy as part of Naval Base Ventura County.

**DATES:** Written comments must be submitted on or before December 23, 2013.

**ADDRESSES:** You may submit comments, identified by docket number COE–2013–0014, by any of the following methods:

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

*Email: david.b.olson@usace.army.mil.* Include the docket number, COE–2013–0014, in the subject line of the message.

*Mail:* U.S. Army Corps of Engineers, Attn: CECW–CO–R (David B. Olson), 441 G Street NW., Washington, DC 20314–1000.

*Hand Delivery/Courier:* Due to security requirements, we cannot receive comments by hand delivery or courier.

*Instructions:* Direct your comments to docket number COE–2013–0014. All comments received will be included in the public docket without change and may be made available on-line at *http://www.regulations.gov,* including any personal information provided, unless the commenter indicates that 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 regulations.gov or email. The regulations.gov Web site is an anonymous access system, which means we will not know your identity or contact information unless you provide it in the body of your comment. If you send an email directly to the Corps without going through 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, we recommend 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 we cannot read your comment because of technical difficulties and cannot contact you for clarification, we may not be able to consider your comment. Electronic comments should avoid the use of any special characters, any form of encryption, and be free of any defects or viruses.

*Docket:* For access to the docket to read background documents or comments received, go to *www.regulations.gov.* All documents in the docket are listed. Although listed in the index, some information is not publicly available, such as CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and will be publicly available only in hard copy form.

**FOR FURTHER INFORMATION CONTACT:** Mr. David Olson, Headquarters, Operations and Regulatory Community of Practice, Washington, DC at 202–761–4922, or Mr. Antal Szijj, Corps of Engineers, Los Angeles District, Regulatory Division, at 805–585–2147.

**SUPPLEMENTARY INFORMATION:**

### Executive Summary

The purpose of this regulatory action is to amend an existing restricted area to realign subsections in a manner that better matches the U.S. Navy's current operational needs. Vessels would only be prohibited from entering the restricted area during closure periods. The amendment would also update various titles and contact references to current command structure and names, and correct a mapping error in the original rule.

The Corps authority to amend this restricted area is Section 7 of the Rivers and Harbors Act of 1917 (40 Stat 266; 33 U.S.C. 1) and Chapter XIX of the

Army Appropriations Act of 1919 (40 Stat 892; 33 U.S.C. 3).

**Background**

The restricted area around San Nicolas Island was established by regulation in 1965. The original and later revised regulations specifically allow fishing in the other two sections, except when closed by the Commander, Pacific Missile Range. The restricted area regulations also establish a 300 yard no-access buffer around the island and specifically prohibit landing on the island.

As presently designed, the restricted area does not match Naval Base Ventura County's current operational needs. While the existing focus of the restricted area is section Alpha, current operations are primarily focused to the west, over section Bravo. The boundaries of the three areas also bisect the north side of the island and would be better defined by a separation at the east end between sections Alpha and Charlie. There is also an error in the current regulation, which incorrectly designates one point of section Alpha's boundary.

Section Alpha regulations restrict commercial trawl fishing and other ''fishing operations.'' Commercial fishing is now common within section Alpha and most of the fishing at and around the island occurs in section Alpha.

Additionally, current regulations (see 33 CFR 334.980(d)(2) and (d)(4)), restrict all vessels except fishing vessels, range craft, and vessels cleared for entry, from sections Bravo or Charlie at any time, except in emergency. This is also not enforced.

The proposed change would modify 33 CFR 334.980 to update the regulations and more adequately support the present operational needs. The proposal would change the boundaries of the restricted area sections into western, eastern and northern areas. This change would make the areas more aligned with visible features on the island. The U.S. Navy could still open and close these sections in part or in whole depending on operational needs. The proposed change would remove references to range marker poles, given that the majority of boaters use Global Positioning Systems to determine location and the need for markers (and subsequent maintenance of markers) no longer exists.

The proposal would remove references to fishing restrictions to clarify that the Navy does not regulate fishing, but rather closes areas to all access when necessary for operations. The proposal would update titles and contact references to match current command structure.

**Procedural Requirements**

*a. Review Under Executive Order 12866*

This proposed rule is issued with respect to a military function of the Defense Department and the provisions of Executive Order 12866 do not apply.

*b. Review Under the Regulatory Flexibility Act*

This proposed rule has been reviewed under the Regulatory Flexibility Act (Pub. L. 96–354) which requires the preparation of a regulatory flexibility analysis for any regulation that will have a significant economic impact on a substantial number of small entities (i.e., small businesses and small governments). Unless information is obtained to the contrary during the public notice comment period, the Corps expects that the amendment of this restricted area would have practically no economic impact on the public, no anticipated navigational hazard, or interference with existing waterway traffic. This proposed rule if adopted, will have no significant economic impact on small entities.

*c. Review Under the National Environmental Policy Act*

Due to the administrative nature of this action and because there is no intended change in the use of the area, the Corps expects that this regulation, if adopted, will not have a significant impact to the quality of the human environment and, therefore, preparation of an environmental impact statement will not be required. An environmental assessment will be prepared after the public notice period is closed and all comments have been received and considered. After it is prepared, it may be reviewed at the District office listed at the end of the **FOR FURTHER INFORMATION CONTACT** section, above.

*d. Unfunded Mandates Act*

This proposed rule does not impose an enforceable duty among the private sector and, therefore, it is not a Federal private sector mandate and it is not subject to the requirements of either Section 202 or Section 205 of the Unfunded Mandates Act. We have also found under Section 203 of the Act, that small governments will not be significantly and uniquely affected by this rulemaking.

**List of Subjects in 33 CFR Part 334**

Danger zones, Marine safety, Navigation (water), Restricted areas, Waterways.

For the reasons set out in the preamble, the Corps proposes to amend 33 CFR part 334 as follows:

## PART 334—DANGER ZONE AND RESTRICTED AREA REGULATIONS

■ 1. The authority citation for 33 CFR part 334 continues to read as follows:

**Authority:** 40 Stat. 266 (33 U.S.C. 1) and 40 Stat. 892 (33 U.S.C. 3).

■ 2. Revise § 334.980 to read as follows:

**§ 334.980 Pacific Ocean, around San Nicholas Island, Calif., naval restricted area.**

(a) *The area. (1) perimeter (restricted).* The waters of the Pacific Ocean around San Nicholas Island, Calif., extending about 3 miles seaward from the shoreline, described as follows:

| | Latitude | Longitude |
|---|---|---|
| Point A ..... | 33°10′10″ | 119°24′20″ |
| Point C ..... | 33°10′10″ | 119°31′10″ |
| Point D ..... | 33°12′00″ | 119°35′30″ |
| Point E ..... | 33°14′20″ | 119°37′40″ |
| Point F ..... | 33°16′40″ | 119°38′10″ |
| Point G ..... | 33°19′10″ | 119°37′10″ |
| Point I ..... | 33°20′10″ | 119°31′10″ |
| Point K ..... | 33°17′40″ | 119°24′50″ |
| Point L ..... | 33°13′50″ | 119°21′50″ |

(2) *Sections of Area.*

ALPHA section is the northerly section of the area, and is described as follows:

| | Latitude | Longitude |
|---|---|---|
| Point H ..... | 33°20′01″ | 119°32′02″ |
| Point I ..... | 33°20′10″ | 119°31′10″ |
| Point K ..... | 33°17′40″ | 119°24′50″ |
| Point L ..... | 33°13′50″ | 119°21′50″ |
| Point O ..... | 33°13′50″ | 119°26′02″ |
| **Thence northwesterly along shoreline to Point N** | | |
| Point N ..... | 33°17′04″ | 119°32′02″ |
| Point H ..... | 33°20′01″ | 119°32′02″ |

BRAVO section is the westerly section of the area, and is described as follows:

| | Latitude | Longitude |
|---|---|---|
| Point N ..... | 33°17′04″ | 119°32′02″ |
| **Thence westerly, southerly and easterly along the shoreline to Point M** | | |
| Point M ..... | 33°13′10″ | 119°29′40″ |
| Point B ..... | 33°10′10″ | 119°29′40″ |
| Point C ..... | 33°10′10″ | 119°31′10″ |
| Point D ..... | 33°12′00″ | 119°35′30″ |
| Point E ..... | 33°14′20″ | 119°37′40″ |
| Point F ..... | 33°16′40″ | 119°38′10″ |
| Point G ..... | 33°19′10″ | 119°37′10″ |
| Point H ..... | 33°20′01″ | 119°32′02″ |
| Point N ..... | 33°17′04″ | 119°32′02″ |

CHARLIE section is the southerly section of the area, and is described as follows:

| | Latitude | Longitude |
|---|---|---|
| Point L ..... | 33°13′50″ | 119°21′50″ |
| Point O ..... | 33°13′50″ | 119°26′02″ |
| **Thence southerly and westerly along the shoreline to Point M** | | |
| Point M ..... | 33°13′10″ | 119°29′40″ |
| Point B ..... | 33°10′10″ | 119°29′40″ |
| Point A ..... | 33°10′10″ | 119°24′20″ |
| Point L ..... | 33°13′50″ | 119°21′50″ |

(b) *The regulations.* (1) Except during closure periods or as otherwise provided in this section, the restricted area will be open to all vessels.

(2) Boats must remain at least 300 yards from the shoreline of San Nicolas Island at all times. Nothing in this provision shall be construed as authorization to anchor within 300 yards or to land on San Nicolas Island, except in an emergency.

(3) No person, vessel or other craft shall enter the restricted area or designated section(s) during closure periods unless authorized to do so by the Commanding Officer, Naval Base Ventura County or the Officer in Charge, San Nicolas Island.

(4) Submarine cables within the restricted area pose a risk to the equipment of vessels engaged in dredging, dragging, seining, anchoring and other bottom contact operations. Appropriate care must be taken to avoid damage.

(5) Closure Periods. Notice that the restricted area or section(s) ALPHA, BRAVO, or CHARLIE are closed to entry shall be given by radio broadcast Monday through Friday at 0900 and 1200 on 2638 kHz and 2738 kHz or by contacting ''PLEAD CONTROL'' on VHF–FM radio channel 11 or 16. Closure information may also be requested by telephone between 0600 and 1800 Monday through Friday at (805) 989–8841 or via recorded message at (805) 989–1470.

(6) The regulations in this section shall be enforced by personnel attached to Naval Base Ventura County, Point Mugu, Calif., and by such agencies as may be designated by the Commandant, 11th Naval District, San Diego, Calif.

Dated: November 19, 2013.

**James R. Hannon,**

*Chief, Operations and Regulatory, Directorate of Civil Works.*

[FR Doc. 2013–28126 Filed 11–21–13; 8:45 am]

**BILLING CODE 3720–58–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 52

**[EPA–R07–OAR–2013–0585; FRL 9903–13–Region 7]**

### Approval and Promulgation of Implementation Plans; State of Missouri; Restriction of Emission of Sulfur Compounds and Emissions Banking and Trading

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Proposed rule.

**SUMMARY:** EPA is proposing to approve two revisions to the State Implementation Plan (SIP) for Missouri that were submitted on September 5, 2012. The revision to the Missouri rule ''Restriction of Emission of Sulfur Compounds'' will remove redundant sulfur dioxide standards and outdated compliance dates. Due to these revisions, several within-rule references will be amended. Revisions to the Missouri rule ''Emissions Banking and Trading'' will remove all definitions, as they are now included in the general definitions rule. The reference to the state's Ambient Air Quality Standards rule that is included in the definition of National Ambient Air Quality Standards will also be removed. The revisions to Missouri's rules do not have an adverse affect on air quality. EPA's approval of this SIP revision is being done in accordance with the requirements of the Clean Air Act (CAA).

**DATES:** Comments on this proposed action must be received in writing by December 23, 2013.

**ADDRESSES:** Submit your comments, identified by Docket ID No. EPA–R07–OAR–2013–0585, by mail to Amy Bhesania, Environmental Protection Agency, Air Planning and Development Branch, 11201 Renner Boulevard, Lenexa, Kansas 66219. Comments may also be submitted electronically or through hand delivery/courier by following the detailed instructions in the **ADDRESSES** section of the direct final rule located in the rules section of this **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Amy Bhesania at (913) 551–7147, or by email at *bhesania.amy@epa.gov*.

**SUPPLEMENTARY INFORMATION:** In the final rules section of this issue of the **Federal Register**, EPA is approving the state's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial revision amendment and anticipates no relevant adverse comments to this action. A detailed rationale for the approval is set forth in the direct final rule. If no relevant adverse comments are received in response to this action, no further activity is contemplated in relation to this action. If EPA receives relevant adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed action. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. Please note that if EPA receives adverse comment on part of this rule, and if that part can be severed from the remainder of the rule, EPA may adopt as final those parts of the rule that are not the subject of an adverse comment. For additional information, see the direct final rule which is located in the rules section of this issue of the **Federal Register**.

Dated: November 8, 2013.

**Karl Brooks,**

*Regional Administrator, Region 7.*

[FR Doc. 2013–28001 Filed 11–21–13; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

### 40 CFR Part 174

**[EPA–HQ–OPP–2013–0704; FRL–9902–96]**

### Receipt of a Pesticide Petition Filed for Residues of a Pesticide Chemical in or on Various Commodities

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of filing of petition and request for comment.

**SUMMARY:** This document announces the Agency's receipt of an initial filing of a pesticide petition requesting the establishment or modification of regulations for residues of a pesticide chemical in or on various commodities.

**DATES:** Comments must be received on or before December 23, 2013.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2013–0704, 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.

• *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:** Denise Greenway, Biopesticides and Pollution Prevention Division (7511P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 308–8263; email address: *greenway.denise@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. 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.

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low-income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticides discussed in this document, compared to the general population.

## II. What action is the agency taking?

EPA is announcing receipt of a pesticide petition filed under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), (21 U.S.C. 346a), requesting the establishment or modification of regulations in 40 CFR part 174 for residues of a pesticide chemical in or on various food commodities. The Agency is taking public comment on the request before responding to the petitioner. EPA is not proposing any particular action at this time. EPA has determined that the pesticide petition described in this document contains data or information prescribed in FFDCA section 408(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of the pesticide petition. After considering the public comments, EPA intends to evaluate whether and what action may be warranted. Additional data may be needed before EPA can make a final determination on this pesticide petition.

Pursuant to 40 CFR 180.7(f), a summary of the petition that is the subject of this document, prepared by the petitioner, is included in a docket EPA has created for this rulemaking. The docket for this petition is available online at *http://www.regulations.gov.*

As specified in FFDCA section 408(d)(3), (21 U.S.C. 346a(d)(3)), EPA is publishing notice of the petition so that the public has an opportunity to comment on this request for the establishment or modification of regulations for residues of a pesticide in or on food commodities. Further information on the petition may be obtained through the petition summary referenced in this unit.

*PP* 2F8066. Dow AgroSciences LLC, 9330 Zionsville Road, Indianapolis, IN, 46268, requests to establish an exemption from the requirement of a tolerance for residues of the plant-incorporated protectant (PIP), *Bacillus thuringiensis* Cry1F protein, in or on soybean. The petitioner believes no analytical method is needed because the petitioner is seeking an exemption from the requirement of a tolerance.

## List of Subjects in 40 CFR 174

Environmental protection, Agricultural commodities, Feed additives, Food additives, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: November 13, 2013.

**Robert McNally,**

*Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.*

[FR Doc. 2013–28124 Filed 11–21–13; 8:45 am]

**BILLING CODE 6560–50–P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 648**

**[Docket No.: 130919816–3953–01]**

**RIN 0648–BD70**

## Fisheries of the Northeastern United States; Atlantic Herring Fishery; Adjustments to 2014 Sub-Annual Catch Limits

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** This action proposes to adjust 2014 sub-annual catch limits (ACLs) for the Atlantic herring (herring) fishery to account for catch overages and underharvest in 2012. Three of the four sub-ACLs are being decreased and one sub-ACL is being increased. This would result in an increase to the overall catch available to the herring fleet.

**DATES:** Public comments must be received no later than 5 p.m., Eastern Standard Time, on December 9, 2013.

**ADDRESSES:** Copies of supporting documents, 2013–2015 Specifications/Framework 2 and Amendment 4 to the Herring Fishery Management Plan (FMP), are available from: Thomas A. Nies, Executive Director, New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950, telephone (978) 465–0492. These documents are also accessible via the Internet at *http://www.nero.nmfs.gov*.

You may submit comments, identified by NOAA–NMFS–2013–0153, by any one of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to *www.regulations.gov/#!docketDetail;D=NOAA-NMFS-2013-0153*, click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- *Mail:* NMFS, Northeast Regional Office, 55 Great Republic Drive, Gloucester, MA 01930. Mark the outside of the envelope ''Comments on Adjustment to 2014 Herring Catch Limits.''
- *Fax:* (978) 281–9135, Attn: Travis Ford.

*Instructions:* Comments must be submitted by one of the above methods to ensure that the comments are received, documented, and considered by NMFS. Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered. All comments received are a part of the public record and will generally be posted for public viewing on *www.regulations.gov* without change. All personal identifying information (e.g., name, address) submitted voluntarily by the sender will be publicly accessible. Do not submit confidential business information, or otherwise sensitive or protected information. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word or Excel, WordPerfect, or Adobe PDF formats only.

**FOR FURTHER INFORMATION CONTACT:** Travis Ford, Fishery Policy Analyst, 978–281–9233, fax 978–281–9135.

**SUPPLEMENTARY INFORMATION:**

### Background

The Atlantic herring harvest in the United States is managed under the Herring FMP developed by the New England Fishery Management Council (Council), and was approved and implemented by NMFS in 2000. The Herring FMP divides the stock-wide herring ACL among three management areas, one of which has two sub-areas. It divides Area 1 (located in the Gulf of Maine (GOM)) into an inshore section (Area 1A) and an offshore section (Area 1B). Area 2 is located in the coastal waters between Massachusetts and North Carolina, and Area 3 is on Georges Bank (GB). The Herring FMP considers the herring stock complex to be a single stock, but there are inshore (GOM) and offshore (GB) stock components. The GOM and GB stock components segregate during spawning and mix during feeding and migration. Each management area has its own sub-ACL to allow greater control of the fishing mortality on each stock component.

We, NMFS, determined the amount of herring landings in 2012 based on dealer reports (Federal and state) of herring purchases, supplemented with vessel trip reports (VTRs) (Federal and State of Maine) of herring landings. We compared dealer reports to VTRs for all trips that landed herring in 2012. Because VTRs are generally a hail weight or estimate of landings, with an assumed 10-percent margin of error, dealer reports are a more accurate source of landings data. However, if the amount of herring reported via VTR exceeded the amount of herring reported by the dealer by 10 percent or more, we assumed that the dealer report for that trip was in error. To improve the likelihood of not exceeding ACLs, in those instances we used the higher amount of herring reported via VTR to determine the amount of herring landed on that trip. We checked the herring landings in the VTR database for accuracy against the scanned image of the paper VTRs submitted by the owner/operator of the vessel. NMFS also verified VTR landings by comparing reported landings to harvesting potential and applicable possession limits for each vessel.

We assigned herring landings reported on the VTRs to herring management areas using latitude and longitude coordinates. We manually corrected VTRs with missing or invalid latitude/longitude coordinates using the statistical area reported on the VTR. If the fisherman did not report statistical area on the VTR, then we used a combination of recent fishing activity and a review of the scanned images of the original VTR to assign landings to herring management areas. We prorated dealer reports without corresponding VTRs to herring management area using the proportion of total herring landings stratified by week, gear type, and management area.

As we were reviewing the 2012 herring data and comparing individual VTRs with individual dealer reports, we solved data errors resulting from misreporting. Common dealer reporting issues were: Missing dealer reports, incorrect or missing VTR serial numbers, incorrect or missing vessel permit numbers, and incorrect dates. VTRs had similar errors. Common VTR reporting issues were: Missing VTRs, missing or incorrect dealer information, incorrect amounts of landed herring, incorrect dates, and missing or incorrect statistical area. The quality of herring landings data is affected by unresolved data errors; therefore, we strongly encourage vessel owner/operators and dealers to double-check reports for accuracy and to ensure that reports are submitted on a timely basis.

We determined discards of herring in 2012 by extrapolating Northeast Fisheries Observer Program (observer) data to the entire herring fishery. We divided the amount of observed herring discards (''Atlantic herring'' and ''herring unidentified'') by the amount of observed fish landed. Then we multiplied that discard ratio by the amount of all fish landed for each trip to calculate total amount of herring discards in 2012. We determined the amount of discards for each management area and gear type, and calculated the total herring catch for

2012 by adding the amount of herring landings to the amount of herring discarded. The Council's Herring Plan Development Team reviewed and approved this methodology used by NMFS to calculate the amount of landed herring and the amount of discarded herring.

Amendment 4 to the Herring FMP final rule (76 FR 11373, March 2, 2011) revised the Herring FMP to address ACL and accountability measure (AM) requirements. As a way to account for ACL overages in the herring fishery, Amendment 4 established an AM that provided for overage deductions in the year immediately following the catch overage determination. If the catch of herring exceeds any ACL or sub-ACL, NMFS will subsequently deduct the overage from the corresponding ACL/sub-ACL in the year following the catch overage determination. Amendment 4 also specified that NMFS will announce overage deductions in the **Federal Register** prior to the start of the fishing year, if possible.

We published a final rule for Framework 2 and the 2013–15 specifications on October 4, 2013 (78 FR 61828). Among other measures, Framework 2 allows for the carryover of unharvested catch in the year immediately following the catch determination. Up to 10 percent of each sub-ACL may be carried over, provided the stock-wide catch did not exceed the stock-wide ACL. The carryover provision allows a sub-ACL increase for a management area, but it does not allow a corresponding increase to the stock-wide ACL. The management area sub-ACLs established for 2014 are: 31,200 mt for Area 1A, 4,600 mt for Area 1B, 30,000 mt for Area 2, and 42,000 mt for Area 3 (Table 1).

We completed the 2012 catch determination in August 2013, so we would apply the adjustments for any overharvests or carryover in 2012 to the 2014 sub-ACLs. In 2012, the herring fleet underharvested the stockwide ACL of 90,683 mt by 122 mt. However, the fleet overharvested the sub-ACLs in herring management Areas 1B (overage of 1,584 mt); 2 (overage of 336 mt); and 3 (overage of 1,325 mt). After deducting each 2012 overage, in 2014, the sub-ACL for Area 1B would be 3,016 mt (4,600 mt reduced by 1,584 mt); the sub-ACL for Area 2 would be 29,664 mt (30,000 mt reduced by 336); and the sub-ACL for Area 3 would be 40,675 mt (42,000 mt reduced by 1,325 mt) (Table 1).

The herring fleet underharvested the sub-ACL from Area 1A by 3,366 mt (approximately 12 percent of the 2012 Area 1A sub-ACL of 27,668 mt). Since the fleet did not exceed the stock-wide ACL in 2012, the fleet would carryover up to 10 percent of the 2012 Area 1A sub-ACL to the 2014 Area 1A sub-ACL. After adding the carryover from the 2012 sub-ACL, 2014 Area 1A sub-ACL would be 33,967 mt (increased by 2,767 mt, equal to 10 percent of the 2012 Area 1A sub-ACL of 27,668 mt) (Table 1).

TABLE 1—HERRING MANAGEMENT AREA 2014 HERRING QUOTAS

[mt]

| Area | 2014 | 2014 Adjustment |
|---|---|---|
| Area 1A | 31,200 | 33,967 |
| Area 1B | 4,600 | 3,016 |
| Area 2 | 30,000 | 29,664 |
| Area 3 | 42,000 | 40,675 |

**Classification**

Pursuant to section 304 (b)(1)(A) of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), the NMFS Assistant Administrator has determined that this proposed rule is consistent with the Atlantic Herring FMP, other provisions of the MSA, and other applicable law, subject to further consideration after public comment.

The National Environmental Policy Act analyses to support this action were completed in Amendment 4 (76 FR 11373, March 2, 2011) and 2013–2015 Specifications/Framework 2 (78 FR 46897, August 2, 2013).

This proposed rule has been determined to be not significant for purposes of Executive Order 12866. This proposed rule does not contain a collection-of-information requirement for purposes of the Paperwork Reduction Act.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Council for Advocacy of the Small Business Administration (SBA) that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The rationale for that certification is as follows:

Amendment 4 analyzed the effects of deducting ACL/sub-ACL overages from the subsequent corresponding ACL/sub-ACL. During a year when the fleet exceeds the ACL/sub-ACL, fishery participants may benefit economically from higher catch. In the subsequent year, when NMFS deducts the amount of the overage from that ACL/sub-ACL and the amount of harvest is lower, fishery participants may experience negative economic impacts. Deductions are the same magnitude as the overages. Therefore, if participants are active in the fishery during the overage year and the deduction year, the total economic impact on participants are expected to be neutral.

NMFS has now identified 70 entities that held at least one limited access herring permit (category A, B, or C) in 2012. Many of these entities were active in both finfish fishing and shellfish fishing industries. In order to make a determination of size, fishing entities are first classified as participants in either the Finfish Fishing or Shellfish Fishing industry. If an entity derives more than 50 percent of its gross revenues from shellfish fishing, the $5.0 million standard for total revenues is applied. If an entity derives more than 50 percent of its gross revenues from finfish fishing, the $19.0 million standard for total revenues is applied. Based on the revised criteria, there are 7 large shellfish fishing entities to which the final rule would apply and 63 small entities to which the final rule would apply.

Of the 63 small entities, 39 reported no revenue from herring during 2012. For the 24 small entities that were active in the herring fishery, median gross revenues were approximately $872,000 and median revenues from the herring fishery were approximately $219,000. There is large variation in the importance of herring fishing for these small entities. Eight of these 24 active small entities derive less than 5 percent of their total fishing revenue from herring. Seven of these 24 active small entities derive more than 95 percent of their total fishing revenue from herring.

After considering the new information, and the new SBA size standards and due to the limited nature of this action and the overall increase in herring availability in 2014, there would be no disproportionate economic impacts on small entities.

Total herring revenue in 2012 was approximately $29 million. Because most vessels that harvest herring participate in other fisheries, revenue generated by herring catch is only a portion of their income. While this action reduces the amount of fish available for harvest in three areas, it increases the overall amount of available harvest in the fishery, resulting in an overall economic benefit for the fishery. The reduced sub-ACLs in Areas 1B, 2, and 3 are estimated to equal $1 million in lost revenue in 2012. However, the increased sub-ACL in Area 1A is estimated to equal $1.1 million in gained revenue in 2012. Therefore, this action would increase revenues as a whole by approximately $100,000.

For all the reasons described above, an initial regulatory flexibility analysis is not required and none has been prepared.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: November 19, 2013.

**Samuel D. Rauch III,**

*Deputy Assistant Administrator for Regulatory Programs, performing the functions and duties of the Assistant Administrator for Fisheries, National Marine Fisheries Service.*

[FR Doc. 2013–28107 Filed 11–21–13; 8:45 am]

**BILLING CODE 3510–22–P**

# Notices

Federal Register
Vol. 78, No. 226
Friday, November 22, 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.

## DEPARTMENT OF AGRICULTURE

### Submission for OMB Review; Comment Request

November 18, 2013.

The Department of Agriculture will submit the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13 on or after the date of publication of this notice. Comments regarding (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; (d) ways to 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 should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, Washington, DC; New Executive Office Building, 725—17th Street NW., Washington, DC, 20503. Commenters are encouraged to submit their comments to OMB via email to: *OIRA_Submission@omb.eop.gov* or fax (202) 395–5806 and to Departmental Clearance Office, USDA, OCIO, Mail Stop 7602, Washington, DC 20250–7602.

Comments regarding these information collections are best assured of having their full effect if received by December 23, 2013. Copies of the submission(s) may be obtained by calling (202) 720–8681.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

#### Agricultural Marketing Service

*Title:* National Organic Program.

*OMB Control Number:* 0581–0191.

*Summary of Collection:* The Organic Foods Production Act (OFPA) of 1990, Title XXI of the Food, Agriculture, Conservation and Trade Act of 1990 (Farm Bill), U.S.C. Title 7 Section 6503(a) mandates that the Secretary of Agriculture develop a national organic program. The purposes of the regulation mandated by OFPA are: (1) To establish national standards governing the marketing of certain agricultural products as organically produced products; (2) to assure consumers that organically produced products meet a consistent standard; and (3) to facilitate interstate commerce in fresh and processed food that is organically produced. The National Organic Program (NOP) regulation fulfills the requirements of the OFPA. It includes comprehensive production and handling standards, labeling provisions, requirements for the certification of producers and handlers, accreditation of certifying agents by USDA and an administrative subpart for fees, State Programs, National List, appeals, compliance and pesticide residue testing. Agricultural Marketing Service will approve programs for State governments wishing to establish State Organic Programs.

*Need and Use of the Information:* The information collected is used to evaluate compliance with OFPA and NOP for administering the program, for management decisions and planning, for establishing the cost of the program and to support administrative and regulatory actions in response to non-compliance with OFPA. Certifying agents will have to submit an application to USDA to become accredited to certify organic production and handling operations. Auditors will review the application, perform site evaluation and submit reports to USDA, who will make a decision to grant or deny accreditation. Producers, handlers and certifying agents whose operations are not approved have the right to mediation and appeal the decision. Reporting and recordkeeping are essential to the integrity of the organic certification system.

*Description of Respondents:* Farms; Individuals or households; Business or other for-profit; State, Local or Tribal Government.

*Number of Respondents:* 31,825.

*Frequency of Responses:* Reporting: Annually; Recordkeeping.

*Total Burden Hours:* 3,923,227.

**Charlene Parker,**

*Departmental Information Collection Clearance Officer.*

[FR Doc. 2013–28020 Filed 11–21–13; 8:45 am]

BILLING CODE 3410–02–P

## DEPARTMENT OF AGRICULTURE

### Forest Service

### Lake Tahoe Basin Management Unit, California, Land Management Plan Revision

**AGENCY:** Lake Tahoe Basin Management Unit, Forest Service, USDA.

**ACTION:** Notice of objection filing period.

**SUMMARY:** Randy Moore, the Regional Forester for the Pacific Southwest Region of the Forest Service (Region 5) has made the Final Environmental Impact Statement and Draft Record of Decision for the Lake Tahoe Basin Management Unit (LTBMU) Land Management Plan Revision available for the 60-day pre-decisional objection filing period. A written notice of objection, including attachments, must be submitted (regular mail, fax, email, hand-delivery, express delivery, or messenger service) within 60 days after the date of publication of the legal notice in the Sacramento Bee, Sacramento, CA (36 CFR 219.56). The publication date of the legal notice in the newspaper of record (Sacramento Bee) is the exclusive means for calculating the time to file an objection (36 CFR 219.56(b)). An electronic scan of the notice with the publication date will also be posted to the Web site below. Those wishing to object should not rely upon dates or timeframe information provided by any other source.

**DATES:** Those wishing to object, must submit a written notice of objection, including attachments (regular mail, fax ((703) 235–0138), email, hand-delivery, express delivery, or messenger service) within 60 days after the date of publication of the legal notice in the Sacramento Bee, Sacramento, CA (36 CFR 219.56).

**ADDRESSES:** Submit written notice of objection to the Chief of the Forest Service, Tom Tidwell at the following addresses:

**Hand Delivery**

USDA Forest Service, EMC, Attn: Judicial & Administrative Reviews, RPC–6th floor, 1601 N. Kent Street, Arlington, VA 22209.

**Postal Delivery**

USDA Forest Service, EMC, Attn: Judicial & Administrative Review Group, 1400 Independence Ave. SW., Mailstop Code: 1104, Washington, DC 20250–1104.

**Express Delivery**

USDA Forest Service, EMC, Attn: Judicial & Administrative Review Group, 201 14th St. SW., Mailstop: 1104, Washington, DC 20250.

Submit electronic objections and other data to *objections-chief@fs.fed.us.* See **SUPPLEMENTARY INFORMATION** for file formats and other information about electronic filing.

**FOR FURTHER INFORMATION CONTACT:** Theresa Corless, Regional Appeals Coordinator—Pacific Southwest Region, at (707) 562–8768.

**SUPPLEMENTARY INFORMATION:** Randy Moore, the Regional Forester for the Pacific Southwest Region of the Forest Service (Region 5) has made the Final Environmental Impact Statement and Draft Record of Decision for the Lake Tahoe Basin Management Unit (LTBMU) Land Management Plan Revision available at the LTBMU Forest Supervisor's Office (South Lake Tahoe, CA). The Draft Record of Decision selects Alternative E. In Alternative E, the Forest Plan contains plan components to continue to restore forest composition and structure and reduce fuels in the wildland urban interface, to improve wildlife habitat, to restore stream channels and aquatic habitats in priority watersheds, and to provide a range of recreation opportunities with appropriate access across the landscape. The plan revision is available on a compact disk, in hardcopy, or on the forest's Web site (*http://www.fs.usda.gov/goto/ltbmu/ForestPlanRevision*).

**Objection Opportunities**

This plan revision is subject to objection under 36 CFR 219 Subpart B. A written notice of objection, including attachments, must be submitted (regular mail, fax ((703) 235–0138), email, hand-delivery, express delivery, or messenger service) within 60 days after the date of publication of the legal notice in the Sacramento Bee, Sacramento, CA (36 CFR 219.56). The written notice of objection must be submitted to the Chief of the Forest Service, Tom Tidwell, who is the Objection Reviewing Officer at the addresses listed above.

**How To File an Objection**

The business hours for those submitting hand-delivered objections are 8:00 a.m. to 4:30 p.m. (Eastern Time), Monday through Friday, excluding holidays. We will also accept electronically filed objections. Please send such objections to *''objections-chief@fs.fed.us''* (dashes, not underscores). Electronically mailed objections must be submitted in an email message, plain text (.txt), Word (.doc or .docx), Portable Document Format (.pdf), or Rich Text Format (.rtf) file format. For electronically mailed objections, the sender should normally receive an automated electronic acknowledgment from the agency as confirmation of receipt. If the sender does not receive an automated acknowledgment of the receipt of the objection, it is the sender's responsibility to ensure timely receipt by other means. The regulations prohibit extending the length of the objection filing period.

The publication date of the legal notice in the newspaper of record (Sacramento Bee) is the exclusive means for calculating the time to file an objection (36 CFR 219.56(b)). An electronic scan of the notice with the publication date will also be posted to the Web site above. Those wishing to object should not rely upon dates or timeframe information provided by any other source.

The objection process provides an opportunity for members of the public who have participated in opportunities for public participation provided throughout the planning process to have any unresolved concerns receive an independent review by the Forest Service prior to a final decision being made by the responsible official. Under 36 CFR 219.53(a), only those individuals or organizations who participated in the planning process through the submission of substantive formal comments specific to the proposed plan revision during any opportunity for public participation provided during the planning process may file an objection. A signature or other verification of authorship is required (a scanned signature when filing electronically is acceptable). In cases where no identifiable name is attached to an objection, a verification of identity will be requested to confirm objection eligibility. If the objection is supported by documents, with the exceptions listed in 36 CFR 219.54(b), all documents must be provided with the objection; a bibliography is not sufficient. Objections must meet content requirements of 36 CFR 219.54.

At a minimum, an objection must include the following (36 CFR 219.54(c)):

(1) The objector's name and address (36 CFR 219.62), along with a telephone number or email address if available;

(2) Signature or other verification of authorship upon request (a scanned signature for electronic mail may be filed with the objection);

(3) Identification of the lead objector, when multiple names are listed on an objection (36 CFR 219.62). Verification of the identity of the lead objector if requested;

(4) The name of the plan, plan amendment, or plan revision being objected to, and the name and title of the responsible official;

(5) A statement of the issues and/or the parts of the plan, plan amendment, or plan revision to which the objection applies;

(6) A concise statement explaining the objection and suggesting how the proposed plan decision may be improved. If applicable, the objector should identify how the objector believes that the plan, plan amendment, or plan revision is inconsistent with law, regulation, or policy; and

(7) A statement that demonstrates the link between prior substantive formal comments attributed to the objector and the content of the objection, unless the objection concerns an issue that arose after the opportunities for formal comment (36 CFR 219.53(a)).

All objections are open to public inspection and will be posted to the Forest Service Web site (*http://www.fs.usda.gov/goto/ltbmu/ForestPlanRevision*).

Dated: November 15, 2013.

**Randy Moore,**

*Regional Forester, Forest Service, Pacific Southwest Region.*

[FR Doc. 2013–27924 Filed 11–21–13; 8:45 am]

**BILLING CODE 3410–11–M**

## DEPARTMENT OF AGRICULTURE

### Forest Service

### Notice of Proposed New Fee Sites

**AGENCY:** Uinta-Wasatch-Cache National Forest, USDA Forest Service, Department of Agriculture.

**ACTION:** Notice of proposed new fee sites.

**SUMMARY:** The Uinta-Wasatch-Cache National Forest is proposing to add eleven cabins to the recreation rental program and charge fees for the overnight rental of these facilities. The cabins and proposed fee structure include:

(1) Payson Lakes Cabin, available from June 1 to September 30 at $125 per night. The cabin can accommodate up to 10 people and has running water, flush toilets, shower, electric heat, and electric appliances.

(2) Card Guard Station, available from June 1 through October 15 at $125 per night. The cabin can accommodate up to 10 people and has running water, flush toilet, shower, electricity and modern appliances.

(3) Current Creek Work Center, available from June 1 through October 15 at $200 per night. The cabin is a duplex that can accommodate up to 14 people. There are also three trailer pads with hookups. The cabin has running water, flush toilets, electricity and modern appliances.

(4) Rice Creek Field Station, available from June 1 through October 1 at $100 per night. The cabin can accommodate up to 10 people and has running water, flush toilet, shower, propane cook stove, electric lights and modern appliances.

(5) Mirror Lake Guard Station, available from July 1 through September 15 at $100 per night. The cabin can accommodate up to four people and has running water, shower, flush toilets, propane heat, and propane lights and appliances.

(6) Mill Hollow Guard Station, available from June 1 through September 30 at $100 per night. The cabin can accommodate up to eight people and has running water, shower, flush toilets, wood stove, and propane lights and appliances.

(7) Tony Grove Guard Station, available year-round at $85 per night. The cabin can accommodate up to four people and has running water (summer only), pit toilet, propane heat, and extra space for camping.

(8) Monte Cristo Guard Station, available from year-round at $85 per night. The cabin can accommodate up to eight people and has running water (summer only), flush toilets, shower, propane heat, and propane lights and appliances.

(9) Ledgefork Guard Station, available from June 1 through September 30 at $85 per night. The cabin can accommodate up to six people and has running water, flush toilets, shower, propane heat, and electric lights and appliances. Electricity to appliances is provided by a generator.

(10) Blacksmith Fork Guard Station, available year-round at $75 per night. The cabin can accommodate up to six people and has a vault toilet, wood stove, and propane lights and appliances.

(11) Diamond Fork Guard Station, available year-round at $50 per night. The cabin can accommodate up to eight people and has a vault toilet, wood stove, and propane lights and appliances.

Fees are assessed based on the level of amenities and services provided, cost of operations and maintenance, and market comparison. A market comparison of the nearby rental cabins with similar amenities shows that the proposed fees are reasonable and typical of similar sites in the area.

Funds from fees would be used for the continued operation and maintenance and improvements of these rental cabins.

**DATES:** Send any comments about these fee proposals by February 1, 2014 so comments can be compiled, analyzed and shared with the Utah Bureau of Land Management (BLM) Recreation Resource Advisory Committee (R–RAC). If this proposal is approved, it is anticipated that the cabin rentals would become available for overnight rental during the winter of 2014.

**ADDRESSES:** David C. Whittekiend, Forest Supervisor, Uinta-Wasatch-Cache National Forest, 857 W. South Jordan Parkway, South Jordan, UT 84095.

**FOR FURTHER INFORMATION CONTACT:** Charles Rosier, Cabin Rental program manager, 801–999–2103 or email at *crosier@fs.fed.us.* Information about proposed fee changes can also be found on the Uinta-Wasatch-Cache National Forest Web site: *http://www.fs.usda.gov/uwcnf.*

**SUPPLEMENTARY INFORMATION:** The Federal Recreation Lands Enhancement Act (Title VII, Pub. L. 108–447) directed the Secretary of Agriculture to publish a six month advance notice in the **Federal Register** whenever new recreation fee areas are established.

Once public involvement is complete, these new fees will be reviewed by the Utah BLM RRAC prior to a final decision and implementation by the Regional Forester, Intermountain Region, USDA Forest Service. People wanting reserve these cabins would need to do so through the National Recreation Reservation Service, at *www.recreation.gov* or by calling 1–877–444–6777 when it becomes available. The NRRS charges a $9 fee for internet reservations and $10 fee for phone reservations.

Dated: November 12, 2013.

**David C. Whittekiend,**

*Forest Supervisor.*

[FR Doc. 2013–27993 Filed 11–21–13; 8:45 am]

**BILLING CODE 3410–11–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:* Bureau of Industry and Security (BIS).

*Title:* Foreign Availability Procedures.

*OMB Control Number:* 0694–0004.

*Form Number(s):* N/A.

*Type of Request:* Regular submission (extension of a currently approved information collection).

*Number of Respondents:* 2.

*Average Hours per Response:* 255.

*Burden Hours:* 510.

*Needs and Uses:* This information is collected in order to respond to requests by Congress and industry to make foreign availability determinations in accordance with Section 768 of the Export Administration Regulations. Exporters are urged to voluntarily submit data to support the contention that items controlled for export for national security reasons are available—in-fact, from a non-U.S. source, in sufficient quantity and of comparable quality so as to render the control ineffective.

*Affected Public:* Businesses and other for-profit organizations.

*Frequency:* On occasion.

*Respondent's Obligation:* Voluntary.

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 Jasmeet Seehra, OMB Desk Officer by email to *Jasmeet_K._Seehra@omb.eop.gov*, or by fax to (202) 395–5167.

Dated: November 18, 2013.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. 2013–28010 Filed 11–21–13; 8:45 am]

**BILLING CODE 3510–33–P**

## DEPARTMENT OF COMMERCE

### Minority Business Development Agency

### Meeting of the National Advisory Council on Minority Business Enterprise

**AGENCY:** Minority Business Development Agency, U.S. Department of Commerce.

**ACTION:** Notice of open meeting.

**SUMMARY:** The National Advisory Council on Minority Business Enterprise (NACMBE) will hold its eighth meeting via conference call to discuss and reach consensus on recommendations for the Secretary of the Department of Commerce regarding the growth of minority-owned businesses in domestic and global markets. The members of the Council will finalize the recommendations, fulfilling NACMBE's charter mandate, in preparation for submission to the Secretary of Commerce. The agenda for the meeting may change to accommodate Council business.

**DATES:** The conference call will be held on Tuesday, December 10, from 2:00 p.m. to 4:00 p.m. Eastern Standard Time (EST). Members of the public wishing to participate may use the following information to listen to the conference call: CALL–IN NUMBER: 1–415–228–4956; PASSCODE: MBDA. Participants are encouraged to call in ten minutes before the scheduled start time. A limited amount of time will be available for brief oral comments from members of the public after the Council's discussion of the recommendations.

**FOR FURTHER INFORMATION CONTACT:** Demetria Gallagher, National Director's Office, Minority Business Development Agency (MBDA), U.S. Department of Commerce at (202) 482–1624; *email: dgallagher@mbda.gov.*

**SUPPLEMENTARY INFORMATION:**

*Background:* The Secretary of Commerce established the NACMBE on April 28, 2010 pursuant to his discretionary authority and in accordance with the Federal Advisory Committee Act, as amended (5 U.S.C. App. 2). The NACMBE was established to provide the Secretary of Commerce with recommendations on a broad range of policy issues that affect minority businesses and their ability to access successfully the domestic and global marketplace.

*Topics To Be Considered:* During the meeting, the Council will discuss the final recommendations for the Secretary relating to the growth of minority-owned businesses in domestic and global markets. Recommendations for proposed programs and new policies are centered on the areas of focus for each subcommittee. The subcommittee topics include: (1) Definition of Minority Business Enterprises (MBEs) and MBDA's role, (2) Creation of an MBE Forum, and (3) Strategic Alliances and Exports.

*Public Participation:* The meeting is open to the public. Members of the public wishing to join the conference call must notify Demetria Gallagher at the contact information above no later than 5:00 p.m. Eastern Standard Time on Friday, December 6, 2013.

Any member of the public may submit written comments concerning the recommendations of the NACMBE to www.mbda.gov/main/nacmbe-submit-comments. The comments must be received no later than 5:00 p.m. EST on Friday, December 6, 2013, to ensure transmission to the Council prior to the meeting. Comments received after that date will be distributed to the members but may not be considered at the meeting.

Copies of the NACMBE open meeting minutes will be available to the public upon request.

Dated: November 18, 2013.

**Josephine Arnold,**

*Chief Counsel, Minority Business Development Agency.*

[FR Doc. 2013–28047 Filed 11–21–13; 8:45 am]

**BILLING CODE 3510–21–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

### Proposed Information Collection; Comment Request; Large Pelagic Fishing Survey

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA), 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.

**DATES:** Written comments must be submitted on or before January 21, 2014.

**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 and instructions should be directed to Dr. Ronald J. Salz, (301) 427–8171 or *ron.salz@noaa.gov*.

**SUPPLEMENTARY INFORMATION:**

**I. Abstract**

This request is for revision and extension of a current information collection.

The Large Pelagic Fishing Survey consists of dockside and telephone surveys of recreational anglers for large pelagic fish (tunas, sharks, and billfish) in the Atlantic Ocean. The survey provides the National Marine Fisheries Service (NMFS) with information to monitor catch of bluefin tuna, marlin and other federally managed species. Catch monitoring in these fisheries and collection of catch and effort statistics for all pelagic fish is required under the Atlantic Tunas Convention Act and the Magnuson-Stevens Fishery Conservation and Management Act. The information collected is essential for the United States (U.S.) to meet its reporting obligations to the International Commission for the Conservation of Atlantic Tuna.

This action seeks to revise the Large Pelagic Fishing Survey OMB Control No. 0648–0380 in the following ways:

- Drop the Large Pelagics Headboat Survey (LPHS) component.
- Increase the annual Large Pelagics Telephone Survey (LPTS) target sample size from 10,780 to 15,900 interviews for Northeast and Southeast combined.
- Add up to five questions to the LPTS questionnaire.
- Add a non-response follow-up survey to the LPTS in the Southeast region (previously only the Northeast was covered).
- Reduce the Large Pelagics Biological Survey annual sample size from 1,500 to 1,000 interviews.

**II. Method of Collection**

Dockside and telephone interviews are used. In lieu of telephone interviews, respondents may also provide information online via a web tool.

**III. Data**

*OMB Control Number:* 0648–0380.

*Form Number:* None.

*Type of Review:* Regular submission (revision and extension of a current information collection).

*Affected Public:* Individuals or households; business or other for-profit organizations.

*Estimated Number of Unduplicated Respondents:* 15,024.

*Estimated Time per Response:* 11 minutes for a telephone interview; 5 minutes for a dockside interview; 1½ minutes to respond to a follow-up validation call for dockside interviews; 1 minute for a biological sampling of catch.

*Estimated Total Annual Burden Hours:* 3,608.

*Estimated Total Annual Cost to Public:* $0.

**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 18, 2013.

**Gwellnar Banks,**

*Management Analyst, Office of the Chief Information Officer.*

[FR Doc. 2013–28009 Filed 11–21–13; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648–XC994**

### Fishing Capacity Reduction Program for the Pacific Coast Groundfish Fishery

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of loan repayment.

**SUMMARY:** NMFS issues this notice to inform interested parties that the Washington pink shrimp sub-loan in the fishing capacity reduction program for the Pacific Coast Groundfish Fishery has been repaid. Therefore, buyback fee collections on Washington pink shrimp will cease for all landings after October 31, 2013.

**DATES:** Comments must be submitted on or before 5 p.m. EST December 9, 2013.

**ADDRESSES:** Send comments about this notice to Paul Marx, Chief, Financial Services Division, NMFS, Attn: Washington Pink Shrimp Buyback, 1315 East-West Highway, Silver Spring, MD 20910 (see **FOR FURTHER INFORMATION CONTACT**).

**FOR FURTHER INFORMATION CONTACT:** Michael A. Sturtevant at (301) 427–8799 or *Michael.A.Sturtevant@noaa.gov.*

**SUPPLEMENTARY INFORMATION:** On November 16, 2004, NMFS published a **Federal Register** document (69 FR 67100) proposing regulations to implement an industry fee system for repaying the reduction loan. The final rule was published July 13, 2005 (70 FR 40225) and fee collection began on September 8, 2005. Interested persons should review these for further program details.

The Washington pink shrimp sub-loan of the Pacific Coast Groundfish Capacity Reduction (Buyback) loan in the amount of $259,399.63 will be repaid in full upon receipt of buyback fees on landings through October 31, 2013. NMFS has received $402,528.12 to repay the principal and interest on this sub-loan since fee collection began September 8, 2005. Buyback fees in the Washington pink shrimp fishery increased rapidly in the 2012 and 2013 seasons which reduced the balance on the loan in a short period of time resulting in early loan repayment. Therefore, these buyback loan fees will no longer be collected in the Washington pink shrimp fishery.

Based on buyback fees received to date, landings after October 31, 2013 will not be subject to the buyback fee. Buyback fees not yet forwarded to NMFS for Washington pink shrimp landings through October 31, 2013 should be forwarded to NMFS immediately. Any overpayment of buyback fees submitted to NMFS will be refunded on a pro-rata basis to the fish buyers/processors based upon best available fish ticket landings data. The fish buyers/processors should return excess buyback fees collected to the harvesters, including buyback fees collected but not yet remitted to NMFS for landings after October 31, 2013. Any discrepancies in fees owed and fees paid must be resolved immediately. After the sub-loan is closed, no further adjustments to fees paid and fees received can be made. Fish dealers whose fees for 2013 were not yet due as they have accumulated less than $100 in fees should forward their fees at this time for landings through October 31, 2013.

Dated: November 18, 2013.

**Donna Rivelli,**

*Acting Director, Office of Management and Budget, National Marine Fisheries Service.*

[FR Doc. 2013–28103 Filed 11–21–13; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648–XC989**

### North Pacific 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 North Pacific Fishery Management Council (Council) Individual Fishing Quota (IFQ) Implementation Team will meet in Anchorage, AK.

**DATES:** The meeting will be held on December 9, 2013, from 8:30 a.m. to 12 p.m.

**ADDRESSES:** The meeting will be held at the Council conference room, 650 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:** Jane DiCosimo, Council staff, telephone: (907) 271–2809.

**SUPPLEMENTARY INFORMATION:** The Team will review:

1. A May 2013 discussion paper on increasing the use caps for sablefish ''A'' (freezer vessel) QS and identify other approaches to maximize use of all sablefish IFQs;

2. Two proposals previously submitted to the Council to revise Federal regulations to

a. Calculate maximum retainable allowances at the time of offload rather than during a fishing trip, as currently required and

b. Increase the halibut and sablefish IFQ vessel caps, as the amount of IFQs each vessel may harvest has declined over time under lower catch limits; and

3. An Observer Committee proposal to allow ''clean up'' of IFQ trips across IPHC Area 4 subareas. Committee recommendations will be provided for Council review during its December 2013 meeting. Information for the meeting is posted at *http://www.alaskafisheries.noaa.gov/npfmc/.*

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 listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) 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**

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 19, 2013.

**Tracey L. Thompson,**

*Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 2013–28070 Filed 11–21–13; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648–XC996**

### Mid-Atlantic Fishery Management Council (MAFMC); Public Meetings

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of public meetings.

**SUMMARY:** The Mid-Atlantic Fishery Management Council (Council), its Highly Migratory Species (HMS) Committee, and its Executive Committee will hold public meetings.

**DATES:** The meetings will be held Monday, December 9, 2013 through Thursday, December 12, 2013. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

**ADDRESSES:** The meetings will be held at the Westin Annapolis, 100 Westgate Circle, Annapolis, MD 21401, telephone: (410) 972–4300.

*Council address:* Mid-Atlantic Fishery Management Council, 800 N. State St., Suite 201, Dover, DE 19901; telephone: (302) 674–2331.

**FOR FURTHER INFORMATION CONTACT:** Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council; telephone: (302) 526–5255.

**SUPPLEMENTARY INFORMATION:**

**Monday, December 9, 2013**

3 p.m. until 5 p.m.—The HMS Committee will meet.

**Tuesday, December 10, 2013**

9 a.m. until 9:30 a.m.—The Executive Committee will meet in a CLOSED SESSION.

9:30 a.m. until 12 p.m.—The Executive Committee will meet.

1 p.m.—The Council will convene.

1 p.m. until 1:10 p.m.—A photo of the Council will be taken.

1:10 p.m. until 2 p.m.—Framework 9 to the Mackerel, Squid, and Butterfish (MSB) Fishery Management Plan (FMP) will be discussed.

2 p.m. until 3 p.m.—There will be a River Herring and Shad Approach discussion.

3 p.m. until 4 p.m.—A Data Portal Presentation will occur.

4 p.m. until 5 p.m.—A Surfclam Presentation will occur.

**Wednesday, December 11, 2013**

The Demersal Committee will meet as a Committee of the Whole with the Atlantic States Marine Fisheries Commission's (ASMFC) Summer Flounder, Scup, and Black Sea Board.

9 a.m. until 5 p.m.—The Council will finalize summer flounder, scup, and black sea bass recreational management measures for 2014 in conjunction with the ASMFC's Summer Flounder, Scup, and Black Sea Bass Board.

**Thursday, December 12, 2013**

9 a.m. until 9:30 a.m.—Spiny Dogfish Trip Limits will be discussed.

9:30 a.m. until 10 a.m.—A Stakeholder Survey on Ecosystem-based Fisheries Management Presentation will occur.

10 a.m. until 1 p.m.—The Council will hold its regular Business Session to receive Organizational Reports, the South Atlantic and the New England Liaison Reports, the Executive Director's Report, the Science Report, Committee Reports, and conduct any continuing and/or new business.

Agenda items by day for the Council's Committees and the Council itself are:

On Monday, December 9—The HMS Committee will develop Council comments on Draft Amendment 7 (bluefin tuna management measures) for submission to NMFS.

On Tuesday, December 10—The Executive Committee will meet in a closed session to review the recommendations for the Ricks E Savage Award. The Executive Committee will meet to review the Draft Implementation Plan and public comments, and approve the 2014 Implementation Plan for Council consideration.

The Council will convene at 1 p.m. There will be a Council photo session. The Council will discuss Framework 9 to the MSB FMP to review and approve options to address unobserved slippage on observed trips. The Council will review and adopt plan to move forward with the river herring and shad strategy implementing the motion made at the October 2013 meeting. The Council will receive a Data Portal Presentation to review project goals, methods and illustrative draft maps of Mid-Atlantic fishing activity summarized by port and gear groups and provide advice to project team on best approaches and opportunities for engaging fishermen to review, discuss and improve project data and maps. The Council will receive a report of the National Science Foundation Coupled Natural and Human Systems Surfclam Study: Climate change and responses in a coupled marine system and an update on the Science Center for Marine Fisheries (SceMFiS).

On Wednesday, December 11—The Council in conjunction with the ASMFC's Summer Flounder, Scup, and Black Sea Bass Board will review the associated Monitoring Committee's and Advisory Panel's specification recommendations for 2014 and adopt 2014 recreational management measures for summer flounder, scup, and black sea bass.

On Thursday, December 12—The Council will review options for spiny dogfish trip limits in federal waters for the 2014–15 fishing years. The Council will receive a presentation on the Stakeholder Survey on Ecosystem-based Fisheries Management. The Council will

hold its regular Business Session to receive Organizational Reports to include an update on forms and process for data collection for the surfclam and ocean quahog fisheries, South Atlantic and New England Liaison Reports, the Executive Director's Report, Science Report, Committee Reports, and conduct any continuing and/or new business.

**Special Accommodations**

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid should be directed to M. Jan Saunders, (302) 526–5251, at least 5 days prior to the meeting date.

Dated: November 19, 2013.

**Tracey L. Thompson,**

*Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 2013–28021 Filed 11–21–13; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648–XC990**

### North Pacific Fishery Management Council; Public Meeting

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of a public meeting of the North Pacific Fishery Management Council Charter Management Implementation Committee.

**SUMMARY:** The North Pacific Fishery Management Council (Council) Charter Implementation Committee will meet in Anchorage, AK.

**DATES:** The meeting will be held on December 9, 2013, from 1 p.m. to 5 p.m.

**ADDRESSES:** The meeting will be held at the Council office, 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:** Jane DiCosimo, Council staff, telephone: (907) 271–2809.

**SUPPLEMENTARY INFORMATION:** The agenda is to identify a preferred management measure(s), from the following committee recommendations. For Regulatory Area 2C: (1) Annual limit combined with maximum size limit; (2) Annual limit combined with reverse slot limit; (3) Bag limit of one fish with a maximum size limit; and (4) Status quo management of one fish less than 45 inches or greater than 68 inches. For Regulatory Area 3A: (1) Status quo management of a bag limit of two fish, with no size limit; (2) Bag limit of two fish, with a maximum size limit on second fish; (3) Annual limit, with bag limit of two fish; and (4) Prohibit retention of skipper/crew harvest. Committee recommendations will be incorporated into an analysis for Council review in December 2013. The Council will recommend a preferred measure(s) for each area for consideration by the International Pacific Halibut Commission for implementation in 2014.

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 listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) 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**

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 19, 2013.

**Tracey L. Thompson,**

*Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 2013–28071 Filed 11–21–13; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648–XC934**

### Atlantic Highly Migratory Species; Atlantic Shark Management Measures; 2014 Research Fishery

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of intent; request for applications.

**SUMMARY:** NMFS announces its request for applications for the 2014 shark research fishery from commercial shark fishermen with directed or incidental shark limited access permits. The shark research fishery allows for the collection of fishery-dependent and biological data for future stock assessments to meet NMFS's shark research objectives. The only commercial vessels authorized to land sandbar sharks are those participating in the shark research fishery. Shark research fishery permittees may also land other large coastal sharks (LCS), small coastal sharks (SCS), and pelagic sharks. Commercial shark fishermen who are interested in participating in the shark research fishery need to submit a completed Shark Research Fishery Permit Application in order to be considered.

**DATES:** Shark Research Fishery Applications must be received no later than 5 p.m., local time, on December 23, 2013.

**ADDRESSES:** Please submit completed applications to the Highly Migratory Species (HMS) Management Division at:

- *Mail:* Attn: Delisse Ortiz, HMS Management Division (F/SF1), NMFS, 1315 East-West Highway, Silver Spring, MD 20910.
- *Fax:* (301) 713–1917.

For copies of the Shark Research Fishery Permit Application, please write to the HMS Management Division at the address listed above, call (301) 427–8503 (phone), or fax a request to (301) 713–1917. Copies of the Shark Research Fishery Application are also available at the HMS Web site at *http://www.nmfs.noaa.gov/sfa/hms/index.htm.* Additionally, please be advised that your application may be released under the Freedom of Information Act.

**FOR FURTHER INFORMATION CONTACT:** Karyl Brewster-Geisz or Delisse Ortiz, at (301) 427–8503 (phone) or (301) 713–1917 (fax).

**SUPPLEMENTARY INFORMATION:** The Atlantic shark fisheries are managed under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The 2006 Consolidated HMS Fishery Management Plan (FMP) is implemented by regulations at 50 CFR part 635.

The final rule for Amendment 2 to the Consolidated HMS FMP (Amendment 2) (73 FR 35778, June 24, 2008, corrected at 73 FR 40658, July 15, 2008) established, among other things, a shark research fishery to maintain time series data for stock assessments and to meet NMFS' research objectives. Since the shark research fishery was established in 2008, the research fishery has allowed for: the collection of fishery dependent data for current and future stock assessments; the operation of

cooperative research to meet NMFS' ongoing research objectives; the collection of updated life history information used in the sandbar shark (and other species) stock assessment; the collection of data on habitat preferences that might help reduce fishery interactions through bycatch mitigation; and the evaluation of the utility of the mid-Atlantic closed area on the recovery of dusky sharks and collection of hook timer and pop-up satellite tag information to determine at-vessel and post-release mortality of dusky sharks.

The shark research fishery also allows selected commercial fishermen the opportunity to earn revenue from selling additional sharks, including sandbar sharks. Only the commercial shark fishermen selected to participate in the shark research fishery are authorized to land sandbar sharks subject to the sandbar quota available each year. The base quota is 116 mt dw per year, although this number may be reduced in the event of overharvests, if any. The selected shark research fishery permittees will also be allowed to land other LCS, SCS, and pelagic sharks as specifically authorized on their shark research fishery permit. The shark research fishery permits are valid only for the calendar year for which they are issued.

Specific 2014 trip limits and number of trips permitted per month will depend on the number of selected vessels, the availability of observers, the available quota, and the objectives of the research fishery and will be included in the permit terms at the time of issuance. The number of participants in the research fishery change each year. In 2013, six fishermen were chosen to participate. From 2008 through 2013, an average of eight participants each year were selected for permits, with a range from five to eleven annually. The trip limits and the number of trips taken per month have changed each year the research fishery has been active. Participants may also be limited on the amount of gear they can deploy on a given set (e.g., number of hooks and sets, soak times, length of longline). In 2013, we split the sandbar and LCS research fishery quotas equally among selected participants, with each vessel allocated 15.5 metric tons (mt) dressed weight (dw) of sandbar shark research fishery quota and 6.7 mt dw of other LCS research fishery quota. NMFS also established a dusky bycatch cap in six designated regions, which required that once vessels in a region had interacted with five dusky sharks, the region was closed to any fishing by shark research fishery participants for the rest of the year. Participants were also required to keep any dead sharks, unless they were a prohibited species, in which case the permittees were required to release them, and were restricted to a certain number of longline sets as well as the number of hooks they could deploy and have on board the vessel. The vessels participating in the shark research fishery fished an average of one trip per month.

In order to participate in the shark research fishery, commercial shark fishermen need to submit a completed Shark Research Fishery Application by the deadline noted above (see **DATES**) showing that the vessel and owner(s) meet the specific criteria outlined below.

**Research Objectives**

Each year, the research objectives are developed by a shark board, which is comprised of representatives within NMFS, including representatives from the Southeast Fisheries Science Center (SEFSC) Panama City Laboratory, Northeast Fisheries Science Center (NEFSC) Narragansett Laboratory, the Southeast Regional Office, Protected Resources Division (SERO\PRD), and the HMS Management Division. The research objectives for 2014 are based on various documents including the 2012 Biological Opinion for the Continued Authorization of the Atlantic Shark Fisheries and the Federal Authorization of a Smoothhound Fishery; 2010/2011 U.S. South Atlantic blacknose, U.S Gulf of Mexico blacknose, sandbar, and dusky sharks stock assessments; and the SEDAR 29, 2012 U.S. Gulf of Mexico blacktip shark stock assessment. The 2014 research objectives are:

- Collect reproductive, length, sex, and age data from sandbar and other sharks throughout the calendar year for species-specific stock assessments;
- Monitor the size distribution of sandbar sharks and other species captured in the fishery;
- Continue on-going shark tagging programs for identification of migration corridors and stock structure using dart and/or spaghetti tags;
- Maintain time-series of abundance from previously derived indices for the shark bottom longline observer program;
- Acquire fin-clip samples of all shark and other species for genetic analysis;
- Attach satellite archival tags to endangered smalltooth sawfish to provide information on critical habitat and preferred depth, consistent with ESA requirements for such tagging under the SEFSC observer program take permit obtained through the 2008 Section 7 Consultation and Biological Opinion for the Continued Authorization of Shark Fisheries (Commercial Shark Bottom Longline, Commercial Shark Gillnet and Recreational Shark Handgear Fisheries) as Managed under the Consolidated Fishery Management Plan for Atlantic Tunas, Swordfish, and Sharks (Consolidated HMS FMP), including Amendment 2 to the Consolidated HMS FMP (F/SER/2007/05044)
- Attach satellite archival tags to prohibited dusky and other sharks, as needed, to provide information on daily and seasonal movement patterns, and preferred depth;
- Evaluate hooking mortality and post-release survivorship of dusky, hammerhead, blacktip, and other sharks using hook timers and temperature-depth recorders;
- Evaluate the effects of controlled gear experiments in order to determine the effects of potential hook changes to prohibited species interactions and fishery yields; and
- Examine the size distribution of sandbar and other sharks captured throughout the fishery including in the Mid-Atlantic shark time/area closure off the coast of North Carolina from January 1 through July 31.

**Selection Criteria**

Shark Research Fishery Permit Applications will be accepted only from commercial shark fishermen who hold a current directed or incidental shark limited access permit. While incidental permit holders are welcome to submit an application, to ensure that an appropriate number of sharks are landed to meet the research objectives for this year, NMFS will give priority to directed permit holders as recommended by the shark board. As such, qualified incidental permit holders will be selected only if there are not enough qualified directed permit holders to meet research objectives.

The Shark Research Fishery Permit Application includes, but is not limited to, a request for the following information: Type of commercial shark permit possessed; past participation in the commercial shark fishery (not including sharks caught for display); past involvement and compliance with HMS observer programs per 50 CFR 635.7; past compliance with HMS regulations at 50 CFR part 635; availability to participate in the shark research fishery; ability to fish in the regions and season requested; ability to attend necessary meetings regarding the objectives and research protocols of the shark research fishery; and ability to carry out the research objectives of the

Agency. An applicant who has been charged criminally or civilly (e.g., issued a Notice of Violation and Assessment (NOVA) or Notice of Permit Sanction) for any HMS-related violation will not be considered for participation in the shark research fishery. In addition, applicants who were selected to carry an observer in the previous 2 years for any HMS fishery, but failed to contact NMFS to arrange the placement of an observer as required per 50 CFR 635.7, will not be considered for participation in the 2014 shark research fishery. Applicants who were selected to carry an observer in the previous 2 years for any HMS fishery and failed to comply with all the observer regulations per 50 CFR 635.7 will also not be considered. Exceptions will be made for vessels that were selected for HMS observer coverage but did not fish in the quarter when selected and thus did not require an observer. Applicants who do not possess a valid USCG safety inspection decal when the application is submitted will not be considered. Applicants who have been non-compliant with any of the HMS observer program regulations in the previous 2 years, as described above, may be eligible for future participation in shark research fishery activities by demonstrating 2 subsequent years of compliance with observer regulations at 50 CFR 635.7.

**Selection Process**

The HMS Management Division will review all submitted applications and develop a list of qualified applicants from those applications that are deemed complete. A qualified applicant is an applicant that has submitted a complete application by the deadline (see **DATES**) and has met the selection criteria listed above. Qualified applicants are eligible to be selected to participate in the shark research fishery for 2014. The HMS Management Division will provide the list of qualified applicants without identifying information to the SEFSC. The SEFSC will then evaluate the list of qualified applicants and, based on the temporal and spatial needs of the research objectives, the availability of observers, the availability of qualified applicants, and the available quota for a given year, will randomly select qualified applicants to conduct the prescribed research. Where there are multiple qualified applicants that meet the criteria, permittees will be randomly selected through a lottery system. If a public meeting is deemed necessary, NMFS will announce details of a public selection meeting in a subsequent **Federal Register** notice.

Once the selection process is complete, NMFS will notify the selected applicants and issue the shark research fishery permits. The shark research fishery permits will be valid only in calendar year 2014. If needed, NMFS will communicate with the shark research fishery permit holders to arrange a captain's meeting to discuss the research objectives and protocols. The shark research fishery permit holders must contact the NMFS observer coordinator to arrange the placement of a NMFS-approved observer for each shark research trip.

A shark research fishery permit will only be valid for the vessel and owner(s) and terms and conditions listed on the permit, and, thus, cannot be transferred to another vessel or owner(s). Issuance of a shark research permit does not guarantee that the permit holder will be assigned a NMFS-approved observer on any particular trip. Rather, issuance indicates that a vessel may be issued a NMFS-approved observer for a particular trip, and on such trips, may be allowed to harvest Atlantic sharks, including sandbar sharks, in excess of the retention limits described in 50 CFR 635.24(a). These retention limits will be based on available quota, number of vessels participating in the 2014 shark research fishery, the research objectives set forth by the shark board, the extent of other restrictions placed on the vessel, and may vary by vessel and/or location. When not operating under the auspices of the shark research fishery, the vessel would still be able to land LCS, SCS, and pelagic sharks subject to existing retention limits on trips without a NMFS-approved observer. The shark research permit may be revoked or modified at any time and does not confer the right to engage in activities beyond those listed on the shark research fishery permit.

NMFS annually invites commercial shark permit holders (directed and incidental) to submit an application to participate in the shark research fishery. Permit applications can be found on the HMS Management Division's Web site at *http://www.nmfs.noaa.gov/sfa/hms/index.htm* or by calling (301) 427–8503. Final decisions on the issuance of a shark research fishery permit will depend on the submission of all required information by the deadline (see **DATES**), and NMFS' review of applicant information as outlined above. The 2014 shark research fishery will start after the opening of the shark fishery and under available quotas as published in a separate **Federal Register** final rule.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: November 18, 2013.

**Kelly Denit,**

*Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 2013–28101 Filed 11–21–13; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### Patent and Trademark Office

### Privacy Act of 1974; System of Records

**AGENCY:** United States Patent and Trademark Office, Commerce.

**ACTION:** Notice of proposed new Privacy Act system of records.

**SUMMARY:** In accordance with the requirements of the Privacy Act of 1974, as amended, the United States Patent and Trademark Office (USPTO) gives notice of a proposed new system of records entitled ''COMMERCE/PAT–TM–24 Background Investigations.'' We invite the public to comment on the system announced in this publication.

**DATES:** Written comments must be received no later than December 23, 2013. The proposed system of records will be effective on December 23, 2013, unless the USPTO receives comments that would result in a contrary determination.

**ADDRESSES:** You may submit written comments by any of the following methods:

- *Email: Joseph.Burns@uspto.gov*. Include ''Privacy Act PAT–TM–24 comment'' in the subject line of the message.
- *Fax:* (571) 273–1537, marked to the attention of Joseph Burns, Office of Security and Safety, Office of Administrative Services.
- *Mail:* Joseph Burns, Director, Office of Security and Safety, Office of Administrative Services, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.
- *Federal Rulemaking Portal: http://www.regulations.gov.*

All comments received will be available for public inspection at the Federal rulemaking portal located at *www.regulations.gov*.

**FOR FURTHER INFORMATION CONTACT:** Joseph Burns, Director, Office of Security and Safety, Office of Administrative Services, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450, (571) 272–1537.

**SUPPLEMENTARY INFORMATION:** The United States Patent and Trademark Office (USPTO) is giving notice of a new

system of records that is subject to the Privacy Act of 1974. This system of records maintains information on individuals who undergo a personnel background investigation for the purpose of determining suitability for USPTO employment, contractor employee fitness, eligibility for access to classified information, and/or access to a federal facility or information technology system.

The proposed new system of records, ''COMMERCE/PAT–TM–24 Background Investigations,'' is published in its entirety below.

**COMMERCE/PAT–TM–24**

**SYSTEM NAME:**

Background Investigations.

**SECURITY CLASSIFICATION:**

None for the system. However, items or records within the system may have national security/foreign policy classifications up through Secret.

**SYSTEM LOCATION:**

Office of Security and Safety, Office of Administrative Services, United States Patent and Trademark Office, 600 Dulany Street, Alexandria, VA 22314.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

Applicants and employees or government contractors, experts, instructors, and consultants who undergo a personnel background investigation for the purpose of determining suitability for USPTO employment, contractor employee fitness, eligibility for access to classified information, and/or access to a federal facility or information technology system.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

a. Name; address; date and place of birth; Social Security Number; citizenship; physical characteristics; employment and military service history; credit references and credit records; education; medical history; arrest records; Federal employee relatives; dates and purpose of visits to foreign countries; passport numbers; names of spouses, relatives, references, and personal associates; activities; and security; and suitability materials. This system does not include records of EEO investigations. Such records are covered in a government-wide system noticed by the Office of Personnel Management and now the responsibility of the Equal Employment Opportunity Commission.

b. Summaries of personal and third party interviews conducted during the course of the background investigation.

c. Records of personnel background investigations conducted by other Federal agencies.

d. Records of adjudicative and HSPD 12 decisions by other Federal agencies, including clearance determinations and/or polygraph results.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

Executive Orders 10450, 11478, 12065; 5 U.S.C. 301 and 7531–7533; 15 U.S.C. 1501 *et seq.;* 28 U.S.C. 533–535; 44 U.S.C. 3101; and Equal Employment Act of 1972.

Executive Orders 9397, as amended by 13478, 10450, 10577, 10865, 12968, and 13470; Section 2, Civil Service Act of 1883; Public Laws 82–298 and 92–261; Title 5, U.S.C., sections 1303, 1304, 3301, 7301, and 9101; Title 22, U.S.C., section 2519; Title 42 U.S.C. sections 1874(b)(3), 2165, 2201, and 2455; Title 50 U.S.C. section 435b(e); Title 5 CFR sections 731, 732 and 736; Homeland Security Presidential Directive 12 (HSPD 12) and OMB Circular No. A–130.

**PURPOSE(S):**

The records in this system may be used to provide investigatory information for determinations concerning whether an individual is suitable or fit for agency employment; eligible for logical and physical access to federally controlled facilities and information systems; eligible to hold sensitive positions (including but not limited to eligibility for access to classified information); fit to perform work for or on behalf of the agency as a contractor employee; qualified for government service; qualified to perform contractual services for the agency; and loyal to the United States. The system is also used to document such determinations and to otherwise comply with mandates and Executive Orders.

These records may also be used to locate individuals for personnel research.

The records may be used to help streamline and make more efficient the investigations and adjudications processes generally.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:**

The USPTO will use the information contained in this system of records to conduct background investigations on applicants and employees.

Information concerning nominees, members and former members of public advisory committees may be disclosed: (a) To OMB in connection with its committee management responsibilities; (b) to other Federal agencies which have joint responsibility for advisory committees or which receive or utilize advice of the committees; and (c) to a Federal, state or local agency, private organization or individual as necessary to obtain information in connection with a decision concerning appointment or reappointment of an individual to committee membership.

Information concerning (1) current employees, former employees, and prospective employees; (2) interns and externs; (3) employees of contractors used, or which may be used, by the agency on national security classified projects; (4) and principal officers of some contractors used, or which may be used, by the agency; and (5) principal officers and some employees of organizations, firms or institutions which are recipients or beneficiaries or prospective recipients or beneficiaries of grants, loans, guarantee or other assistance programs of the agency;— may be disclosed to a private organization or individual as necessary to obtain information in connection with a decision concerning the assignment, hiring or retention of an individual, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant or other benefit. Disclosure of information from this system of records may also be made to commercial contractors (debt collection agencies) for the purpose of collecting delinquent debts as authorized by the Debt Collection Act (31 U.S.C. 3718).

In addition to the routine uses in the Prefatory Statement of General Routine Uses, as found at 46 FR 63501–63502 (December 31, 1981):

(1) Routine uses will include disclosure for law enforcement purposes to the appropriate agency or other authority, whether federal, state, local, foreign, international or tribal, charged with the responsibility of enforcing, investigating, or prosecuting a violation of any law, rule, regulation, or order in any case in which there is an indication of a violation or potential violation of law (civil, criminal, or regulatory in nature).

(2) Routine uses will include disclosure to an agency, organization, or individual for the purpose of performing audit or oversight operations as authorized by law, but only such information as is necessary and relevant to such audit or oversight function.

(3) Routine uses will include disclosure to contractors and their agents, grantees, experts, consultants, and others performing or working on a contract, service, grant, cooperative agreement, or other work assignment for

the USPTO, when necessary to accomplish an agency function related to this system of records. Individuals provided information under this routine use are subject to the same Privacy Act requirements and limitations on disclosure as are applicable to the USPTO employees.

**DISCLOSURE TO CONSUMER REPORTING AGENCIES:**

Disclosures pursuant to 5 U.S.C. 552a(b)(12): Disclosures may be made from this system to ''consumer reporting agencies'' as defined in the Fair Credit Reporting Act (15 U.S.C. 1681a(f)), and the Federal Claims Collection Act of 1966 (31 U.S.C. 3701(a)(3)).

**POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:**

**STORAGE:**

Records are maintained in paper format in file folders, as digital images, and in electronic databases. Background investigation forms are maintained in the Electronic Questionnaires for Investigations Processing (e-QIP) automated system, which was developed for the U.S. Office of Personnel Management (OPM), Federal Investigative Services Division.

**RETRIEVABILITY:**

Records are retrieved by name, social security number and/or other unique identifier of the individual on whom they are maintained. The files are searchable in a database available only to authorized employee and contractor staff members of the Office of Human Resources and Office of Security and Safety.

**SAFEGUARDS:**

Records are located in secured rooms with retained background investigative security files being housed in security containers with access limited to those whose official duties require access. Electronic files are password protected and can only be accessed by authorized personnel.

The e-QIP system is subject to federal law governing records maintained on individuals. Unauthorized attempts to access the e-QIP system, as well as any use of data in the system for unauthorized purposes, are a violation of federal law and/or regulation. Violators are subject to disciplinary action and prosecution.

**RETENTION AND DISPOSAL:**

Records retention and disposal is in accordance with the series record schedules.

**SYSTEM MANAGER(S) AND ADDRESS:**

Director of Security and Safety, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313–1450.

**NOTIFICATION PROCEDURE:**

Information about the records contained in this system may be obtained by sending a request in writing, signed, to the system manager at the address above or to the address provided in 37 CFR 102 subpart B for making inquiries about records covered by the Privacy Act. Requesters should provide their name, address, and record sought in accordance with the procedures for making inquiries appearing in 37 CFR part 102 subpart B.

**RECORD ACCESS PROCEDURES:**

Requests from individuals should be addressed as stated in the notification section above.

**CONTESTING RECORD PROCEDURES:**

The general provisions for access, contesting contents, and appealing initial determinations by the individual concerned appear in 37 CFR part 102 subpart B. Requests from individuals should be addressed as stated in the notification section above.

**RECORD SOURCE CATEGORIES:**

Subject individuals; OPM, FBI and other Federal, state and local agencies; individuals and organizations that have pertinent knowledge about the subject individual; and those authorized by the individual to furnish information.

**EXEMPTIONS CLAIMED FOR THE SYSTEM:**

Pursuant to 5 U.S.C. 552a (k)(1), (k)(2) and (k)(5), all investigatory information and material in the record which meets the criteria of these subsections are exempted from the notice, access, and contest requirements under 5 U.S.C. 552a (c)(3), (d), (e)(1), (e)(4) (G), (H), and (I), and (f) of the agency regulations because of the necessity to exempt this information and material in order to accomplish the law enforcement function of the agency, to prevent disclosure of classified information as required by Executive Order 12065, to prevent subjects of investigation from frustrating the investigatory process, to prevent the disclosure of investigative techniques, to fulfill commitments made to protect the confidentiality of information, and to avoid endangering these sources and law enforcement personnel.

Dated: November 18, 2013.

**Susan K. Fawcett,**

*Records Officer, USPTO, Office of the Chief Information Officer.*

[FR Doc. 2013–27968 Filed 11–21–13; 8:45 am]

**BILLING CODE 3510–16–P**

## COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

### Procurement List; Proposed Additions and Deletions

**AGENCY:** Committee for Purchase From People Who Are Blind or Severely Disabled.

**ACTION:** Proposed Additions to and Deletions from the Procurement List.

**SUMMARY:** The Committee is proposing to add products and a service to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes services previously provided by such agencies.

*Comments Must Be Received on or Before:* 12/23/2013.

**ADDRESSES:** Committee for Purchase From People Who Are Blind or Severely Disabled, 1401 S. Clark Street, Suite 10800, Arlington, Virginia, 22202–4149.

*For Further Information or To Submit Comments Contact:* Barry S. Lineback, Telephone: (703) 603–7740, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

**SUPPLEMENTARY INFORMATION:**

This notice is published pursuant to 41 U.S.C 8503 (a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

### Additions

If the Committee approves the proposed additions, the entities of the Federal Government identified in this notice will be required to procure the products and service listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

The following products and service are proposed for addition to the Procurement List for production by the nonprofit agencies listed:

*Products*

Kit, Paint, Professional Grade

NSN: 8020–00–NIB–0051—6PC
NSN: 8020–00–NIB–0052—14PC
NSN: 8020–00–NIB–0054—4PC
NPA: Industries for the Blind, Inc., West Allis, WI
Contracting Activity: GENERAL SERVICES ADMINISTRATION, TOOLS

ACQUISITION DIVISION I, KANSAS CITY, MO
Coverage: B-List for the Broad Government Requirement as aggregated by the General Services Administration.

Sponge, All-Purpose, Nylon Mesh
NSN: 7920–00–NIB–0556—5″ × 3 1/2″ times; 1 1/4″
NSN: 7920–00–NIB–0569—7 1/2″ × 4 1/4″ × 1 3/4″
NPA: New York City Industries for the Blind, Inc., Brooklyn, NY
Contracting Activity: GENERAL SERVICES ADMINISTRATION, FORT WORTH, TX
Coverage: A-List for the Total Government Requirement as aggregated by the General Services Administration.

*Service*

*Service Type/Location:* Base Supply Center Service, San Diego Naval Base, 3985 Cummings Road, San Diego, CA.
NPA: The Lighthouse for the Blind, Inc. (Seattle Lighthouse), Seattle, WA
Contracting Activity: DEPT OF THE NAVY, NAVSUP FLT LOG CTR SAN DIEGO, CA

**Deletions**

The following services are proposed for deletion from the Procurement List:

*Services*

*Service Type/Location:* Janitorial/Custodial Service, Social Security Administration, 4020 Durand Avenue, Racine, WI.
NPA: Lakeside Curative Services, Inc., Racine, WI
Contracting Activity: GSA/PUBLIC BUILDINGS SERVICE, PROPERTY MANAGEMENT SERVICE CENTER, MILWAUKEE, WI
*Service Type/Location:* Janitorial/Custodial Service, Naval Reserve Center, LaCrosse, WI.
NPA: Riverfront Activity Center, Inc., La Crosse, WI
Contracting Activity: DEPT OF THE NAVY, NAVAL FAC ENGINEEERING CMD MIDWEST, GREAT LAKES, IL
*Service Type/Location:* Shelf Stocking Service, Brunswick Naval Air Station, 35 Dominion Avenue, Building 335, Topsham, ME.
NPA: Pathways, Inc., Auburn, ME
Contracting Activity: DEFENSE COMMISSARY AGENCY, FORT LEE, VA

**Barry S. Lineback,**

*Director, Business Operations.*

[FR Doc. 2013–28061 Filed 11–21–13; 8:45 am]

**BILLING CODE 6353–01–P**

## DEPARTMENT OF DEFENSE

### Office of the Secretary

### Response Systems to Adult Sexual Assault Crimes Panel; Notice of Federal Advisory Committee Meeting

**AGENCY:** Department of Defense.

**ACTION:** Notice of meeting.

**SUMMARY:** The Department of Defense is publishing this notice to announce the following Federal Advisory Committee meeting of the Response Systems to Adult Sexual Assault Crimes Panel. This meeting is open to the public.

**DATES:** A meeting of the Response Systems to Adult Sexual Assault Crimes Panel (''the Panel'') will be held December 11–12, 2013. The Public Session will begin at 8:20 a.m. and end at 5:30 p.m. on December 11, 2013, and will begin at 8:20 a.m. and end at 6:00 p.m. on December 12, 2013.

**ADDRESSES:** University of Texas-Austin, San Jacinto Residence Hall, Multi-Purpose Room 0207, 309 E 21st Street, Austin, TX 78705.

**FOR FURTHER INFORMATION CONTACT:** Ms. Terri Saunders, Deputy Staff Director, Response Systems Panel, One Liberty Center, 875 N. Randolph Street, Suite 150, Arlington, VA 22203. Email: *terri.a.saunders.civ@mail.mil.* Phone: (703) 693–3829. Web site: *http://responsesystemspanel.whs.mil.*

**SUPPLEMENTARY INFORMATION:** This public meeting is being held under the provisions of 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, as amended), and 41 CFR 102–3.150.

*Purpose of the Meeting:* At this meeting, the Panel will deliberate on the National Defense Authorization Act for Fiscal Year 2013 (Pub. L. 112–239), Section 576(a)(1) requirement to conduct an independent review and assessment of the systems used to investigate, prosecute, and adjudicate crimes involving adult sexual assault and related offenses under 10 U.S.C. 920 (article 120 of the Uniform Code of Military Justice), for the purpose of developing recommendations regarding how to improve the effectiveness of such systems. The Panel is interested in written and oral comments from the public, including non-governmental organizations, relevant to this tasking.

**Agenda**

*December 11, 2013*

- 8:20 a.m.–8:30 a.m. Comments from the Panel Chair
- 8:30 a.m.–9:30 a.m. Presentation by Mr. Russell Strand—Overview of the Problem of Sexual Assault in the Military and Civilian Society
- 9:30 a.m.–10:30 a.m. Special Victim Capability Overview
- 10:30 a.m.–12:30 p.m. Military Criminal Investigation Office Overview of Training and Investigations
- 12:30 p.m.–1:00 p.m. Lunch
- 1:00 p.m.–3:00 p.m. Civilian Police Organizations, Departments and Special Investigators
- 3:00 p.m.–4:30 p.m. Academic Panel Discussion of Civilian Police Response and Handling of Sexual Assault
- 4:30 p.m.–4:45 p.m. Comments from Public
- 4:45 p.m.–5:30 p.m. Panel Deliberation

*December 12, 2013*

- 8:20 a.m.–8:30 a.m. Comments from the Panel Chair
- 8:30 a.m.–9:30 a.m. Presentation by Ms. Anne Munch—The Unnamed Conspirator in Sexual Assault Cases
- 9:30 a.m.–10:15 a.m. Overview of Article 120, UCMJ
- 10:15 a.m.–11:30 a.m. Service Waterfall Slide Presentation
- 11:30 a.m.–12:30 p.m. Statistical Analysis of Waterfall Slides
- 12:30 p.m.–1:00 p.m. Lunch
- 1:00 p.m.–3:00 p.m. Discussion with Military and Civilian Defense Counsel
- 3:00 p.m.–5:00 p.m. Discussion with Military and Civilian Prosecutors
- 5:00 p.m.–5:15 p.m. Comments from Public
- 5:15 p.m.–6:00 p.m. Panel Deliberations

*Availability of Materials for the Meeting:* A copy of the agenda or any updates to the agenda for the December 11–12, 2013 meeting, as well as other materials presented in the meeting, may be obtained at the meeting or from the Panel's Web site at: *http://responsesystemspanel.whs.mil.*

*Public's Accessibility to the Meeting:* Pursuant to 5 U.S.C. 552b and 41 CFR 102–3.140 through 102–3.165, and the availability of space, this meeting is open to the public. Seating is limited and is on a first-come basis.

*Special Accommodations:* Individuals requiring special accommodations to access the public meeting should contact the Deputy Staff Director at *terri.a.saunders.civ@mail.mil* at least five (5) business days prior to the meeting so that appropriate arrangements can be made.

*Procedures for Providing Public Comments:* 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, the public or interested organizations may submit written comments to the Panel about its mission and topics pertaining to this public session. Written comments must be received by the Deputy Staff Director at least five (5) business days prior to

the meeting date so that they may be made available to the Panel for their consideration prior to the meeting. Written comments should be submitted via email to the address for the Deputy Staff Director given in this notice in the following formats: Adobe Acrobat or Microsoft Word. Please note that since the Panel operates under the provisions of the Federal Advisory Committee Act, as amended, all written comments will be treated as public documents and will be made available for public inspection. If members of the public are interested in making an oral statement, a written statement must be submitted along with a request to provide an oral statement. Oral presentations by members of the public will be permitted between 4:30 p.m. and 4:45 p.m. December 11, 2013 and between 5:00 p.m. and 5:15 p.m. December 12, 2013 in front of the Panel. The number of oral presentations to be made will depend on the number of requests received from members of the public on a first-come basis. After reviewing the requests for oral presentation, the Chairperson and the Designated Federal Officer will, having determined the statement to be relevant to the Panel's mission, allot five minutes to persons desiring to make an oral presentation. *Committee's Designated Federal Officer:* The Board's Designated Federal Officer is Ms. Maria Fried, Response Systems to Adult Sexual Assault Crimes Panel, 1600 Defense Pentagon, Room 3B747, Washington, DC 20301–1600.

Dated: November 18, 2013.

**Aaron Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 2013–27998 Filed 11–21–13; 8:45 am]

**BILLING CODE 5001–06–P**

## DEPARTMENT OF DEFENSE

### Department of the Army

### Draft Environmental Impact Statement for the Modernization and Repair of Piers 2 and 3, Military Ocean Terminal Concord, CA

**AGENCY:** Department of the Army, DoD.

**ACTION:** Notice of Availability.

**SUMMARY:** The Department of the Army announces the availability of the Draft Environmental Impact Statement (DEIS) for the Modernization and Repair of Piers 2 and 3 at Military Ocean Terminal Concord (MOTCO). The DEIS evaluates the potential environmental and socioeconomic effects that could result from the partial demolition of existing Pier 2 and reconstruction of structural elements; replacement of pier-side infrastructure and supporting facilities at Pier 2; upgrades to shore-side roads and electrical infrastructure in the immediate vicinity of Piers 2 and 3; removal and replacement/repair of piles and selected structural elements at Pier 3; and maintenance dredging to −32 feet mean lower low water plus 2 feet overdepth dredging at select areas around Pier 2 (up to 3,800 cubic yards). Environmental consequences were evaluated for noise; air quality; geology, topography, and soils; water resources; biological resources; land use and coastal zone management; transportation; infrastructure; visual resources; recreational resources; socioeconomics; environmental justice and protection of children; cultural resources; and hazardous materials, hazardous waste, toxic substances, and contaminated sites. Based on the analysis described in the DEIS, all impacts are anticipated to be less than significant.

The DEIS evaluates the potential environmental and socioeconomic effects of three action alternatives and the No Action Alternative. Alternative 1 fully implements repairs to Piers 2 and 3 with Pier 2 re-oriented to align the west end with the existing shipping channel to create a more modernized configuration. Alternative 2 would use the same structural system as Alternative 1 and fully implement repairs to Piers 2 and 3; however, the Pier 2 footprint would remain in its present location. Alternative 3 would fully implement repairs to Piers 2 and 3, reorienting Pier 2 to create a more modernized configuration but with a larger deck surface and heavier load-carrying capacity than that proposed under Alternative 1. Under the No Action Alternative, the modernization and repair of Pier 2 and the repair of Pier 3 at MOTCO would not occur, and Pier 3 would continue to be used with loading restrictions for the remainder of its service life (estimated to be 2019).

**DATES:** The public comment period will end 45 days after publication of the Notice of Availability in the **Federal Register** by the U.S. Environmental Protection Agency.

**ADDRESSES:** Please submit written comments to Mr. Malcolm Charles, Director of Public Works, Attention: SDAT–CCA–MI (Charles), 410 Norman Avenue, Concord, CA 94520; email comments to *usarmy.motco.sddc.mbx.list-eis@mail.mil;* or fax comments to (925) 246–4171 (Attention: SDAT–CCA–MI [Charles]).

**FOR FURTHER INFORMATION CONTACT:** Mr. Mitch Chandran, Public Affairs Office, Surface Deployment and Distribution Command; telephone: (618) 220–5704 or (618) 220–6284; email: *mitchell.b.chandran.civ@mail.mil.*

**SUPPLEMENTARY INFORMATION:** The purpose of the proposed action is to modernize and repair Pier 2 and repair Pier 3 so the Army can maintain its ability to meet documented Department of Defense (DoD) mission requirements in support of wartime and contingency operations. Piers 2 and 3 were built in the mid-1940s. Both piers are past their structural and design life and lack modern operational efficiencies. Pier 2, the optimum operational pier for mission capability, cannot be used due to its currently degraded and nonoperational condition. Pier 3, currently the primary operational pier at MOTCO, requires repair to maintain limited operational capability through 2019. The proposed action is therefore needed to modernize and repair pier infrastructure at MOTCO to ensure this vital West Coast port can continue to meet its designated mission. Without these actions, the DoD's ability to perform its current and future contingency operations in the Pacific theater would be impacted.

The DEIS was prepared in accordance with the National Environmental Policy Act (NEPA) (42 United States Code 4321 *et seq.*); the Council on Environmental Quality regulations implementing NEPA (40 Code of Federal Regulations [CFR] Parts 1500–1508), and the Army's regulations implementing NEPA (32 CFR Part 651 as published in **Federal Register**, Volume 67, Pages 15290–15332). The purpose of the DEIS is to inform the decision maker; federally recognized Native American tribes, federal, state, and local agencies and officials; and interested groups and individuals of possible environmental and socioeconomic consequences associated with the proposed action.

Based on a thorough review of the alternatives, the Army at this point has determined Alternative 1 to be its Preferred Alternative. Alternative 1 accomplishes all of the basic requirements for modernizing Pier 2 and re-orients the pier to provide more efficient access for the types of vessels that use the pier.

The Army has entered into consultation concerning the proposed action as required by Section 106 of the National Historic Preservation Act and its implementing regulations (36 CFR Part 800) regarding the Army's determination that the proposed action would have no adverse effect on

cultural resources or historic properties. The Army has also entered into consultation with the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (USFWS) as required by Section 7 of the Endangered Species Act regarding the Army's determination that the proposed action may affect threatened and endangered species. The proposed action will include implementation of avoidance and minimization measures for potential impacts to federally listed species and critical habitat; these measures will be further refined during consultations with NMFS and USFWS.

The Army invites federally recognized Native American tribes; federal, state, and local agencies and officials; and interested groups and individuals to submit written comments and to participate in a public meeting where oral and written comments and suggestions will be received concerning the alternatives and analysis addressed in the DEIS and to fulfill public involvement requirements under Section 106 of the National Historic Preservation Act. The Army will conduct a public meeting on the DEIS in Bay Point, California, with the date and location being announced in the local news media. All comments submitted during the public review period will become part of the public record on the DEIS and will be responded to in the Final EIS.

Copies of the DEIS are available for public review at the following two Contra Costa County libraries: Concord Library, 2900 Salvio Street, Concord, CA 94519 and Bay Point Library, 205 Pacifica Avenue, Bay Point, CA 94565. The DEIS may also be reviewed electronically at *http://www.sddc.army.mil/MOTCO/default.aspx.*

**Brenda S. Bowen,**

*Army Federal Register Liaison Officer.*

[FR Doc. 2013–27852 Filed 11–21–13; 8:45 am]

**BILLING CODE 3710–08–P**

## DEPARTMENT OF DEFENSE

### Defense Acquisition Regulations System

**[Docket Number DARS–2013–0045]**

### Information Collection Requirement; Defense Federal Acquisition Regulation Supplement; Subcontracting Policies and Procedures

**AGENCY:** Defense Acquisition Regulations System, Department of Defense (DoD).

**ACTION:** Notice and request for comments regarding a proposed extension of an approved information collection requirement.

**SUMMARY:** In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), DoD announces the proposed extension of a public information collection requirement and seeks public comment on the provisions thereof. DoD invites comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; (b) the accuracy of the estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. The Office of Management and Budget (OMB) has approved this information collection requirement for use through January 31, 2014. DoD proposes that OMB extend its approval for three additional years.

**DATES:** DoD will consider all comments received by January 21, 2014.

**ADDRESSES:** You may submit comments, identified by OMB Control Number 0704–0253, using any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: dfars@mail.mil.* Include OMB Control Number 0704–0253 in the subject line of the message.
- *Fax:* 571–372–6094.
- *Mail:* Defense Acquisition Regulations System, Attn: Ms. Annette Gray, OUSD (AT&L) DPAP (DARS), 3060 Defense Pentagon, Room 3B855, Washington, DC 20301–3060.

Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal information provided.

**FOR FURTHER INFORMATION CONTACT:** Ms. Annette Gray, 571–372–6093. The information collection requirements addressed in this notice are available on the World Wide Web at: *http://www.acq.osd.mil/dpap/dars/dfarspgi/current/index.html.*

Paper copies are available from Ms. Annette Gray, OUSD (AT&L) DPAP (DARS), 3060 Defense Pentagon, Room 3B855, Washington, DC 20301–3060.

**SUPPLEMENTARY INFORMATION:**

*Title and OMB Number:* Defense Federal Acquisition Regulation Supplement (DFARS) Part 244, Subcontracting Policies and Procedures; OMB Control Number 0704–0253.

*Needs and Uses:* Administrative contracting officers use this information in making decisions to grant, withhold, or withdraw purchasing system approval at the conclusion of a purchasing system review. Withdrawal of purchasing system approval would necessitate Government consent to individual subcontracts.

*Affected Public:* Businesses or other for-profit and not-for-profit institutions.

*Annual Burden Hours:* 1,440.

*Number of Respondents:* 90.

*Responses per Respondent:* Approximately 1.

*Annual Responses:* 90.

*Average Burden per Response:* 16 hours.

*Frequency:* On occasion.

**Summary of Information Collection**

This information collection includes the requirements of DFARS 244.305, entitled ''Granting, withholding, or withdrawing approval'' of a contractor's purchasing system. DFARS 244.305–70 provides policy guidance for administrative contracting officers to determine the acceptability of the contractor's purchasing system and approve or disprove the system, at the completion of the in-plant portion of a contractor purchasing system review, and to pursue correction of any deficiencies with the contractor. DFARS 244.305–71 prescribes the use of clause 252.244–7001, Contractor Purchasing System Administration. This clause requires the contractor to respond within 30 days to a written initial determination from the contracting officer that identifies significant deficiencies in the contractor's purchasing system. The contracting officer will evaluate the contractor's response to this initial determination and notify the contractor in writing of any remaining significant deficiencies, the adequacy of any proposed or completed corrective action and system disapproval if the contracting officer determines that one or more significant deficiencies remain. If the contractor receives the contracting officer's final determination of significant deficiencies, the contractor has 45 days to either correct the significant deficiencies or submit an acceptable corrective action plan.

**Manuel Quinones,**

*Editor, Defense Acquisition Regulations System.*

[FR Doc. 2013–28087 Filed 11–21–13; 8:45 a.m.]

**BILLING CODE 5001–06–P**

## DEPARTMENT OF ENERGY

### Proposed Agency Information Collection

**AGENCY:** U.S. Department of Energy.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of Energy (DOE) invites public comment on a proposed collection of information that DOE is developing for submission to the Office of Management and Budget (OMB) pursuant to the Paperwork Reduction Act of 1995. 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, including the validity of the methodology and assumptions used; (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.

The proposed collection would involve information that will enable DOE to measure the impact and progress of DOE's Workplace Charging Challenge (Challenge). The Challenge is an initiative through which DOE provides employers with specialized resources, expertise, and support to incorporate workplace charging programs into their operations successfully.[1] The initiative is a part of the EV Everywhere Grand Challenge, which focuses on enabling U.S. vehicle manufacturers to be the first in the world to produce plug-in electric vehicles (PEVs) that are as affordable and convenient for the average American family as today's gasoline-powered vehicles by 2022. As the EV Everywhere Grand Challenge is focused on both PEV research and development as well as deployment, it has been developed with input from sustainability professionals, industry representatives, and DOE's Clean Cities program staff coordinators.

**DATES:** Comments regarding this proposed information collection must be received on or before January 21, 2014. If you anticipate difficulty in submitting comments within that period, contact the person listed in **ADDRESSES** as soon as possible.

**ADDRESSES:** Written comments may be sent to Sarah Olexsak, Office of Energy Efficiency and Renewable Energy (EE–2G), U.S. Department of Energy 1000 Independence Avenue SW., Washington, DC 20585–0121, or by fax at 202–586–1600, or by email at *WorkplaceCharging@ee.doe.gov*.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument and instructions should be directed to Sarah Olexsak, Office of Energy Efficiency and Renewable Energy (EE–2G), U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585–0121, (202) 287–5151, *WorkplaceCharging@ee.doe.govmailto:*.

**SUPPLEMENTARY INFORMATION:** This information collection request contains: (1) OMB No. New; (2) Information Collection Request Title: Workplace Charging Challenge; (3) Type of Request: New; (4) Purpose: DOE's Vehicle Technologies Office (VTO) has developed a voluntary initiative, the EV Everywhere Workplace Charging Challenge. This initiative, launched in January 2013, aims to increase the number of U.S. employers offering workplace charging for PEVs to their employees. Participating employers may sign on as Partners to signal their commitment to workplace charging and otherwise promote workplace charging. As designed, the initiative is intended to benefit both employees and employers.

The goal of the Workplace Charging Challenge is to increase to over 500 the number of employers offering workplace charging to their U.S. employees by 2018, the scheduled end of the program.. Individual employers that make available at least one electric vehicle supply equipment (EVSE), or charger, to their employees at one major employer location will count towards this goal, regardless of whether or not the employer is a partner in the Workplace Charging Challenge.

As part of this this program, DOE will be conducting outreach to deploy workplace charging, provide technical assistance to support employers' workplace charging programs, and identify specific success stories, lessons learned, and best practices employers have deployed, thereby increasing the value and facilitating the deployment of additional workplace charging programs. The effort is part of the larger EV Everywhere Grand Challenge, and as the Grand Challenge by necessity incorporates a deployment component, DOE will be able to use its experience and expertise through the VTO Clean Cities Program to educate the public about PEVs, as well as help identify potential workplace charging barriers and the means to remove such barriers.

The Challenge does not endeavor to engage an exhaustive number of employers, but rather will work with self-identified employers committed to leading the way in reducing petroleum consumption through the deployment of PEVs and associated charging infrastructure.

In January 2013, relying on employers' public records and communications, DOE began identifying employers that might be interested in becoming voluntary partners to the Workplace Challenge Program. To measure progress towards the Workplace Charging Challenge goal of more than 500 employers through 2018, DOE will be monitoring some employers directly, and others through data DOE can gather from available online resources, including the Alternative Fuels Data Center. For those employers DOE is monitoring directly, DOE will develop an annual progress update and will publish the generalized results gathered. To generate this annual update, DOE will collect annually from these Workplace Charging Challenge Partners, or employers, data and narratives associated with their PEV charging program and infrastructure.

The principal objective of collecting the information DOE seeks to gather through the Challenge is to allow DOE to develop an objective assessment and estimate of the number of U.S. employers that have established a workplace charging program or otherwise installed EVSE, and to document specific information associated with the offering of such a program to employees. Information requested would be used to establish basic information for Partner employers, which will then be used for future comparisons and analysis of instituted programs and policies. A designated representative for each participating Partner will provide the requested information. The intended respondent is expected to be aware of relevant aspects of the company's charging infrastructure and program if such exists, such that the gathering of information is not expected to be very resource consuming. DOE will compile and issue an annual progress update that would provide an update on the Workplace Charging Challenge program partners' activities, as well as report on metrics DOE is evaluating related to energy consumption, costs, numbers of employers in the program, and best practices that can be identified for the purpose of helping others take steps to deploy charging infrastructure.

[1] Excluded from the Challenge are the Federal government and employers that are integrally involved in the sale of EVSE products and services.

The Challenge effort will rely on data the Partners will provide via an online response tool. The data collection would address the following topic areas: (1) Charging infrastructure and use; (2) employee PEV ownership and PEV knowledge; and (3) feedback on the Challenge.

The data will be compiled for the purpose of assessing and setting forth in the annual progress updates the Workplace Charging Challenge program's impact in terms of increasing both the number of employers offering workplace charging and the deployment of EVSEs and PEVs.

The data and subsequent analyses will allow DOE to compare historical records dynamically, and provide the opportunity for DOE to determine annual progress toward Workplace Charging Challenge goals. Calculation of progress and impacts will be undertaken on an annual basis.

The Workplace Charging Challenge program is targeted at U.S. employers. Providing initial baseline information for each participating employer, which occurs only once, is expected to take 1.5 hours. Follow-up questions and clarifications for the purpose of ensuring accurate analyses may take up to 3.5 hours; (5) Annual Estimated Number of Respondents: 400; (6) Annual Estimated Number of Total Responses: 400; (7) Annual Estimated Number of Burden Hours: 2,000; (8) Annual Estimated Reporting and Recordkeeping Cost Burden: There is no cost associated with reporting and recordkeeping.

**Statutory Authority:** 42 U.S.C. Sec 13233; 42 U.S.C. Sec. 13252(a)–(b); 42 U.S.C. 13255.

Issued in Washington, DC, on November 15, 2013.

**Patrick B. Davis,**

*Director, Vehicle Technologies Office, Energy Efficiency and Renewable Energy.*

[FR Doc. 2013–28046 Filed 11–21–13; 8:45 am]

**BILLING CODE 6450–01–P**

## DEPARTMENT OF ENERGY

### Senior Executive Service; Performance Review Board

**AGENCY:** U.S. Department of Energy.

**ACTION:** SES Performance Review Board Standing Register.

**SUMMARY:** This notice provides the Performance Review Board Standing Register for the Department of Energy. This listing supersedes all previously published lists of PRB members.

**DATES:** These appointments are effective as of September 30, 2013.

ADAMS, VINCENT NMN
ADCOCK, DONALD E.
AIYAR, PRIYA R.
ALEXANDER, KATHLEEN B.
ALLEN, DAVID R.
ALLISON, JEFFREY M.
AMARAL, DAVID M.
ANDERSON, CYNTHIA V.
ANDERSON, ROBERT T.
ANDREWS, CLAUDIA R.
AOKI, STEVEN NMN
ARANGO III, JOSEPH NMN
ASCANIO, XAVIER NMN
ATKINS, ARTHUR G.
BAKER, KENNETH E.
BARHYDT, LAURA L.
BATTERSHELL, CAROL J.
BEAMON, JOSEPH A.
BEARD, JEANNE M.
BEARD, SUSAN F.
BEAUSOLEIL, GEOFFREY L.
BEKKEDAHL, LARRY N.
BELL, MELODY C.
BESTANI, ROBERT M.
BIENIAWSKI, ANDREW J.
BIERBOWER, WILLIAM J.
BINKLEY, JOHN S.
BISHOP, CLARENCE T.
BISHOP, TRACEY L.
BLACK, STEVEN K.
BOARDMAN, KAREN L.
BODI, F. LORRAINE
BOLTON JR. EDWARD L.
BORGSTROM, CAROL M.
BOSCO, PAUL NMN
BOSTON, ROBERT D.
BOUDREAU, ROBERT N.
BOULDEN III, JOHN S.
BOWHAN, BRETT R.
BOWMAN, DAVID R.
BOYD, DAVID O.
BOYKO, THOMAS R.
BOYLE, WILLIAM J.
BRADY, MARK C.
BREMER, JOHN D.
BRESE, ROBERT F.
BROTT, MATTHEW J.
BROWN, DAVID S.
BROWN, FRED L.
BROWN, STEPHANIE H.
BRYAN, WILLIAM N.
BURROWS, CHARLES W.
BUTTRESS, LARRY D.
CADIEUX, GENA E.
CALBOS, PHILIP T.
CALLAHAN, SAMUEL N.
CAMPAGNONE, MARI-JOSETTE N.
CAMPBELL II, HUGH T.
CANNON, SCOTT C.
CAPONITI, ALICE K.
CAROSINO, ROBERT M.
CARR, MICHAEL S.
CHABAY, JOHN E.
CHALK, STEVEN G.
CHARBONEAU, STACY L.
CHEN, YU-HAN NMN
CHOI, JOANNE Y.
CHUNG, DAE Y.
CLAPPER, DANIEL R.
CLARK, DIANA D.
CLARK, KERRY M.
CLINTON, RITA M.
COHEN, DANIEL NMN
CONNERY, JOYCE L.
CONTI, JOHN J.
COOPER, JAMES R.
COOPER, SUZANNE BENNETT
CORBIN, ROBERT F.
COREY, RAY J.
CRAIG JR. JACKIE R.
CRAWFORD, GLEN D.
CRESCENZO, FRANK J.
CROUTHER, DESI A.
CROWELL, BRADLEY R.
CUGINI, ANTHONY V.
CUMMINS, KELLY NICOLE
DAVENPORT, SHARI T.
DAVIDSON, PETER W.
DAVIS, PATRICK B.
DE VOS, ERICA NMN
DEAROLPH, DOUGLAS J.
DECKER, ANITA J.
DEHAVEN, DARREL S.
DEHMER, PATRICIA M.
DEHORATIIS JR. GUIDO NMN
DELHOTAL, KATHERINE CASEY
DELWICHE, GREGORY K.
DETWILER, RALPH P.
DEZIEL, DENNIS R.
DIAMOND, BRUCE M.
DICAPUA, MARCO S.
DICKENSON, HOWARD E.
DICKINSON, MARK H.
DIFIGLIO, CARMEN NMN
DIKEAKOS, MARIA V.
DIXON, ROBERT K.
DOONE, ALISON L.
DOWELL, JONATHAN A.
DRUMMOND, WILLIAM K.
DUNNE, MATTHEW S.
DURANT III, JAMES MELBOURN
DURANT, CHARLES K.
ECKROADE, WILLIAM A.
EDWARDS III, ROBERT E.
EHLI, CATHY L.
ELKIND, JONATHAN H.
ELY, LOWELL V.
ERHART, STEVEN C.
ESCHENBERG, JOHN R.
FERRARO, PATRICK M.
FLETCHER, THOMAS W.
FLOHR, CONNIE M.
FLYNN, KAREN L.
FRANCO JR., JOSE R.
FRANKLIN, RITA R.
FRANTZ, DAVID G.
FREMONT, DOUGLAS E.
FRESCO, MARY ANN E.
FURRER, ROBIN R.
FURSTENAU, RAYMOND V.
FYGI, ERIC J.
GABRIEL, MARK A.
GAFFNEY, BARRY A.
GALLAGHER, CHRISTIANA NMN
GAMAGE, SARAH L.
GARCIA, ANNA M.
GASPEROW, LESLEY A.
GEERNAERT, GERALD L.
GEISER, DAVID W.

GELISKE, TERRY M.
GELLES, CHRISTINE M.
GENDRON, MARK O.
GENECE, RICHARD B.
GERRARD, JOHN E.
GIBBS, ROBERT C.
GIBSON JR, WILLIAM C.
GIBSON, CHRISTINE M.
GILBERTSON, MARK A.
GILLO, JEHANNE E.
GOLAN, PAUL M.
GOLUB, SAL JOSEPH.
GOODRUM, WILLIAM S.
GORDON, THEANNE E.
GREENAUGH, KEVIN C.
GREENE, JANIS E.
GREENWOOD, JOHNNIE D.
GRIEGO, JUAN L.
GROF-TISZA, LAJOS E.
GROSE, AMY E.
GRUENSPECHT, HOWARD K.
GUEVARA, ARNOLD E.
HALE, ANDREW M.
HALE, JOHN H.
HALL, R KEVIN.
HALLMAN, TIMOTHY J.
HAMEL JR, WILLIAM F.
HANLON, PETER H.
HANNIGAN, JAMES J.
HARKAVY, ANNE NMN
HARMS, TIMOTHY C.
HARP, BENTON J.
HARRELL, JEFFREY P.
HARRINGTON, PAUL G.
HARRIS, ROBERT J.
HARROD, WILLIAM J.
HARVEY, STEPHEN J.
HELD, EDWARD B.
HELLAND, BARBARA J.
HENNEBERGER, KAREN O.
HENNEBERGER, MARK W.
HERCZEG, JOHN W.
HICKMAN, MICHAEL O.
HINE, SCOTT E.
HINTZE, DOUGLAS E.
HOGAN, KATHLEEN B.
HOLECEK, MARK L.
HOLLAND, RALPH E.
HOLLETT, DOUGLAS W.
HOLTON, LANGDON K.
HONKOMP, CHRISTOPHER J.
HORNING, PAMELA A.
HORTON, LINDA L.
HUIZENGA, DAVID G.
HUTTON, JAMES A.
JOHNS, CHRISTOPHER S.
JOHNSON JR, THOMAS NMN
JOHNSON, ROBERT SHANE
JOHNSON, SANDRA L.
JONES, GREGORY A.
JONES, MARCUS E.
JONES, WAYNE NMN
JUJ, HARDEV S.
KAEMPF, DOUGLAS E.
KAPLAN, STAN M.
KEARNEY, JAMES H.
KELLY, HENRY C.
KELLY, JOHN E.
KELLY, LARRY C.
KENCHINGTON, HENRY S.
KENDELL, JAMES M.
KENDERDINE, MELANIE A.
KETCHAM, TIMOTHY E.
KHAN, TARIQ M.
KIGHT, GENE H.
KIM, DONG K.
KIMBERLING, LINDA S.
KIRCHHOFF, STEPHEN A.
KLARA, SCOTT M.
KLAUS, DAVID M.
KLAUSING, KATHLEEN A.
KLING, JON NMN.
KNOBLOCH, KEVIN T.
KNOLL, WILLIAM S.
KNOTEK, MICHAEL L.
KOLB, INGRID A C.
KOUNTOURIS, VASILIOS G.
KOURY, JOHN F.
KROL, JOSEPH J.
KUNG, HUIJOU HARRIET
KUSNEZOV, DIMITRI F.
LAGDON JR, RICHARD H.
LAWRENCE, ANDREW C.
LAWRENCE, STEVEN J.
LE, MINH SY
LEATHLEY, KIMBERLY A.
LEBAK, KIMBERLY DAVIS
LECKEY, THOMAS J.
LEE, TERRI TRAN
LEGG, KENNETH E.
LEHMAN, DANIEL R.
LEMPKE, MICHAEL K.
LENHARD, JOSEPH A.
LERSTEN, CYNTHIA A.
LEVITAN, WILLIAM M.
LEVY, JONATHAN M.
LEWIS, ROGER A.
LINGAN, ROBERT M.
LIVENGOOD, JOANNA M.
LOCKWOOD, ANDREA K.
LOWERY, FRANK JOSEPH MICHA
LUCAS, JOHN T.
LUSHETSKY, JOHN M.
LUTZE, NEILE MILLER
MACINTYRE, DOUGLAS M.
MACKEY, TONYA M.
MACWILLIAMS III, JOHN J.
MADDEN, ALICE D.
MAINZER, ELLIOT E.
MARCINOWSKI III, FRANCIS N.
MARKOVITZ, ALISON J.
MARLAY, ROBERT C.
MARMOLEJOS, POLI A.
MARTIN, JARED L.
MAY, JOSEPH J.
MCARTHUR, BILLY R.
MCBREARTY, JOSEPH A.
MCCONNELL, JAMES J.
MCCORMICK, MATTHEW S.
MCGINNIS, EDWARD G.
MCGUIRE, PATRICK W.
MCILWAIN, SERENA A.
MCKENZIE, JOHN M.
MCMILLIAN, JIMMY E.
MCRAE, JAMES BENNETT
MEEKER, JOHN W.
MEEKS, TIMOTHY J.
MEFFORD, PENNY L.
MELAMED, ELEANOR NMN
MELENDEZ, CARMELO NMN
MENDELSOHN, CATHERINE R.
MILLIKEN, JOANN NMN
MINVIELLE, THOMAS M.
MIOTLA, DENNIS M.
MOE, DARRICK C.
MOLLOT, DARREN J.
MONTOYA, ANTHONY H.
MOODY III, DAVID C.
MOORE, JOHNNY O.
MORTENSON, VICTOR A.
MOURY, MATTHEW B.
MUELLER, TROY J.
MURPHIE, WILLIAM E.
MURPHY, JAMES B.
MUSTIN, TRACY P.
NAPLES, ELMER M.
NAPOLITANO, SAMUEL A.
NASSIF, ROBERT J.
NICHOLS, DON F.
NICOLL, ERIC G.
NWACHUKU, FRANCES I.
O'BRIEN, JAMES B.
O'CONNOR, STEPHEN C.
O'CONNOR, THOMAS J.
ODER, JOSEPH M.
O'KONSKI, PETER J.
OLENCZ, JOSEPH NMN
OLIVER, LEANN M.
OLIVER, STEPHEN R.
ORTIZ, DAVID S.
OSHEIM, ELIZABETH L.
OWENDOFF, JAMES M.
PAVETTO, CARL S.
PAYNE, JANIE L.
PEARSON, VIRGINIA A.
PEEK, MICHAEL A.
PENRY, JUDITH M.
PERSHING, JONATHAN C.
PHAN, THOMAS H.
PICHA, KENNETH G.
PLASYNSKI, SEAN I.
PODONSKY, GLENN S.
PORTER, STEVEN A.
POWELL, CYNTHIA ANN
PROCARIO, MICHAEL P.
PROVENCHER, RICHARD B.
PURUCKER, ROXANNE E.
RAINES, ROBERT B.
RASAR, KIMBERLY D.
RHODERICK, JAY E.
RICHARDS, AUNDRA M.
RICHARDSON, SUSAN S.
RISSER, ROLAND J.
ROACH, RANDY A.
RODGERS, DAVID E.
RODGERS, STEPHEN J.
ROEGE, WILLIAM H.
ROHLFING, ERIC A.
ROY, MELL J.
SALMON, JEFFREY T.
SAMUELSON, SCOTT L.
SATYAPAL, SUNITA NMN
SAYLES, ANDRE H.
SCHAAL, ALFRED MICHAEL
SCHEINMAN, ADAM M.
SCHOENBAUER, MARTIN J.
SCHREIBER, BERTA L.

SCHULTZ, DOUGLAS W.
SCHUNEMAN, PATRICIA J.
SCOTT, RANDAL S.
SCOTT, ROBERT W.
SENA, RICHARD F.
SHEELY, KENNETH B.
SHEPPARD, CATHERINE M.
SHEWAIRY, JOHN C.
SHOOP, DOUG S.
SHORT, STEPHANIE A.
SHRADER, TODD A.
SIMONSON, STEVEN C.
SKUBEL, STEPHEN C.
SMITH, CHRISTOPHER A.
SMITH, KEVIN W.
SMITH, THOMAS Z.
SMITH-KEVERN, REBECCA F.
SNIDER, ERIC S.
SNYDER, ROGER E.
SPEARS, TERREL J.
SPERLING, GILBERT P.
STAKER, THOMAS R.
STEARRETT, BARBARA H.
STENSETH, WILLIAM LYNN
STEPHENSON, APRIL G.
STONE, BARBARA R.
STREIT, LISA D.
STUCKY, JEAN SEIBERT
SUNDERLAND, MARY T.
SURASH, JOHN E.
SWEETNAM, GLEN E.
SYKES, MERLE L.
SYNAKOWSKI, EDMUND J.
TALBOT JR, GERALD L.
TAYLOR, CHARLES W.
THOMPSON, MICHAEL A.
THRESS JR, DONALD F.
TILDEN, JAY A.
TOCZKO, JAMES E.
TOMER, BRADLEY J.
TRAUTMAN, STEPHEN J.
TURNER, CHRISTOPHER MARK
TURNER, SHELLEY P.
TURNURE, JAMES T.
TYBOROWSKI, TERESA ANN
TYNER, TERESA M.
UNRUH, TIMOTHY D.
URIE, MATTHEW C.
VALDEZ, WILLIAM J.
VAN DAM, JAMES W.
VANGENDEREN, HEIDI NMN
VAVOSO, THOMAS G.
VENUTO, KENNETH T.
VILLAR, JOSE A.
WADDELL, JOSEPH F.
WAISLEY, SANDRA L.
WANDER, WILLIAM T.
WARD, GARY K.
WARNICK, WALTER L.
WARREN, BRADLEY S.
WATKINS, EDWARD F.
WATSON, PERNELL B.
WAYLAND, KAREN G.
WEATHERWAX, SHARLENE C.
WEIS, MICHAEL J.
WELLING, DAVID CRAIG
WESTFALL, LYNN D.
WESTON–DAWKES, ANDREW P.
WHITE, WILLIAM I.
WHITNEY, JAMES M.
WILBER, DEBORAH A.
WILCHER, LARRY D.
WILLIAMS, ALICE C.
WILLIAMS, RHYS M.
WILLIAMS, THOMAS D.
WILSON JR, THOMAS NMN
WORLEY, MICHAEL N.
WORTHINGTON, PATRICIA R.
WYKA JR, THEODORE A.
YEH, DAVID Y.
YOSHIDA, PHYLLIS G.
ZABRANSKY, DAVID K.
ZAMORSKI, MICHAEL J.
ZEH, CHARLES M.

Issued in Washington, DC: November 8, 2013.

**Tonya M. Mackey,**

*Director, Office of Executive Resources, Office of the Chief Human Capital Officer.*

[FR Doc. 2013–28037 Filed 11–21–13; 8:45 am]

**BILLING CODE 6450–01–P**

## DEPARTMENT OF ENERGY

### Senior Executive Service; Performance Review Board

**AGENCY:** U.S. Department of Energy

**ACTION:** Designation of Performance Review Board Co-Chairs.

**SUMMARY:** This notice provides the Performance Review Board Co-Chairs designees for the Department of Energy.

**DATES:** This appointment is effective as of September 30, 2013.

Susan F. Beard
Dennis M. Miotla

Issued in Washington, DC: November 8, 2013.

**Tonya M. Mackey,**

*Director, Office of Executive Resources, Office of the Chief Human Capital Officer.*

[FR Doc. 2013–28041 Filed 11–21–13; 8:45 am]

**BILLING CODE 6450–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

### Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

*Docket Numbers:* EC14–26–000.

*Applicants:* Richland-Stryker Generation LLC.

Description: Application for Authorization of Transaction under Section 203 of Richland-Stryker Generation LLC.

*Filed Date:* 11/8/13.

*Accession Number:* 20131108–5168.

*Comments Due:* 5 p.m. ET 11/29/13.

Take notice that the Commission received the following exempt wholesale generator filings:

*Docket Numbers:* EG14–13–000.

*Applicants:* Lakeland Solar Energy LLC.

*Description:* Notice of Self-Certification of Exempt Wholesale Status of Lakeland Solar Energy LLC.

*Filed Date:* 11/12/13.

*Accession Number:* 20131112–5172.

*Comments Due:* 5 p.m. ET 12/3/13.

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER10–1141–002; ER10–1139–002; ER10–1151–005; ER10–1103–002; ER10–1119–002; ER10–1123–002; ER10–3247–006.

*Applicants:* Ameren Energy Generating Company, Ameren Energy Marketing Company, AmerenEnergy Resources Generating Company, AmerenEnergy Medina Valley Cogen, L.L.C., Ameren Illinois Company, Union Electric Company, Electric Energy Inc.

*Description:* Notice of change in status of the Ameren Entities.

*Filed Date:* 11/08/2013.

*Accession Number:* 20131108–5166.

*Comments Due:* 5 p.m. ET 11/29/13.

*Docket Numbers:* ER10–1469–002; ER10–1467–002; ER10–1468–002; ER10–1473–002; ER10–1478–004; ER10–1451–002; ER10–1474–002; ER10–2688–005; ER10–2689–005; ER10–2728–004; ER10–2729–004; ER10–1459–006; ER13–785–001; ER13–713–001; ER10–1453–002.

*Applicants:* Allegheny Energy Supply Company, LLC, Buchanan Generation, LLC, Cleveland Electric Illuminating Company, FirstEnergy Generation Mansfield Unit 1, FirstEnergy Generation, LLC, FirstEnergy Nuclear Generation, LLC, FirstEnergy Solutions Corporation, Green Valley Hydro, LLC, Jersey Central Power & Light, Metropolitan Edison Company, Monongahela Power Company, Ohio Edison Company, Pennsylvania Electric Company, Pennsylvania Power Company, Potomac Edison Company, Toledo Edison Company, West Penn Power Company, The Cleveland Electric Illuminating Company.

*Description:* Notice of change in status of the FirstEnergy Companies.

*Filed Date:* 11/8/13.

*Accession Number:* 20131108–5165.

*Comments Due:* 5 p.m. ET 11/29/13.

*Docket Numbers:* ER10–2835–003.

*Applicants:* Google Energy LLC.

*Description:* Notice of Change in Status of Google Energy LLC.

*Filed Date:* 11/12/13.

*Accession Number:* 20131112–5219.

*Comments Due:* 5 p.m. ET 12/3/13.

*Docket Numbers:* ER12–1179–012.
*Applicants:* Southwest Power Pool, Inc.
*Description:* Southwest Power Pool, Inc. submits tariff filing per 35: Integrated Marketplace Second Compliance Filing to be effective 3/1/2014.
*Filed Date:* 11/12/13.
*Accession Number:* 20131112–5011.
*Comments Due:* 5 p.m. ET 12/3/13.
*Docket Numbers:* ER13–2336–001.
*Applicants:* Portland General Electric Company.
*Description:* Errata to Order 764 Compliance Filing to be effective 11/12/2013.
*Filed Date:* 11/12/13.
*Accession Number:* 20131112–5198.
*Comments Due:* 5 p.m. ET 12/3/13.
*Docket Numbers:* ER14–25–000.
*Applicants:* Prairie Breeze Wind Energy LLC.
*Description:* Second Supplement to October 4, 2013 Market-Based Rate Application.
*Filed Date:* 10/31/13.
*Accession Number:* 20131031–5055.
*Comments Due:* 5 p.m. ET 11/21/13.
*Docket Numbers:* ER14–357–000.
*Applicants:* Delaware City Refining Company LLC.
*Description:* Rate Schedule Change Other Than Rate Increase to be effective 1/1/2014.
*Filed Date:* 11/8/13.
*Accession Number:* 20131108–5130.
*Comments Due:* 5 p.m. ET 11/29/13.
*Docket Numbers:* ER14–358–000.
*Applicants:* PJM Interconnection, L.L.C.
*Description:* Queue Position X3–070; Original Service Agreement No. 3665 to be effective 10/9/2013.
*Filed Date:* 11/8/13.
*Accession Number:* 20131108–5149.
*Comments Due:* 5 p.m. ET 11/29/13.
*Docket Numbers:* ER14–359–000.
*Applicants:* Occidental Chemical Corporation.
*Description:* Revised Market-Based Rate Tariff to be effective 11/9/2013.
*Filed Date:* 11/8/13.
*Accession Number:* 20131108–5150.
*Comments Due:* 5 p.m. ET 11/29/13.
*Docket Numbers:* ER14–361–000.
*Applicants:* Florida Power & Light Company.
*Description:* FPL NITSA No. 266 Reallocation of Trans Credits to be effective 1/1/2014.
*Filed Date:* 11/8/13.
*Accession Number:* 20131108–5161.
*Comments Due:* 5 p.m. ET 11/29/13.
*Docket Numbers:* ER14–362–000.
*Applicants:* Puget Sound Energy, Inc.
*Description:* Order No. 764 Compliance Filing to be effective 11/12/2013.
*Filed Date:* 11/12/13.
*Accession Number:* 20131112–5006.
*Comments Due:* 5 p.m. ET 12/3/13.
*Docket Numbers:* ER14–363–000.
*Applicants:* South Carolina Electric & Gas Company.
*Description:* Compliance filing uploaded Section 14 to be effective 8/31/2010.
*Filed Date:* 11/12/13.
*Accession Number:* 20131112–5009.
*Comments Due:* 5 p.m. ET 12/3/13.
*Docket Numbers:* ER14–364–000.
*Applicants:* Blue Sky West, LLC.
*Description:* Request for Limited Waiver and Expedited Action of Blue Sky West, LLC.
*Filed Date:* 11/8/13.
*Accession Number:* 20131108–5172.
*Comments Due:* 5 p.m. ET 11/29/13.
*Docket Numbers:* ER14–365–000.
*Applicants:* Tucson Electric Power Company.
*Description:* TEP Order No. 764 Compliance Filing to be effective 1/13/2014.
*Filed Date:* 11/12/13.
*Accession Number:* 20131112–5113.
*Comments Due:* 5 p.m. ET 12/3/13.
*Docket Numbers:* ER14–366–000.
*Applicants:* UNS Electric, Inc.
*Description:* UNSE Order No. 764 Compliance Filing to be effective 1/13/2014.
*Filed Date:* 11/12/13.
*Accession Number:* 20131112–5114.
*Comments Due:* 5 p.m. ET 12/3/13.
*Docket Numbers:* ER14–367–000.
*Applicants:* South Carolina Electric & Gas Company.
*Description:* OATT Order No. 764 Compliance Filing to be effective 12/31/9998.
*Filed Date:* 11/12/13.
*Accession Number:* 20131112–5138.
*Comments Due:* 5 p.m. ET 12/3/13.
*Docket Numbers:* ER14–368–000.
*Applicants:* Alabama Power Company.
*Description:* Order No. 764 (Variable Energy Resources) Compliance Filing to be effective 11/12/2013.
*Filed Date:* 11/12/13.
*Accession Number:* 20131112–5155.
*Comments Due:* 5 p.m. ET 12/3/13.
*Docket Numbers:* ER14–369–000.
*Applicants:* Entergy Louisiana, LLC.
*Description*: E–RSC Rate Schedule to be effective 12/19/2013.
*Filed Date:* 11/12/13.
*Accession Number:* 20131112–5168.
*Comments Due:* 5 p.m. ET 12/3/13.
*Docket Numbers:* ER14–370–000.
*Applicants:* PJM Interconnection, L.L.C.
*Description:* Queue Position Y3–047; Original Service Agreement No. 3666 to be effective 10/10/2013.
*Filed Date:* 11/12/13.
*Accession Number:* 20131112–5190.
*Comments Due:* 5 p.m. ET 12/3/13.
*Docket Numbers:* ER14–371–000.
*Applicants:* El Paso Electric Company.
*Description:* OATT Order No. 764 Compliance Filing to be effective 1/11/2014.
*Filed Date:* 11/12/13.
*Accession Number:* 20131112–5205.
*Comments Due:* 5 p.m. ET 12/3/13.
*Docket Numbers:* ER14–372–000.
*Applicants:* PJM Interconnection, L.L.C.
*Description:* Queue Position # I02–W73 ? First Revised Service Agreement No. 1492 to be effective 5/11/2006.
*Filed Date:* 11/12/13.
*Accession Number:* 20131112–5218.
*Comments Due:* 5 p.m. ET 12/3/13.
*Docket Numbers:* ER14–373–000.
*Applicants:* PJM Interconnection, L.L.C.
*Description:* Revisions to the PJM OATT and OA re Parameter Limited Scheduling to be effective 2/27/2014.
*Filed Date:* 11/12/13.
*Accession Number:* 20131112–5223.
*Comments Due:* 5 p.m. ET 12/3/13.
*Docket Numbers:* ER14–374–000.
*Applicants:* Duke Energy Carolinas, LLC.
*Description:* OATT Order No. 764 Compliance Filing to be effective 12/31/9998.
*Filed Date:* 11/12/13.
*Accession Number:* 20131112–5242.
*Comments Due:* 5 p.m. ET 12/3/13.
*Docket Numbers:* ER14–375–000.
*Applicants:* ISO New England Inc., New England Power Pool Participants Committee.
*Description:* OATT Order No. 764 Compliance Filing to be effective 11/13/2013.
*Filed Date:* 11/12/13.
*Accession Number:* 20131112–5248.
*Comments Due:* 5 p.m. ET 12/3/13.
*Docket Numbers:* ER14–376–000.
*Applicants:* MATL LLP.
*Description:* Order 764 Compliance to be effective 11/12/2013.
*Filed Date:* 11/12/13.
*Accession Number:* 20131112–5249.
*Comments Due:* 5 p.m. ET 12/3/13.

Take notice that the Commission received the following public utility holding company filings:

*Docket Numbers:* PH14–2–000.
*Applicants:* Starwood Energy Group Global, L.L.C.
*Description:* Notice of Material Change in Facts of Starwood Energy Group Global, L.L.C.
*Filed Date:* 11/12/13.
*Accession Number:* 20131112–5102.
*Comments Due:* 5 p.m. ET 12/3/13.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: November 12, 2013.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2013–28013 Filed 11–21–13; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

### Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

*Docket Numbers:* EC14–27–000.

*Applicants:* Colorado Highlands Wind, LLC.

*Description:* Application for Authorization of Disposition of Facilities under Section 203 of the Federal Power Act and Requests for Confidential Treatment, Expedited Consideration and Waivers of Colorado Highlands Wind, LLC.

*Filed Date:* 11/12/13.

*Accession Number:* 20131112–5352.

*Comments Due:* 5 p.m. ET 12/3/13.

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER10–2848–002; ER11–1939–004; ER11–2754–004; ER12–999–002; ER12–1002–002; ER12–1005–002; ER12–1006–002; ER12–1007–003.

*Applicants:* AP Holdings, LLC, AP Gas & Electric (IL), LLC, AP Gas & Electric (PA), LLC, AP Gas & Electric (TX), LLC, AP Gas & Electric (MD), LLC, AP Gas & Electric (NJ), LLC, AP Gas & Electric (OH), LLC, AP Gas & Electric (NY), LLC.

*Description:* Supplement to June 28, 2013 Updated Market Power Analysis for the Southwest Region of AP Holdings Subsidiaries.

*Filed Date:* 11/12/13.

*Accession Number:* 20131112–5224.

*Comments Due:* 5 p.m. ET 12/3/13.

*Docket Numbers:* ER11–3050–001.

*Applicants:* FirstEnergy Corp.

*Description:* Notice of change in status of FirstEnergy Companies.

*Filed Date:* 11/8/13.

*Accession Number:* 20131108–5072.

*Comments Due:* 5 p.m. ET 11/29/13.

*Docket Numbers:* ER13–1292–001.

*Applicants:* Southwest Power Pool, Inc.

*Description:* Order No. 764 Compliance (Scheduling) to be effective 11/12/2013.

*Filed Date:* 11/12/13.

*Accession Number:* 20131112–5298.

*Comments Due:* 5 p.m. ET 12/3/13.

*Docket Numbers:* ER13–2485–001.

*Applicants:* Dominion Energy Marketing, Inc.

*Description:* Compliance Filing—Corrected Tariff Record of Previous filing of 093013 to be effective 10/1/2013.

*Filed Date:* 11/13/13.

*Accession Number:* 20131113–5085.

*Comments Due:* 5 p.m. ET 12/4/13.

*Docket Numbers:* ER14–356–000.

*Applicants:* Conservation Services Group Inc.

*Description:* Petition for Limited Waiver and Request for Expedited Action Conservation Services Group Inc. under.

*Filed Date:* 11/8/13.

*Accession Number:* 20131108–5111.

*Comments Due:* 5 p.m. ET 11/22/13.

*Docket Numbers:* ER14–377–000.

*Applicants:* Golden Spread Electric Cooperative, Inc.

*Description:* OATT Order No. 764 Compliance Filing to be effective 11/12/2013.

*Filed Date:* 11/12/13.

*Accession Number:* 20131112–5269.

*Comments Due:* 5 p.m. ET 12/3/13.

*Docket Numbers:* ER14–378–000.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* Queue Position Y3–045 & Y3–052; Original Service Agreement No. 3667 to be effective 10/10/2013.

*Filed Date:* 11/12/13.

*Accession Number:* 20131112–5291.

*Comments Due:* 5 p.m. ET 12/3/13.

*Docket Numbers:* ER14–379–000.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* Queue Position Y3–044/Y3–050/Y3–053; Original SA No. 3668 to be effective 10/10/2013.

*Filed Date:* 11/12/13.

*Accession Number:* 20131112–5299.

*Comments Due:* 5 p.m. ET 12/3/13.

*Docket Numbers:* ER14–380–000.

*Applicants:* Midcontinent Independent System Operator, Inc.

*Description:* 11–12–13 Module E Cancellation to be effective 1/11/2014.

*Filed Date:* 11/12/13.

*Accession Number:* 20131112–5300.

*Comments Due:* 5 p.m. ET 12/3/13.

*Docket Numbers:* ER14–381–000.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* OATT Order No. 764 Compliance Filing—Docket No. RM10–11 to be effective 1/13/2014.

*Filed Date:* 11/12/13.

*Accession Number:* 20131112–5301.

*Comments Due:* 5 p.m. ET 12/3/13.

*Docket Numbers:* ER14–382–000.

*Applicants:* Cheyenne Light, Fuel and Power Company.

*Description:* OATT Order No. 764 Compliance Filing to be effective 11/13/2013.

*Filed Date:* 11/12/13.

*Accession Number:* 20131112–5302.

*Comments Due:* 5 p.m. ET 12/3/13.

*Docket Numbers:* ER14–383–000.

*Applicants:* Black Hills Power, Inc.

*Description:* OATT Order No. 764 Compliance Filing to be effective 11/13/2013.

*Filed Date:* 11/12/13.

*Accession Number:* 20131112–5305.

*Comments Due:* 5 p.m. ET 12/3/13.

*Docket Numbers:* ER14–384–000.

*Applicants:* Black Hills/Colorado Electric Utility Company, LP.

*Description:* OATT Order No. 764 Compliance Filing to be effective 11/13/2013.

*Filed Date:* 11/12/13.

*Accession Number:* 20131112–5311.

*Comments Due:* 5 p.m. ET 12/3/13.

*Docket Numbers:* ER14–385–000.

*Applicants:* New York Independent System Operator, Inc.

*Description:* OATT Order No. 764 Compliance Filing to be effective 1/15/2014.

*Filed Date:* 11/12/13.

*Accession Number:* 20131112–5332.

*Comments Due:* 5 p.m. ET 12/3/13.

*Docket Numbers:* ER14–386–000.

*Applicants:* Cleco Power LLC.

*Description:* RS 66, Toledo Bend PSA Amendment to be effective 12/19/2013.

*Filed Date:* 11/13/13.

*Accession Number:* 20131113–5000.

*Comments Due:* 5 p.m. ET 12/4/13.

*Docket Numbers:* ER14–387–000.

*Applicants:* Cheyenne Light, Fuel and Power Company.

*Description:* Clarification of Cat 2 Status in NW Region and Cat 1 Status in All Other Regions to be effective 11/27/2013.

*Filed Date:* 11/13/13.
*Accession Number:* 20131113–5070.
*Comments Due:* 5 p.m. ET 12/4/13.
*Docket Numbers:* ER14–388–000.
*Applicants:* Black Hills Power, Inc.
*Description:* Clarification of Cat 2 Status in NW Region and Cat 1 Status in All Other Regions to be effective 11/27/2013.
*Filed Date:* 11/13/13.
*Accession Number:* 20131113–5072.
*Comments Due:* 5 p.m. ET 12/4/13.
*Docket Numbers:* ER14–389–000.
*Applicants:* Black Hills Wyoming, LLC.
*Description:* Clarification of Cat 2 Status in NW Region and Cat 1 Status in All Other Regions to be effective 11/27/2013.
*Filed Date:* 11/13/13.
*Accession Number:* 20131113–5073.
*Comments Due:* 5 p.m. ET 12/4/13.
*Docket Numbers:* ER14–390–000.
*Applicants:* Black Hills/Colorado Electric Utility Company, LP.
*Description:* Clarification of Cat 2 Status in NW Region and Cat 1 Status in All Other Regions to be effective 11/27/2013.
*Filed Date:* 11/13/13.
*Accession Number:* 20131113–5098.
*Comments Due:* 5 p.m. ET 12/4/13.
*Docket Numbers:* ER14–391–000.
*Applicants:* Southwest Power Pool, Inc.
*Description:* 2548R4 KMEA and Westar Energy Meter Agent Agreement to be effective 11/1/2013.
*Filed Date:* 11/13/13.
*Accession Number:* 20131113–5103.
*Comments Due:* 5 p.m. ET 12/4/13.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: November 13, 2013.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2013–28014 Filed 11–21–13; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

### Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER14–360–000.
*Applicants:* Florida Power & Light Company.
*Description:* FPL Errata to the NITSA No. 162 Reallocation of Existing Section 30.9 Network Transmission Facility Credits and Request for Privileged Treatment [for Accession 20131108–5160].
*Filed Date:* 11/12/13.
*Accession Number:* 20131112–5358.
*Comments Due:* 5 p.m. ET 12/3/13.
*Docket Numbers:* ER14–392–000.
*Applicants:* Black Hills Colorado IPP, LLC.
*Description:* Order No. 784 Compliance Filing to be effective 11/27/2013.
*Filed Date:* 11/13/13.
*Accession Number:* 20131113–5117.
*Comments Due:* 5 p.m. ET 12/4/13.
*Docket Numbers:* ER14–393–000.
*Applicants:* PJM Interconnection, L.L.C.
*Description:* Notice of Cancellation of Original Service Agreement No. 3420; Queue No. X3–054 to be effective 11/11/2013.
*Filed Date:* 11/13/13.
*Accession Number:* 20131113–5119.
*Comments Due:* 5 p.m. ET 12/4/13.
*Docket Numbers:* ER14–394–000.
*Applicants:* Ethical Electric, Inc.
*Description:* Ethical Electric, Inc. FERC Tariff Filing to be effective 11/14/2013.
*Filed Date:* 11/13/13.
*Accession Number:* 20131113–5131.
*Comments Due:* 5 p.m. ET 12/4/13.
*Docket Numbers:* ER14–395–000.
*Applicants:* PJM Interconnection, L.L.C.
*Description:* Queue Position V4–022; Original Service Agreement No. 3656 to be effective 10/18/2013.
*Filed Date:* 11/13/13.
*Accession Number:* 20131113–5172.
*Comments Due:* 5 p.m. ET 12/4/13.
*Docket Numbers:* ER14–396–000.
*Applicants:* Southern California Edison Company.
*Description:* Notice of Cancellation of GIA and Distr Service Agmt with Lake Shore Mojave, LLC to be effective 1/15/2014.
*Filed Date:* 11/14/13.
*Accession Number:* 20131114–5000.
*Comments Due:* 5 p.m. ET 12/5/13.
*Docket Numbers:* ER14–397–000.
*Applicants:* Idaho Power Company.
*Description:* OATT Order No. 784 Compliance Filing to be effective 11/27/2013.
*Filed Date:* 11/14/13.
*Accession Number:* 20131114–5001.
*Comments Due:* 5 p.m. ET 12/5/13.
*Docket Numbers:* ER14–398–000.
*Applicants:* Southern California Edison Company.
*Description:* Amended SGIA with RE Rio Grande, LLC to be effective 11/15/2013.
*Filed Date:* 11/14/13.
*Accession Number:* 20131114–5002.
*Comments Due:* 5 p.m. ET 12/5/13.
*Docket Numbers:* ER14–399–000.
*Applicants:* Southwest Power Pool, Inc.
*Description:* 2490R1 Steele Flats Wind Project, LLC GIA to be effective 10/23/2013.
*Filed Date:* 11/14/13.
*Accession Number:* 20131114–5057.
*Comments Due:* 5 p.m. ET 12/5/13.
*Docket Numbers:* ER14–400–000.
*Applicants:* Entergy Services, Inc.
*Description:* LBA Agreements to be effective 12/19/2013.
*Filed Date:* 11/14/13.
*Accession Number:* 20131114–5061.
*Comments Due:* 5 p.m. ET 12/5/13.
*Docket Numbers:* ER14–401–000.
*Applicants:* Southwest Power Pool, Inc.
*Description:* 2622 OG&E and SPS Interconnection Agreement to be effective 12/31/9998.
*Filed Date:* 11/14/13.
*Accession Number:* 20131114–5067.
*Comments Due:* 5 p.m. ET 12/5/13.
*Docket Numbers:* ER14–402–000.
*Applicants:* PacifiCorp.
*Description:* PacifiCorp Energy Facilities Maintenance Agreement (Lake Side 2) to be effective 10/25/2013.
*Filed Date:* 11/14/13.
*Accession Number:* 20131114–5077.
*Comments Due:* 5 p.m. ET 12/5/13.
*Docket Numbers:* ER14–403–000.
*Applicants:* PacifiCorp.
*Description:* OATT Revised Attachment A, B & N (CCO address change) to be effective 11/15/2013.
*Filed Date:* 11/14/13.
*Accession Number:* 20131114–5078.
*Comments Due:* 5 p.m. ET 12/5/13.
*Docket Numbers:* ER14–404–000.
*Applicants:* Southwest Power Pool, Inc.
*Description:* 1374R15 Kansas Power Pool and Westar Meter Agent Agreement to be effective 11/1/2013.
*Filed Date:* 11/14/13.
*Accession Number:* 20131114–5096.
*Comments Due:* 5 p.m. ET 12/5/13.

*Docket Numbers:* ER14–405–000.
*Applicants:* PacifiCorp.
*Description:* Notice of termination of Fiber and Communications Addition Agreement (RS 657) with BPA of PacifiCorp.
*Filed Date:* 11/14/13.
*Accession Number:* 20131114–5114.
*Comments Due:* 5 p.m. ET 12/5/13.

Take notice that the Commission received the following foreign utility company status filings:

*Docket Numbers:* FC14–10–000.
*Applicants:* Société de cogénération de St-Félicien,.
*Description:* Self-Certification of Foreign Utility Company Status of Societe de cogeneration de St-Felicien, Societe en commandite.
*Filed Date:* 11/13/13.
*Accession Number:* 20131113–5180.
*Comments Due:* 5 p.m. ET 12/4/13.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf*. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: November 14, 2013.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2013–28015 Filed 11–21–13; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. RP14–169–000]**

### Encana Marketing (USA) Inc. v. Rockies Express Pipeline LLC; Notice of Complaint

Take notice that on November 15, 2013, pursuant to Rule 206 of the Rules of Practice and Procedures of the Federal Energy Regulatory Commission (Commission), 18 CFR 385.206, Encana Marketing (USA) Inc. (Encana Marketing or Complainant), filed a complaint against Rockies Express Pipeline LLC (Rockies Express or Respondent), alleging that Rockies Express has unlawfully denied Encana Marketing's request to make changes to the primary delivery points under its existing firm transportation agreement in violation of Rockies Express' FERC Gas Tariff, Third Revised Volume No. 1, section 4(c) of the Natural Gas Act, 15 U.S.C. 717c(c), and sections 154.1(b) and 154.204 of the Commission's Regulations, 18 CFR 154.1(b), 154.204 (2013).

The Complainant certifies that copies of the complaint were served on the contacts for the Respondent as listed on the Commission's list of Corporate Officials.

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 5, 2013.

Dated: November 15, 2013.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2013–28017 Filed 11–21–13; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

### Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

**Filings Instituting Proceedings**

*Docket Numbers:* PR14–6–000.
*Applicants:* Columbia Gas of Maryland, Inc.
*Description:* Tariff filing per 284.123(b)(1)/.: Revised Statement of Operating Conditions to be effective 10/9/2013.
*Filed Date:* 11/8/13.
*Accession Number:* 20131108–5128.
*Comments Due:* 5 p.m. ET 11/29/13.

*Docket Numbers:* RP14–162–000.
*Applicants:* Questar Pipeline Company.
*Description:* Sec. 5.1 Request for No-notice Service to be effective 12/14/2013.
*Filed Date:* 11/13/13.
*Accession Number:* 20131113–5030.
*Comments Due:* 5 p.m. ET 11/25/13.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR § 385.211 and § 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

**Filings in Existing Proceedings**

*Docket Numbers:* RP14–102–001.
*Applicants:* Gulf South Pipeline Company, LP.
*Description:* Correction to tariff record in Docket No. RP14–102 to be effective 11/1/2013.
*Filed Date:* 11/12/13.
*Accession Number:* 20131112–5153.
*Comments Due:* 5 p.m. ET 11/25/13.

*Docket Numbers:* RP14–102–002.
*Applicants:* Gulf South Pipeline Company, LP.
*Description:* Correction #2 to tariff record in RP14–102 to be effective 11/1/2013.
*Filed Date:* 11/13/13.
*Accession Number:* 20131113–5031.
*Comments Due:* 5 p.m. ET 11/25/13.

*Docket Numbers:* RP14–103–001.
*Applicants:* Gulf South Pipeline Company, LP.
*Description:* Correction to tariff record in RP14–103 to be effective 11/1/2013.
*Filed Date:* 11/13/13.
*Accession Number:* 20131113–5032.
*Comments Due:* 5 p.m. ET 11/25/13.

*Docket Numbers:* RP14–107–001.
*Applicants:* Gulf South Pipeline Company, LP.
*Description:* Gulf South Pipeline Company, LP submits tariff filing per 154.205(b): Correction to tariff record in RP14–107 to be effective 11/1/2013.
*Filed Date:* 11/13/13.
*Accession Number:* 20131113–5037.
*Comments Due:* 5 p.m. ET 11/25/13.
*Docket Numbers:* RP14–97–001.
*Applicants:* Gulf South Pipeline Company, LP.
*Description:* Correction to tariff records in Docket No. RP14–97–000 to be effective 11/1/2013.
*Filed Date:* 11/12/13.
*Accession Number:* 20131112–5152.
*Comments Due:* 5 p.m. ET 11/25/13.
*Docket Numbers:* RP14–97–002.
*Applicants:* Gulf South Pipeline Company, LP.
*Description:* Correction #2 to tariff records in Docket No. RP14–97–000 to be effective 11/1/2013.
*Filed Date:* 11/13/13.
*Accession Number:* 20131113–5028.
*Comments Due:* 5 p.m. ET 11/25/13.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR § 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated November 13, 2013.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2013–28050 Filed 11–21–13; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

### Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

**Filings Instituting Proceedings**

*Docket Numbers:* RP14–163–000.
*Applicants:* Alliance Pipeline L.P.
*Description:* Suncor to Tenaska Marketing Ventures to be effective 11/1/2013.
*Filed Date:* 11/13/13.
*Accession Number:* 20131113–5152.
*Comments Due:* 5 p.m. ET 11/25/13.
*Docket Numbers:* RP14–164–000.
*Applicants:* Iroquois Gas Transmission System, L.P.
*Description:* 11/13/13 Negotiated Rates—ConEd Energy INC (HUB) 2275–89 to be effective 11/15/2013.
*Filed Date:* 11/13/13.
*Accession Number:* 20131113–5167.
*Comments Due:* 5 p.m. ET 11/25/13.

Any person desiring to intervene or protest in any of the above proceedings must file in accordance with Rules 211 and 214 of the Commission's Regulations (18 CFR § 385.211 and § 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

**Filings in Existing Proceedings**

*Docket Numbers:* RP14–141–001.
*Applicants:* Gulf South Pipeline Company, LP.
*Description:* Correction to certain tariff records in RP14–141 to be effective 11/1/2013.
*Filed Date:* 11/13/13.
*Accession Number:* 20131113–5044.
*Comments Due:* 5 p.m. ET 11/25/13.
*Docket Numbers:* RP14–142–001.
*Applicants:* Gulf South Pipeline Company, LP.
*Description:* Correction to tariff record in RP14–142 to be effective 11/1/2013.
*Filed Date:* 11/13/13.
*Accession Number:* 20131113–5051.
*Comments Due:* 5 p.m. ET 11/25/13.
*Docket Numbers:* RP14–144–001.
*Applicants:* Gulf South Pipeline Company, LP.
*Description:* Correction to tariff record, to be effective 11/1/2013.
*Filed Date:* 11/13/13.
*Accession Number:* 20131113–5052.
*Comments Due:* 5 p.m. ET 11/25/13.

Any person desiring to protest in any of the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR § 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated November 14, 2013.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2013–28051 Filed 11–21–13; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. ER13–2474–000]**

### Steele Flats Wind Project, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding, of Steele Flats Wind Project, LLC's application for market-based rate authority, with an accompanying rate schedule, noting that such application includes a request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and *Procedure* (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR Part 34, of future issuances of securities and assumptions of liability is November 20, 2013.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with Internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically should submit an original and 5 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

The filings in the above-referenced proceeding(s) are accessible in the Commission's eLibrary system by clicking on the appropriate link in the above list. They are also 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.

Dated: November 13, 2013.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2013–28012 Filed 11–21–13; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

**[Docket No. EL14–3–000]**

### Idaho Power Company; Notice of Initiation of Proceeding and Refund Effective Date

On November 13, 2013, the Commission issued an order that initiated a proceeding in Docket No. EL14–3–000, pursuant to section 206 of the Federal Power Act (FPA), 16 U.S.C. 824e (2006), to determine the justness and reasonableness of the market-based rates proposed by Idaho Power Company. *Idaho Power Company,* 145 FERC ¶ 61,122 (2013).

The refund effective date in Docket No. EL14–3–000, established pursuant to section 206(b) of the FPA, will be the date of publication of this notice in the **Federal Register**.

Dated: November 14, 2013.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

[FR Doc. 2013–28016 Filed 11–21–13; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Western Area Power Administration

### Notice of Intent To Prepare an Environmental Impact Statement for the San Luis Transmission Project, Alameda, Merced, San Joaquin and Stanislaus Counties, California (DOE/EIS–0496)

**AGENCY:** Western Area Power Administration, DOE.

**ACTION:** Notice of Intent to Prepare an Environmental Impact Statement and to Conduct Scoping Meetings; Notice of Floodplain and Wetlands Involvement.

**SUMMARY:** Western Area Power Administration (Western) is a power marketing administration within the U.S. Department of Energy. Western has a statutory responsibility to make the necessary arrangements to deliver federal power to federally authorized projects including the San Luis Unit (SLU), a part of the Central Valley Project (CVP). The U.S. Bureau of Reclamation (Reclamation) submitted a transmission request to Western to interconnect several key SLU facilities to Western's CVP transmission system. Reclamation requested Western to consider various transmission service arrangements so Reclamation can continue to economically deliver federal water when the current transmission service contract with the Pacific Gas and Electric Company (PG&E) expires. Western must respond to Reclamation's transmission request consistent with Western's Open Access Transmission Tariff and existing laws. The San Luis & Delta-Mendota Water Authority (Authority), a Reclamation contractor that operates and maintains a part of the SLU, has a direct interest in this requested transmission service between Western's Tracy Substation and several key pumping and generating facilities of the SLU.

Western determined an environmental impact statement (EIS) is the appropriate level of review under the National Environmental Policy Act (NEPA). Western will prepare the EIS in accordance with NEPA, the DOE NEPA Implementing Procedures, and the Council on Environmental Quality regulations for implementing NEPA. Western will be the lead federal agency for the NEPA EIS review process, and Reclamation will be a cooperating agency. Western intends to prepare a joint EIS/environmental impact report (EIR) for the proposed San Luis Transmission Project (SLTP) in coordination with the Authority. The Authority will be the lead agency for the California Environmental Quality Act (CEQA) EIR review process. Portions of the proposed action may affect floodplains and wetlands, so this Notice of Intent (NOI) also serves as a notice of proposed floodplain or wetland action in accordance with DOE floodplain and wetland environmental review requirements.

**DATES:** Western invites public comments on the scope of the SLTP EIS during a 60-day public scoping period beginning with publication of this notice and ending on January 21, 2014. See *Public Participation* in the **SUPPLEMENTARY INFORMATION** section for the public scoping meeting dates and locations.

**ADDRESSES:** Written comments on the scope of the EIS/EIR and requests to be added to the EIS/EIR distribution list may be submitted by any of the following methods:

- *Electronic comments* via the project Web site at *www.sltpeis-eir.com.*
- *Email to: SLTPEIS–EIR@wapa.gov*.
- *U.S. Mail to:* Mr. Donald Lash, NEPA Document Manager, Western Area Power Administration, 114 Parkshore Drive, Folsom, CA 95630.

**FOR FURTHER INFORMATION CONTACT:** For additional information or to have your name added to our mailing list, contact Mr. Donald Lash, NEPA Document Manager, Western Area Power Administration, 114 Parkshore Drive, Folsom, CA 95630, telephone (916) 353–4048, facsimile (916) 353–4772, email at *SLTPEIS–EIR@wapa.gov*.

For general information on the DOE NEPA process, contact Ms. Carol M. Borgstrom, Director, Office of NEPA Policy and Compliance (GC–54), U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585, telephone (202) 586–4600, voicemail at (800) 472–2756, or email at *askNEPA@hq.doe.gov*.

For information related to Reclamation's participation, contact Mr. Russell Grimes, Chief, Environmental Compliance and Conservation, Bureau of Reclamation, Mid-Pacific Region, 2800 Cottage Way, Sacramento, CA 95818, telephone (916) 978–5051, email at *rwgrimes@usbr.gov*.

For information related to the Authority's participation and the CEQA process, contact Ms. Frances Mizuno, General Manager, San Luis & Delta-Mendota Water Authority, 15990 Kelso Road, Byron, CA 94514, telephone (209) 832–6200.

**SUPPLEMENTARY INFORMATION:**

#### 1. Background

Western is a federal power marketing administration within the DOE that markets and delivers federal electric power (mostly hydroelectric power) to federal preference customers defined to include municipalities, rural electric cooperatives, public utilities, irrigation districts, federal and state agencies, and Native American tribes in 15 western and central states, including California. Western is responsible for making the necessary arrangements to deliver federal power to federally authorized projects.

Reclamation is the largest wholesaler of water in the country, supplying more than 31 million people, and providing one out of five Western farmers

(140,000) with irrigation water for 10 million acres of farmland. Reclamation is also the second largest producer of hydroelectric power in the western United States with 53 power plants that provide more than 40 billion kilowatt hours annually and generate nearly a billion dollars in power revenues. Reclamation's mission is to assist in meeting the increasing water demands of the West while protecting the environment and the public's investment in these structures. Reclamation emphasizes fulfilling its water delivery obligations, water conservation, water recycling, and reuse goals; developing partnerships with customers, states, and Native American tribes; and finding ways to address the competing needs for limited water resources.

The Authority is a California joint powers agency, comprised of water agencies representing approximately 28 federal and exchange water service contractors within the western San Joaquin Valley, San Benito and Santa Clara counties. One of the primary purposes of establishing the Authority was to assume the operation and maintenance responsibilities of certain Reclamation CVP facilities, and to do so at an optimum level and at a lower cost than Reclamation. The Authority also has the mission of pursuing additional reliable water supply for its member districts and delivering the water with a reliable system in a cost efficient manner.

In 1960, Congress authorized construction of the SLU as part of the CVP and also as part of the State of California Water Project. Reclamation owns the SLU and the State of California, Department of Water Resources operates the Gianelli Pump/Generation and the Dos Amigos Pumping Plant portion of the SLU under contract with Reclamation for use by both agencies. Some features are joint-use facilities of the federal and the state governments. The principal purpose of the federal portion of the SLU facilities is to furnish approximately 1.25 million acre-feet of water as a supplemental irrigation supply to some 600,000 acres located in the western portion of Fresno, Kings, and Merced counties. Reclamation is the federal agency responsible for executing and managing water contracts with state water authority agencies. Since 1965, PG&E has provided transmission service between the Tracy Substation and the SLU over PG&E's transmission lines. The PG&E contract expires on March 31, 2016. PG&E has stated it will not renew the existing contract under the same terms and conditions; however, PG&E has indicated service is available from the California Independent System Operator (CAISO). Such service is expected to increase Reclamation's costs the first year by at least $8,000,000. In anticipation of PG&E's termination of the contract, Reclamation submitted a transmission service request to Western. Reclamation requested Western to consider various transmission service arrangements so Reclamation can continue to economically deliver federal water when the PG&E contract expires.

**2. Purpose and Need for Agency Action**

Western must respond to Reclamation's request for transmission service consistent with Western's Open Access Transmission Tariff and existing laws. Reclamation must evaluate options to economically pump, store, convey, and deliver federal water through the SLU. The Authority must continue to deliver water with a reliable system in a cost efficient manner.

**3. Proposed Action and Alternatives**

Western proposes at a minimum to construct, own, operate, and maintain a new 230-kilovolt (kV) transmission line about 62 miles in length between Western's Tracy Substation and Western's San Luis Substation and a new 70-kV transmission line about 5 miles in length between the San Luis and O'Neill Substations. Western also will consider other transmission construction options including: A new 500-kV transmission line about 62 miles in length operated at 230-kV between Western's Tracy and San Luis Substations; a new 500-kV transmission line operated at 500-kV about 62 miles in length between the Tracy Substation and PG&E's Los Banos Substation; and a new 230-kV transmission line about 18 miles in length between San Luis Substation and Dos Amigos Substation. Western proposes to parallel existing transmission facilities whenever practicable.

Additional components of the proposed project would include constructing new 230-kV breaker terminal bays at Western's Tracy 230-kV Substation or new 500-kV breaker terminal bays at the Tracy 500-kV Substation; new 230-kV breaker terminal bays at Western's San Luis 230-kV Substation or new 500-kV breaker terminal bays at PG&E's Los Banos Substation. Western also may build new 230-kV breaker terminal bays at Western's Dos Amigos 230-kV Substation and a new 230/70-kV transformer bank and interconnection facilities at San Luis Substation.

The proposed project would include the following facilities and improvements:

- Right-of-way easements for the transmission lines with a typical width of about 125 to 175 feet for 230-kV lines and 200 to 250 feet for the 500-kV line.
- Tubular or lattice steel structures used to support the transmission lines. For the 230-kV line, structures typically would be between 100 and 200 feet tall depending on site-specific conditions while a few taller structures may be required in some locations to address engineering constraints. The 500-kV structures would be larger.
- Access roads, including improvements to existing roads, new overland access, and new unpaved temporary roads to access the proposed project facilities and work areas during construction and operation phases.
- Ancillary facilities, such as communications facilities (e.g., overhead fiber optic ground wires, regeneration facilities) for access control and protection.

Western will evaluate other potential alternatives, including obtaining transmission service from a local public utility or private agency, such as PG&E or the CAISO.

Western will consider a no action alternative. Under the no action/no project alternative, Western will continue to receive transmission service for the SLU under contract with PG&E. Under NEPA, the no action/no project alternative would serve as a baseline against which to measure the environmental effects of the proposed action alternatives. For purposes of impact analysis under NEPA, the environmental baseline consists of the existing physical conditions in the vicinity of the project at the time of issuance of this NOI. Other alternatives may be identified through the EIS scoping process.

**4. Notice of Floodplain or Wetlands Involvement**

Floodplains and wetlands may be in the project area. Since the proposal may involve action in floodplains or wetlands, Western is providing this notice of proposed floodplain or wetland action. The EIS will include an assessment of impacts to floodplains and wetlands. If needed, Western would prepare a floodplain statement of findings following DOE regulations for compliance with floodplains and wetlands environmental review requirements.

**5. Preliminary Identification of Environmental Issues**

Western proposes to analyze potential short-term environmental impacts, such as those from construction, and potential long-term environmental impacts of operating and maintaining the transmission line. DOE's guidance for the preparation of an EIS recommends the use of a sliding-scale approach when evaluating environmental impacts. This approach would focus the analysis and discussion of impacts on significant environmental issues in proportion to the level of the potential impacts. Western identified the following preliminary list of impact areas for evaluation in the EIS:

- Land Use, Recreation, and Visual Resources
- Water Use and Water Quality
- Surface Water Features including Rivers, Floodplains, and Wetlands
- Fish, Wildlife, and Vegetation, including Critical Habitat
- Socioeconomics
- Environmental Justice
- Historic and Cultural Resources
- Geology, Soil, and Mineral Resources
- Human Health and Electric and Magnetic Fields
- Construction-Related Impacts, including Access, Traffic, and Noise

This list is not intended to be all-inclusive or to imply a predetermination of impacts. Western invites interested stakeholders to suggest specific issues, including possible mitigation measures, within these general categories, or other categories not included above, to be considered in the EIS.

**6. Public Participation**

The purpose of the scoping process is to identify alternatives and potential environmental impacts that Western should analyze in the EIS. Western will hold two public scoping meetings at the following dates, locations, and times to provide the public with an opportunity to present comments, ask questions, and discuss the scope of the San Luis Transmission Project EIS/EIR with Western, Reclamation, and the Authority.

- Wednesday, January 8, 2014, 5:00 p.m.–8:00 p.m. at Tracy Transit Center, 50 East Sixth Street, Tracy, CA 95376.
- Thursday, January 9, 2014, 5:00 p.m.–8:00 p.m. at Hotel Mission De Oro, 13070 South Highway 33, Santa Nella, CA 95322.

Western also will announce the public scoping meetings in local news media and by posting on the project environmental Web site at *www.sltpeis-eir.com* and on the DOE NEPA Web site at *http://energy.gov/nepa/Public-comment-opportunities* at least 15 days before the meeting.

The scoping meetings will be conducted as informal open house meetings to facilitate discussions between project officials and the public, and to allow interested people to attend as their schedules allow. The public will have the opportunity to view maps and project information and present comments on the scope of the SLTP EIS. Representatives from Western, Reclamation, and the Authority will be available to answer questions and provide additional information to meeting attendees.

In addition to providing comments at the public scoping meetings, stakeholders may submit written comments as described in the **ADDRESSES** section. Western will consider all comments postmarked or received during the public scoping period identified in the **DATES** section.

Western will coordinate with appropriate federal, state, and local agencies, and potentially affected Native American tribes during the preparation of the EIS/EIR. Agencies with legal jurisdiction or special expertise are invited to participate as cooperating agencies in preparation of the EIS, as defined in 40 CFR 1501.6. Designated cooperating agencies have responsibilities to support the NEPA process, as specified in 40 CFR 1501.6(b). Western will contact tribes and inform them of the planned EIS. Government-to-government consultations will be conducted in accordance with Executive Order 13175, Consultation and Coordination with Indian Tribal Governments (65 FR 67249); the President's memorandum of April 29, 1994, Government-to-Government Relations with Native American Tribal Governments (59 FR 22951); DOE-specific guidance on tribal interactions; and applicable natural and cultural resources laws and regulations.

Western expects to publish the draft EIS by the end of 2014. The U.S. Environmental Protection Agency will publish a Notice of Availability of the Draft EIS in the **Federal Register**, which will begin a minimum 45-day public comment period. Western will announce how to comment on the Draft EIS and will hold at least one public hearing during the comment period. People who would like to receive a copy of the Draft EIS should submit a request as provided in the **ADDRESSES** section. For those requesting to be added to the distribution list, you are encouraged to download the EIS and other documents from the above Web site; however, if you prefer to be mailed a copy, please specify the format of the EIS that you would like to receive (CD or printed) and a preference for either the complete EIS or the Summary only.

Western will maintain information about the process including documents, meeting information, and important dates on the project Web site given above. The EIS and other project information will be available for download from the project Web site. Please visit the project Web site for current information.

Dated: November 7, 2013.

**Mark A. Gabriel,**

*Administrator.*

[FR Doc. 2013–28043 Filed 11–21–13; 8:45 am]

**BILLING CODE 6450–01–P**

## ENVIRONMENTAL PROTECTION AGENCY

**[EPA–HQ–OPPT–2013–0458; FRL–9395–7]**

### Agency Information Collection Activities; Proposed Collection; Comment Request

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (PRA), this document announces that EPA is planning to submit an Information Collection Request (ICR) to the Office of Management and Budget (OMB). The ICR, titled: ''Chemical-Specific Rules, TSCA Section 8(a)'' and identified by EPA ICR No. 1198.10 and OMB Control No. 2070–0067, represents the renewal of an existing ICR that is scheduled to expire on June 30, 2014. Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection that is summarized in this document. The ICR and accompanying material are available in the docket for public review and comment.

**DATES:** Comments must be received on or before January 21, 2014.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2013–0458, by one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov*. Follow the online instructions for submitting comments.
- *Mail:* Document Control Office (7407M), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001.
- *Hand Delivery:* OPPT Document Control Office (DCO), WJC East Bldg.,

Rm. 6428, 1201 Constitution Ave. NW., Washington, DC. ATTN: Docket ID Number EPA–HQ–OPPT–2013–0458. The DCO is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the DCO is (202) 564–8930. Such deliveries are only accepted during the DCO's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

*Instructions:* Direct your comments to docket ID number EPA–HQ–OPPT–2013–0458. EPA's policy is that all comments received will be included in the docket without change and may be made available online at *http://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 regulations.gov or email. The 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 regulations.gov, your email address will be automatically captured and included as part of the comment that is placed in the 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, any form of encryption, and be free of any defects or viruses.

*Docket:* All documents in the docket are listed in the docket index available at *http://www.regulations.gov.* 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 electronically at *http://www.regulations.gov,* or, if only available in hard copy, at the OPPT Docket. The OPPT Docket is located in the EPA Docket Center (EPA/DC) at Rm. 3334, WJC West Bldg., 1301 Constitution Ave. NW., Washington, DC. The EPA/DC Public Reading Room hours of operation are 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number of the EPA/DC Public Reading Room is (202) 566–1744, and the telephone number for the OPPT Docket is (202) 566–0280. Docket visitors are required to show photographic identification, pass through a metal detector, and sign the EPA visitor log. All visitor bags are processed through an X-ray machine and subject to search. Visitors will be provided an EPA/DC badge that must be visible at all times in the building and returned upon departure.

**FOR FURTHER INFORMATION CONTACT:** *For technical information contact:* Mike Mattheisen, Chemical Control Division (7405M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (202) 564–3077; fax number: (202) 564–4755; email address: *mattheisen.mike@epa.gov*.

*For general information contact:* The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov*.

**SUPPLEMENTARY INFORMATION:**

## I. What information is EPA particularly interested in?

Pursuant to PRA section 3506(c)(2)(A) (44 U.S.C. 3506(c)(2)(A)), EPA specifically solicits comments and information to enable it to:

1. 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.

2. Evaluate the accuracy of the Agency's estimates of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.

3. Enhance the quality, utility, and clarity of the information to be collected.

4. 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. In particular, EPA is requesting comments from very small businesses (those that employ less than 25) on examples of specific additional efforts that EPA could make to reduce the paperwork burden for very small businesses affected by this collection.

## II. What information collection activity or ICR does this action apply to?

*Title:* Chemical-Specific Rules, TSCA Section 8(a).

*ICR number:* 1198.10.

*OMB control number:* 2070–0067.

*ICR status:* This ICR is currently scheduled to expire on June 30, 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. The OMB control numbers for EPA's regulations in title 40 of the Code of Federal Regulations (CFR), after appearing in the **Federal Register** when approved, are listed in 40 CFR part 9, are displayed either by publication in the **Federal Register** or by other appropriate means, such as on the related collection instrument or form, if applicable. The display of OMB control numbers for certain EPA regulations is consolidated in 40 CFR part 9.

*Abstract:* Section 8(a) of the Toxic Substances Control Act (TSCA) authorizes the Administrator of EPA to promulgate rules that require persons who manufacture, import or process chemical substances and mixtures, or who propose to manufacture, import, or process chemical substances and mixtures, to maintain such records and submit such reports to EPA as may be reasonably required. Any chemical covered by TSCA for which EPA or another Federal agency has a reasonable need for information and which cannot be satisfied via other sources is a proper potential subject for a chemical-specific TSCA section 8(a) rulemaking. Information that may be collected under TSCA section 8(a) includes, but is not limited to, chemical names; categories of use; production or processing volume, byproducts of chemical production, processing, use or disposal; existing data concerning environmental and health effects; exposure data; and disposal information. Generally, EPA uses chemical-specific information under TSCA section 8(a) to evaluate the potential for adverse human health and environmental effects caused by the manufacture (including import), processing, use or disposal of identified chemical substances and mixtures. Additionally, EPA may use TSCA section 8(a) information to assess the need or set priorities for testing and/or further regulatory action. To the extent that reported information is not considered confidential, environmental groups, environmental justice advocates, state and local government entities and other members of the public will also have access to this information for their use.

Responses to the collection of information are mandatory (see 40 CFR part 704). Respondents may claim all or part of a response confidential. EPA will disclose information that is covered by a claim of confidentiality only to the extent permitted by, and in accordance with, the procedures in TSCA section 14 and 40 CFR part 2.

*Burden statement:* The annual public reporting and recordkeeping burden for this collection of information is estimated to average 68.8 hours per response. Burden is defined in 5 CFR 1320.3(b).

The ICR, which is available in the docket along with other related materials, provides a detailed explanation of the collection activities and the burden estimate that is only briefly summarized here:

*Respondents/Affected Entities:* Entities potentially affected by this ICR are primarily those businesses that fall under NAICS codes 325, Chemical Manufacturers and Processors, and 324110, Petroleum Refineries.

*Estimated total number of potential respondents:* 4.

*Frequency of response:* On occasion.

*Estimated total average number of responses for each respondent:* 1.

*Estimated total annual burden hours:* 275 hours.

*Estimated total annual costs:* $16,551. This includes an estimated burden cost of $16,551 and an estimated cost of $0 for capital investment or maintenance and operational costs.

**III. Are there changes in the estimates from the last approval?**

There is no change in the number of hours in the total estimated respondent burden compared with that identified in the ICR currently approved by OMB.

**IV. What is the next step in the process for this ICR?**

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 pursuant to 5 CFR 1320.12. EPA will issue another **Federal Register** document pursuant to 5 CFR 1320.5(a)(1)(iv) to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB. If you have any questions about this ICR or the approval process, please contact the technical contact person listed under **FOR FURTHER INFORMATION CONTACT**.

**List of Subjects**

Environmental protection, Reporting and recordkeeping requirements.

Dated: November 12, 2013.

**James Jones,**

*Assistant Administrator, Office of Chemical Safety and Pollution Prevention.*

[FR Doc. 2013–28135 Filed 11–21–13; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

**[EPA–HQ–OECA–2013–0331; FRL—9903–03–OEI]**

## Information Collection Request Submitted to OMB for Review and Approval; Comment Request; NSPS for New Residential Wood Heaters (Renewal)

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** The Environmental Protection Agency has submitted an information collection request (ICR), ''NSPS for New Residential Wood Heaters (40 CFR Part 60, Subpart AAA) (Renewal)'' (EPA ICR No. 1176.11, OMB Control No. 2060–0161 to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq*). This is a proposed extension of the ICR, which is currently approved through January 31, 2014. Public comments were previously requested via the **Federal Register** (78 *FR* 33409) on June 4, 2013 during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. 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:** Additional comments may be submitted on or before December 23, 2013.

**ADDRESSES:** Submit your comments, referencing Docket ID Number EPA–HQ–OECA–2013–0331, to: (1) EPA online, using *www.regulations.gov* (our preferred method), by email to: *docket.oeca@epa.gov*, or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460; and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

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:** Learia Williams, Monitoring, Assistance, and Media Programs Division, Office of Compliance, Mail Code 2227A, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: (202) 564–4113; fax number: (202) 564–0050; email address: *williams.learia@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, WJC 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 *www.epa.gov/dockets.*

*Abstract:* Manufacturers and accredited laboratories are required to make several one-time and periodic reports necessary for the implementation and enforcement of the rule. Also, laboratories, manufacturers, distributors, and retailers are required to retain certain records.

*Form Numbers:* None.

*Respondents/affected entities:* New residential wood heaters.

*Respondent's obligation to respond:* Mandatory (40 CFR part 60, subpart AAA)

*Estimated number of respondents:* 947 (total).

*Frequency of response:* Occasionally.

*Total estimated burden:* 11,749 hours (per year). ''Burden'' is defined at 5 CFR 1320.3(b).

*Total estimated cost:* $2,885,287 (per year), includes $1,736,075 in both annualized capital/startup and operation & maintenance costs.

*Changes in the Estimates:* There is an increase in the total estimated respondent and Agency burdens as currently identified in the OMB Inventory of Approved Burdens. The change in burdens from the most recently-approved ICR is due to an increase in the number of sources subject to the standard, and is not due to any program changes. The number of sources has been increased in this ICR to reflect more current information obtained during development of proposed revisions to the NSPS.

There is also an increase in both respondent and Agency burden costs

from the most-recently approved ICR due to the use of updated labor rates. This ICR references labor rates from the Bureau of Labor Statistics to calculate respondent burden costs, and references labor rates from OPM to calculate Agency burden costs.

There is an increase in both capital/startup and O&M costs as compared to the previous ICR; however, this change also is not due to any program changes. Similar to the respondent burden adjustments, the change is due to the increased number of sources estimated to be subject to the standard, and is not due to any program changes.

**John Moses,**

*Director, Collection Strategies Division.*

[FR Doc. 2013–27980 Filed 11–21–13; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

**[FRL–9903–22–ORD; Docket ID No. EPA–HQ–ORD–2013–0232]**

## Draft Integrated Science Assessment for Nitrogen Oxides—Health Criteria

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of Public Comment Period.

**SUMMARY:** EPA is announcing a 60-day public comment period for the draft document titled, ''First External Review Draft Integrated Science Assessment for Nitrogen Oxides—Health Criteria'' (EPA/600/R–13/202). The draft document was prepared by the National Center for Environmental Assessment (NCEA) within EPA's Office of Research and Development as part of the review of the primary (health-based) national ambient air quality standards (NAAQS) for nitrogen dioxide ($NO_2$). The Integrated Science Assessment (ISA), in conjunction with additional technical and policy assessments, provide the scientific basis for EPA decisions on the adequacy of the current NAAQS and the appropriateness of possible alternative standards. EPA intends to develop a separate ISA, and NAAQS review, for the secondary (welfare-based) NAAQS for $NO_2$, in conjunction with a review of the secondary NAAQS for sulfur dioxide.

EPA is releasing this draft document to seek review by the Clean Air Scientific Advisory Committee (CASAC) and the public (meeting date and location to be specified in a separate **Federal Register** notice). This draft document is not final as described in EPA's information quality guidelines, and it does not represent and should not be construed to represent Agency policy or views. EPA will consider any public comments submitted in response to this notice when revising the document.

**DATES:** The 60-day public comment period begins November 22, 2013, and ends January 21, 2014. Comments must be received on or before January 21, 2014.

**ADDRESSES:** The ''First External Review Draft Integrated Science Assessment for Nitrogen Oxides—Health Criteria'' will be available primarily via the Internet on NCEA's home page under the Recent Additions and Publications menus at *http://www.epa.gov/ncea* or the public docket at *http://www.regulations.gov,* Docket ID: EPA–HQ–ORD–2013–0232. A limited number of CD–ROM copies will be available. Contact Ms. Marieka Boyd by phone: 919–541–0031; fax: 919–541–5078; or email: *boyd.marieka@epa.gov* to request a CD–ROM, and please provide your name, your mailing address, and the document title, ''First External Review Draft Integrated Science Assessment for Nitrogen Oxides—Health Criteria'' to facilitate processing of your request.

**FOR FURTHER INFORMATION CONTACT:** For information on the public comment period, contact the ORD Docket at the EPA Headquarters Docket Center; telephone: 202–566–1752; facsimile: 202–566–9744; or email: *Docket_ORD@epa.gov.*

For technical information, contact Dr. Molini Patel, NCEA; telephone: 919–541–1492; facsimile: 919–541–1818; or email: *patel.molini@epa.gov.*

**SUPPLEMENTARY INFORMATION:**

### I. Information About the Document

Section 108 (a) of the Clean Air Act directs the Administrator to identify certain pollutants which, among other things, ''cause or contribute to air pollution which may reasonably be anticipated to endanger public health or welfare'' and to issue air quality criteria for them. These air quality criteria are to ''accurately reflect the latest scientific knowledge useful in indicating the kind and extent of all identifiable effects on public health or welfare which may be expected from the presence of [a] pollutant in the ambient air. . . .'' Under section 109 of the Act, EPA is then to establish NAAQS for each pollutant for which EPA has issued criteria. Section 109 (d) of the Act subsequently requires periodic review and, if appropriate, revision of existing air quality criteria to reflect advances in scientific knowledge on the effects of the pollutant on public health or welfare. EPA is also required to review and, if appropriate, revise the NAAQS, based on the revised air quality criteria (for more information on the NAAQS review process, see *http://www.epa.gov/ttn/naaqs/review.html*).

Nitrogen oxides are one of six criteria pollutants for which EPA has established NAAQS. Periodically, EPA reviews the scientific basis for these standards by preparing an ISA (formerly called an Air Quality Criteria Document). The ISA, in conjunction with additional technical and policy assessments, provides the scientific basis for EPA decisions on the adequacy of the current NAAQS and the appropriateness of possible alternative standards. The CASAC, an independent science advisory committee whose review and advisory functions are mandated by Section 109 (d) (2) of the Clean Air Act, is charged (among other things) with independent scientific review of EPA's air quality criteria.

On February 10, 2012 (77 FR 7149), EPA formally initiated its current review of the air quality criteria for the health effects of nitrogen oxides and the primary (health-based) $NO_2$ NAAQS, requesting the submission of recent scientific information on specified topics. EPA held a workshop February 29 to March 1, 2012, to discuss with invited scientific experts from internal and external to EPA, key science and policy issues relevant to the review of the health effects of nitrogen oxides (77 FR 7149). EPA's ''Draft Plan for Development of the Integrated Science Assessment for Nitrogen Oxides—Health Criteria'' was made available for public comment on May 3, 2013 (78 FR 26026), and was discussed by the CASAC via a publicly accessible teleconference consultation on June 5, 2013 (78 FR 27234). On June 11, 2013, EPA held a workshop to discuss, with invited scientific experts, initial draft materials prepared in the development of the ISA (78 FR 27374).

A draft Integrated Review Plan (IRP) is being developed that will characterize all of the phases of the review of the primary NAAQS for $NO_2$, including the schedule for the entire review, the process for conducting the various phases of the review, and the key policy-relevant science issues that will guide the review. The draft IRP will incorporate a revised plan for ISA development after consideration of CASAC and public comments on the draft plan for development of the ISA. The draft IRP will be reviewed by CASAC and the public together with the first draft ISA at a public meeting. The availability of the draft IRP for review by CASAC and the public, and the date and location of the public meeting, will

be announced in separate **Federal Register** notices.

The ''First External Review Draft Integrated Science Assessment for Nitrogen Oxides—Health Criteria'' will be discussed at a public meeting for review by CASAC and the public. In addition to the public comment period announced in this notice, the public will have an opportunity to address CASAC. A separate **Federal Register** notice will inform the public of the exact date and time of the CASAC meeting and of the procedures for public participation in that CASAC meeting.

**II. How To Submit Technical Comments to the Docket at www.regulations.gov**

Submit your comments, identified by Docket ID No. EPA–HQ–ORD–2013–0232, by one of the following methods:

- *www.regulations.gov:* Follow the on-line instructions for submitting comments.
- *Email: Docket_ORD@epa.gov.*
- *Fax:* 202–566–9744.
- *Mail:* U.S. Environmental Protection Agency, EPA Docket Center (ORD Docket), Mail Code: 28221T, 1200 Pennsylvania Avenue NW., Washington, DC 20460. The phone number is 202–566–1752.
- *Hand Delivery:* The ORD Docket is located in the EPA Headquarters Docket Center, EPA West Building, Room 3334, 1301 Constitution Avenue, NW., Washington, DC. The EPA Docket Center 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. Such deliveries are only accepted during the docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information. If you provide comments by mail or hand delivery, please submit three copies of the comments. For attachments, provide an index, number pages consecutively with the comments, and submit an unbound original and three copies.

*Instructions:* Direct your comments to Docket ID No. EPA–HQ–ORD–2013–0232. Please ensure that your comments are submitted within the specified comment period. Comments received after the closing date will be marked ''late,'' and may only be considered if time permits. It is EPA's policy to include all comments it receives in the public docket without change and to make the comments available online at *www.regulations.gov,* including any personal information provided, unless a comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information through *www.regulations.gov* or email that you consider to be CBI or otherwise protected. 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, 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 *www.epa.gov/epahome/dockets.htm.*

*Docket:* Documents in the docket are listed in the *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 materials, such as copyrighted material, are publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the ORD Docket in the EPA Headquarters Docket Center.

Dated: October 30, 2013.

**Debra B. Walsh,**

*Acting Deputy Director, National Center for Environmental Assessment.*

[FR Doc. 2013–27979 Filed 11–21–13; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

**[ER–FRL–9012–2]**

### 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 11/11/2013 through 11/15/2013. 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.*

**SUPPLEMENTARY INFORMATION:** EPA's weekly receipt of EISs filed during the week of 11/04/2013 through 11/08/2013 can be found in Wednesday, November 20th, **Federal Register** publication and on EPA's Web site at: *http://www.epa.gov/compliance/nepa/eisdata.html.*

*EIS No. 20130338, Final EIS, USFS, OR*, Summit Logan Valley Grazing Authorization Project, Review Period Ends: 12/30/2013, Contact: Randall J. Gould 541–820–3801.

*EIS No. 20130339, Draft EIS, BLM, OR*, Oregon Sub-Region Greater Sage-Grouse Draft Resource Management Plan Amendment, Comment Period Ends: 02/20/2014, Contact: Joan Suther 541–573–4445.

*EIS No. 20130340, Draft EIS, USFS, AZ*, Programmatic—Revision of the Coronado National Forest Land and Resource Management Plan, Comment Period Ends: 02/20/2014, Contact: Yolynda Begay 520–388–8370.

*EIS No. 20130341, Final Supplement, BLM, NV*, Ruby Pipeline Project, Review Period Ends: 12/23/2013, Contact: Mark Mackiewicz 435–636–3616.

*EIS No. 20130342, Draft EIS, USA, CA*, Modernization and Repair of Piers 2 and 3 at Military Ocean Terminal Concord, Comment Period Ends: 01/06/2014, Contact: Malcolm E. Charles 925–246–4023.

*EIS No. 20130343, Draft Supplement, NPS, FL*, Biscayne National Park Supplemental Draft General Management Plan, Comment Period Ends: 02/20/2014, Contact: Morgan Elmer 303–969–2317.

*EIS No. 20130344, Draft Supplement, FHWA, NC*, Monroe Connector/Bypass, Comment Period Ends: 01/06/2014, Contact: Jennifer Harris (NCDOT) 919–707–6025.

*EIS No. 20130345, Final EIS, DOE, LA*, Lake Charles Carbon Capture and Sequestration Project, Review Period Ends: 12/23/2013, Contact: Pieri Fayish 412–386–5428.

*EIS No. 20130346, Draft EIS, USFS, CA*, Blacksmith Forest Health Project, Comment Period Ends: 01/06/2014, Contact: Dana Walsh 530–333–5558.

*EIS No. 20130347, Final Supplement, USFS, CA*, Southern California National Forests Land Management

Plan Amendment, Review Period Ends: 12/23/2013, Contact: Robert Hawkins 916–849–8037.

*EIS No. 20130348, Draft EIS, BLM, WAPA, UT*, TransWest Express Transmission Project, Comment Period Ends: 02/19/2014, Contact: Sharon Knowlton 307–775–6124.

The U.S. Department of the Interior's Bureau of Land Management and the U.S. Department of Energy's Western Area Power Administration are joint lead agencies for the above project.

**Amended Notices**

*EIS No. 20130334, Draft EIS, BIA, MA*, Mashpee Wampanoag Tribe Fee-to-Trust Acquisition and Casino Project, Comment Period Ends: 01/17/2014, Contact: Chester McGhee 615–564–6500. Revision to the FR Notice Published 11/20/2013; Extending the Comment Period from 12/30/2013 to 01/17/2014.

Dated: November 19, 2013.

**Cliff Rader,**

*Director, NEPA Compliance Division, Office of Federal Activities.*

[FR Doc. 2013–28149 Filed 11–21–13; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

**[FRL–9903–36-Region 10]**

## Proposed Issuance of the NPDES General Permit for Oil and Gas Geotechnical Surveying and Related Activities in Federal Waters of the Beaufort and Chukchi Seas

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice of proposed issuance of general permit.

**SUMMARY:** EPA Region 10 proposes to issue a National Pollutant Discharge Elimination System (NPDES) General Permit for Oil and Gas Geotechnical Surveying and Related Activities in Federal Waters of the Beaufort and Chukchi Seas (Permit No. AKG–28–4300). As proposed, the Geotechnical General Permit authorizes twelve types of discharges from facilities engaged in oil and gas geotechnical surveys to evaluate the subsurface characteristics of the seafloor and related activities in federal waters of the Beaufort and Chukchi Seas. Geotechnical borings are collected to assess the structural properties of subsurface soil conditions for potential placement of oil and gas installations, which may include production and drilling platforms, ice islands, anchor structures for floating exploration drilling vessels, and potential buried pipeline corridors. Geotechnical surveys result in a disturbance of the seafloor and produce discharges consisting of soil, rock and cuttings materials, in addition to facility-specific waste streams authorized under this general permit. Geotechnical related activities also result in a disturbance of the seafloor and produce similar discharges. These activities may include feasibility testing of equipment that disturbs the seafloor, and testing and evaluation of trenching technologies.

**DATES:** *Comments.* The public comment period for the draft Geotechnical General Permit will be from the date of publication of this Notice until January 27, 2014. Comments must be received or post-marked by no later than midnight Pacific Standard Time on January 27, 2014.

*Public Hearings.* EPA will hold public hearings on January 8, 2014, in Barrow, Alaska, at the Inupiat Heritage Center and via teleconference on January 10, 2014. The hearing in Barrow, AK will begin at 6:00 p.m. (Alaska Standard Time) and will continue until all testimony is heard or 10:00 p.m., whichever is earlier. The teleconference hearing will begin at 4:00 p.m. (Alaska Standard Time) and will continue until all testimony is heard or 7:00 p.m., whichever is earlier.

See **SUPPLEMENTARY INFORMATION** for additional information.

**ADDRESSES:** You may submit comments by any of the following methods. EPA will consider all comments received during the public comment period prior to making its final decision.

*Mail:* Send paper comments to Erin Seyfried, Office of Water and Watersheds, Mail Stop OWW–130, 1200 6th Avenue, Suite 900, Seattle, WA 98101–3140.

*Email:* Send electronic comments to *R10geotechpermit@epa.gov.*

*Fax:* Fax comments to the attention of Erin Seyfried at (206) 553–0165.

*Hand Delivery/Courier:* Deliver comments to Erin Seyfried, Office of Water and Watersheds, Mail Stop OWW–130, 1200 6th Avenue, Suite 900, Seattle, WA 98101–3140. Call (206) 553–0523 before delivery to verify business hours.

*Viewing and/or Obtaining Copies of Documents.* A copy of the draft Geotechnical General Permit and the Fact Sheet, which explains the proposal in detail, may be obtained by contacting EPA at 1 (800) 424–4372. Copies of the documents are also available for viewing and downloading at: *http://yosemite.epa.gov/r10/water.nsf/npdes+permits/DraftPermitsAK http://yosemite.epa.gov/r10/water.nsf/npdes+permits/arctic-gp* See **SUPPLEMENTARY INFORMATION** for other document viewing locations.

**FOR FURTHER INFORMATION CONTACT:** Erin Seyfried, Office of Water and Watersheds, U.S. Environmental Protection Agency, Region 10, Mail Stop OWW–130, 1200 6th Avenue, Suite 900, Seattle, WA 98101–3140, (206) 553–1448, *seyfried.erin@epa.gov.*

**SUPPLEMENTARY INFORMATION:** The Fact Sheet describes the types of facilities and the discharges proposed to be authorized by the Geotechnical General Permit; the proposed effluent limits and other conditions; maps and descriptions of the proposed Area of Coverage; and a summary of the supporting technical materials.

*Public Hearing Locations and Information.* The locations, teleconference information, and general agenda for the hearings are:

(1) January 8, 2014, Inupiat Heritage Center, 5421 North Star Street, Barrow, AK 99723, Teleconference number 1 (866) 299–3188, code 9072711272#; 4:00 p.m.–5:00 p.m. Open House; 6:00 p.m.–7:00 p.m. Presentation; 7:00 p.m.–10:00 p.m. Testimony.

(2) January 10, 2014; Teleconference Only. Teleconference number 1 (866) 299–3188, code 9072711272#; 4:00 p.m.–4:30 p.m. Presentation; 4:30 p.m.–7:00 p.m. Testimony.

*Public Hearing Procedures.* Public hearings will be conducted in accordance with 40 CFR 124.12 and will provide interested persons with the opportunity to give written and/or verbal comments for the official record. The following procedures will be used at the public hearings:

(1) The presiding officer shall conduct the hearing in a manner which will allow all interested persons wishing to make verbal comments an opportunity to do so (however, the presiding officer may inform attendees of any time limits during the opening statement of the hearing);

(2) Any person may submit written statements or documents for the hearing record;

(3) The presiding officer may, in his or her discretion, exclude verbal comments if such testimony is overly repetitious of previous testimony or is not relevant to the draft Geotechnical General Permit;

(4) The transcripts of the hearings, together with copies of all submitted statements and documents, shall become a part of the record submitted to the Director of the Office of Water and Watersheds;

(5) The hearing record shall be left open until the deadline for receipt of comments, specified at the beginning of this Notice, to allow any person enough time to submit additional written statements or to present views or evidence tending to rebut or support testimony presented at the public hearing;

(6) Hearing testimony may be provided orally or in written format. Commenters providing verbal comments are encouraged to provide written comments to ensure accuracy of the record and for use of EPA and other interested persons. Persons wishing to make verbal comments supporting their written statements are encouraged to give a summary of their points rather than reading lengthy written comments verbatim into the record.

All comments related to the draft Geotechnical General Permit and Fact Sheet received by EPA Region 10 by the deadline for receipt of comments, or presented at the public hearing, will be considered by EPA before taking final action on the General Permit.

*Document Viewing Locations.* The draft Geotechnical General Permit and Fact Sheet may also be viewed at the following locations:

(1) EPA Region 10 Library, Park Place Building, 1200 6th Avenue, Suite 900, Seattle, WA 98101; (206) 553–1289.

(2) EPA Region 10, Alaska Operations Office, 222 W 7th Avenue, #19, Room 537, Anchorage, AK 99513; (907) 271–5083.

(3) DEC Anchorage office, 555 Cordova Street, Anchorage, AK 99501; (907) 269–7235.

(4) Z. J. Loussac Public Library, 3600 Denali Street, Anchorage, AK 99503; (907) 343–2975.

(5) North Slope Borough School District Library/Media Center, Pouch 169, 829 Aivak Street, Barrow, AK 99723; (907) 852–5311.

EPA's current administrative record for the draft Geotechnical General Permit is available for review at the EPA Region 10 Office, Park Place Building, 1200 6th Avenue, Suite 900, Seattle, WA 98101, between 9:00 a.m. and 4:00 p.m., Monday through Friday. Contact Erin Seyfried at *seyfried.erin@epa.gov* or (206) 553–1448.

*Oil Spill Requirements.* Section 311 of the Act, 33 U.S.C. 1321, prohibits the discharge of oil and hazardous materials in harmful quantities. Discharges authorized under the Geotechnical General Permit are excluded from the provisions of CWA Section 311, 33 U.S.C. 1321. However, the Geotechnical General Permit will not preclude the institution of legal action, or relieve the permittees from any responsibilities, liabilities, or penalties for other unauthorized discharges of oil and hazardous materials, which are covered by Section 311.

*Endangered Species Act.* Section 7 of the Endangered Species Act (ESA), 16 U.S.C. 1531–1544, requires federal agencies to consult with the National Marine Fisheries Service (NMFS) and the U.S. Fish and Wildlife Service (USFWS) if their actions have the potential to either beneficially or adversely affect any threatened or endangered species. In accordance with ESA requirements, EPA has initiated consultation with NMFS and USFWS, and has prepared a Biological Evaluation (BE) for the Geotechnical General Permit, which concludes that the General Permit is not likely to adversely affect any threatened or endangered species or their designated critical habitat areas. The BE has been submitted to NMFS and USFWS for review and concurrence during the public comment period. EPA will obtain a determination from NMFS and USFWS prior to issuing the Geotechnical General Permit.

*Essential Fish Habitat.* The Magnuson-Stevens Fishery Conservation and Management Act requires EPA to consult with NMFS when a proposed permit action has the potential to adversely affect Essential Fish Habitat (EFH). An EFH Assessment has been prepared for the Geotechnical General Permit.

*Coastal Zone Management Act.* As of July 1, 2011, there is no longer a Coastal Zone Management Act (CZMA) program in Alaska. Consequently, federal agencies are no longer required to provide the State of Alaska with CZMA consistency determinations.

*Executive Order 12866.* The Office of Management and Budget (OMB) exempts this action from the review requirements of Executive Order 12866 pursuant to Section 6 of that order.

*Paperwork Reduction Act.* EPA has reviewed the requirements imposed on regulated facilities in the Geotechnical General Permit and finds them consistent with the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq.

*Regulatory Flexibility Act.* Under the Regulatory Flexibility Act (RFA), 5 U.S.C. 601 et seq., a federal agency must prepare an initial regulatory flexibility analysis ''for any proposed rule'' for which the agency ''is required by section 553 of the Administrative Procedure Act (APA), or any other law, to publish general notice of proposed rulemaking.'' The RFA exempts from this requirement any rule that the issuing agency certifies ''will not, if promulgated, have a significant economic impact on a substantial number of small entities.'' EPA has concluded that NPDES general permits are permits, not rulemakings, under the APA and thus not subject to APA rulemaking requirements or the FRA. Notwithstanding that general permits are not subject to the RFA, EPA has determined that the Geotechnical General Permit will not have a significant impact on a substantial number of small entities. This determination is based on the fact that the regulated companies are not classified as small businesses under the Small Business Administration regulations established at 49 FR 5023 et seq. (February 9, 1984). These facilities are classified as Major Group 13—Oil as Gas Extraction SIC 1311 Crude Petroleum and Natural Gas.

**Authority:** This action is taken under the authority of Section 402 of the Clean Water Act as amended, 42 U.S.C. 1342. I hereby provide public notice of the draft Geotechnical General Permit in accordance with 40 CFR 124.10.

Dated: November 14, 2013.

**Daniel D. Opalski**

*Director, Office of Water and Watersheds, Region 10.*

[FR Doc. 2013–28139 Filed 11–21–13; 8:45 am]

**BILLING CODE 6560–50–P**

## ENVIRONMENTAL PROTECTION AGENCY

**[EPA–HQ–OPP–2013–0703; FRL–9902–97]**

## Pesticide Product Registration; Receipt of an Application for a New Active Ingredient

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Notice.

**SUMMARY:** EPA has received an application to register a pesticide product containing an active ingredient not included in any previously registered pesticide product. Pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is hereby providing notice of receipt and opportunity to comment on the application.

**DATES:** Comments must be received on or before December 23, 2013.

**ADDRESSES:** Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2013–0703, 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.

• *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*.

**FOR FURTHER INFORMATION CONTACT:** Robert McNally, Biopesticides and Pollution Prevention Division (7511P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 305–7090; email address: *BPPDFRNotices@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. 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. Registration Application

EPA has received an application to register a pesticide product containing an active ingredient not included in any previously registered pesticide product. Pursuant to the provisions of FIFRA section 3(c)(4), EPA is hereby providing notice of receipt and opportunity to comment on the application. Notice of receipt of the application does not imply a decision by the Agency on the application.

*File Symbol:* 68467–EN. *Applicant:* Dow AgroSciences LLC, 9330 Zionsville Rd., Indianapolis, IN 46268. *Product name:* DAS–81419–2 Soybean. *Active ingredients: Bacillus thuringiensis* Cry1Ac protein expressed in soybean and *Bacillus thuringiensis* Cry1F protein expressed in soybean. *Proposed classification/Use:* Plant-incorporated Protectant (PIP).

## List of Subjects

Environmental protection, Pesticides and pest.

Dated: November 8, 2013.

**Robert McNally,**

*Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.*

[FR Doc. 2013–28129 Filed 11–21–13; 8:45 am]

**BILLING CODE 6560–50–P**

## EXPORT-IMPORT BANK OF THE UNITED STATES

**[Public Notice: 2014–6009]**

## Agency Information Collection Activities: Comment Request

**AGENCY:** Export-Import Bank of the United States.

**ACTION:** Submission for OMB review and comments request.

*Form Title:* EIB 14–01 Small Business Exporter Survey.

**SUMMARY:** The Export-Import Bank of the United States (Ex-Im Bank), as a part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal Agencies to comment on the proposed information collection, as required by the Paperwork Reduction Act of 1995.

The small business exporter survey seeks to obtain feedback from customers on trade credit insurance policy purchases made in a Fiscal Year. This survey will help Ex-Im Bank better understand small business customers' perspectives on the bank's products, the level of service provided, and how Ex-Im Bank's assistance impacts their small business. The objective is to identify possible service improvements and better understand small business owners' experiences working with Ex-Im Bank.

The survey can be reviewed at: *https://www.surveymonkey.com/s/SBCustomerSurvey.*

**DATES:** Comments should be received on or before January 21, 2014.

**ADDRESSES:** Comments may be submitted electronically on *WWW.REGULATIONS.GOV* or by mail to Stephanie Thum, Export-Import Bank of the United States, 811 Vermont Ave. NW., Washington, DC 20571.

**SUPPLEMENTARY INFORMATION:**

*Titles and Form Number:* EIB 14–01 Small Business Exporter Survey.

*OMB Number:* 3048–XXXX.

*Type of Review:* Regular.

*Need and Use:* The information requested enables Ex-Im Bank to identify possible service improvements to the benefit of small business exporters.

*The number of respondents:* 1,808.

*Estimated time per respondents:* 10 minutes.

*The frequency of response:* Annually.

*Annual hour burden:* 301.3 total hours.

## Government Expenses

*Reviewing time per response:* 5 minutes.

*Responses per year:* 1,808.
*Reviewing time per year:* 150.7 hours.
*Average Wages per hour:* $42.50.
*Average cost per year:*
*(time * wages)* $6,403.
*Benefits and overhead:* 20%.
*Total Government Cost:* $7,684.

**Kalesha Malloy,**

*Agency Clearance Officer, Office of the Chief Information Officer.*

[FR Doc. 2013–27981 Filed 11–21–13; 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 burden 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 collection(s). 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 burden for 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 OMB control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid OMB control number.

**DATES:** Written Paperwork Reduction Act (PRA) comments should be submitted on or before January 21, 2014. If you anticipate that you will be submitting PRA comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the FCC contact listed below as soon as possible.

**ADDRESSES:** Submit your PRA comments to Benish Shah, Federal Communications Commission, via the Internet at *Benish.Shah@fcc.gov*. To submit your PRA comments by email send them to: *PRA@fcc.gov*.

**FOR FURTHER INFORMATION CONTACT:** Benish Shah, Office of Managing Director, (202) 418–7866.

**SUPPLEMENTARY INFORMATION:**

*OMB Control Number:* 3060–1139.

*Title:* FCC Consumer Broadband Services Testing and Measurement.

*Form No.:* N/A.

*Type of Review:* Revision of a currently approved collection.

*Respondents:* Individuals or households; and business or other for-profit.

*Number of Respondents:* 501,020 respondents; 501,020 responses.

*Estimated Time Per Response:* 1 to 200 hours.

*Frequency of Response:* Biennial reporting requirement and third party disclosure requirement.

*Obligation to Respond:* Voluntary. Statutory authority for this information collection is contained in the Broadband Data Improvement Act of 2008, Public Law 110–385, Stat 4096, 103(c)(1).

*Total Annual Burden:* 46,667 hours.

*Total Annual Cost:* N/A.

*Privacy Act Impact Assessment:* This information collection affects individuals or households. However, personally identifiable information (PII) is not being collected by, made available to or made accessible by the Commission but instead by third parties including SamKnows, a third party contractor, and Internet Service Provider (ISP) Partners.

*Nature and Extent of Confidentiality:* No personally identifying information (PII) will be transmitted to the Commission from the contractor as a matter of vendor policy and agency privacy policy. SamKnows maintains a series of administrative, technical, and physical safeguards to protect against the transmission of PII. At point of registration, individuals will be given full disclosure in a ''privacy statement'' highlighting what information will be collected. ISP Partners will receive PII about volunteers to confirm the validity of the information against their subscription records, but will be bound by a non-disclosure agreement that will maintain various administrative, technical and physical safeguards to protect the information and limit its use. ISP Partners providing support to the testing program will likewise be bound to the same series of administrative, technical and physical safeguards developed by SamKnows. In addition all third parties supporting the program directly will be bound by a ''Code of Conduct'' to ensure all participate and act in good faith and with other legally enforceable documents such as non-disclosure agreements.

*Needs and Uses:* The Commission will submit this information collection to the Office of Management and Budget (OMB) after this 60 day comment period in order to obtain the full three year clearance from them. The Commission is requesting a revision (there has been a program change in the reporting requirements, the number of respondents increased from 11,016 to 501,020). The Commission is requesting OMB approval for a revision.

The Broadband Data Improvement Act of 2008, Public Law 110–385, Stat 4096, 103(c)(1) directs the Commission to collect information on the type of technology used to provide broadband to consumers, the price of such services, actual transmission speeds, and the reasons for non-adoption of broadband service.

This collection of information is necessary to complete research done for the Broadband Plan on key consumer issues including transparency and actual speeds and performance of broadband service.

The Commission's Office of Engineering and Technology (OET), Office of Strategic Planning and Policy Analysis (OSPPA) and Consumer and Governmental Affairs Bureau (CGB) and other Commission entities use the information collected under this study to assess what actual broadband speeds and performance consumers are currently receiving from providers. Our purpose is to measure the speed of broadband services provided by ISPs across service packages and geographies, rather than to assess the differences in broadband performance received by demographics. This assessment will help the Commission create standards for broadband measurements, assess the validity of ISP performance claims, and inform future steps to increasing transparency and consumer awareness of broadband service.

Federal Communications Commission.

**Gloria J. Miles,**

*Federal Register Liaison, Office of the Secretary, Office of Managing Director.*

[FR Doc. 2013–27989 Filed 11–21–13; 8:45 am]

**BILLING CODE 6712–01–P**

## FEDERAL RESERVE SYSTEM

**[Docket No. OP—1471]**

### Payment System Risk Policy; Daylight Overdraft Posting Rules

**AGENCY:** Board of Governors of the Federal Reserve System.

**ACTION:** Policy statement.

**SUMMARY:** The Board of Governors of the Federal Reserve System (Board) has revised part II of the Federal Reserve Policy on Payment System Risk (PSR policy) to eliminate certain posting rules to conform with changes to the Treasury Tax and Loan (TT&L) program.

**DATES:** *Effective Date:* November 22, 2013.

**FOR FURTHER INFORMATION CONTACT:** Jeffrey D. Walker, Assistant Director (202–721–4559) or Michelle D. Olivier, Financial Services Analyst (202–452–2404), Division of Reserve Bank Operations and Payment Systems. For users of Telecommunications Device for the Deaf (TDD) only, please call 202–263–4869.

**SUPPLEMENTARY INFORMATION:**

#### Background

The Board's PSR policy establishes the procedures, referred to as posting rules, for the settlement of debits and credits to institutions' Federal Reserve accounts for different payment types.[1] The application of these posting rules determines an institution's intraday account balance and whether it has incurred a negative balance (daylight overdraft).

The Board is removing the posting rules for Electronic Federal Tax Payment System (EFTPS) investments from ACH credit and debit transactions, which currently post at 8:30 a.m. and 11:00 a.m. eastern time, respectively. This change conforms with the U.S. Department of Treasury's decision to eliminate retained electronic tax deposits from its TT&L program effective January 1, 2012. Beginning in January 2012, electronic tax deposits were no longer deposited in the TT&L main account balances of retainer and investor depositaries, and all retained tax deposits held in these accounts were withdrawn by December 30, 2011.[2] Institutions' Federal Reserve account balances are not affected by the removal of these posting rules because all EFTPS investments from ACH credit and debit transactions have ceased.

#### Policy on Payment System Risk

The Federal Reserve Policy on Payment System Risk, section II.A., under the heading ''Procedures for Measuring Daylight Overdrafts'' and the subheadings ''Post at 8:30 a.m. Eastern time'' and ''Post at 11:00 a.m. Eastern time,'' is amended to remove the posting rules for EFTPS investments from ACH credit and debit transactions as follows:

Procedures for measuring daylight overdrafts [3]

Post at 8:30 a.m. Eastern time:

± Term deposit maturities and accrued interest

± Government and commercial ACH credit transactions [4]

+ Treasury checks, postal money orders, local Federal Reserve Bank checks, and savings bond redemptions in separately sorted deposits; these items must be deposited by 12:01 a.m. local time or the local deposit deadline, whichever is later

+ Advance-notice Treasury investments

− Penalty assessments for tax payments from the Treasury Investment Program (TIP).[5]

Post at 11:00 a.m. Eastern time:

± ACH debit transactions

* * * * *

By order of the Board of Governors of the Federal Reserve System, acting through the Director of the Division of Reserve Bank Operations and Payment Systems under delegated authority, November 19, 2013.

**Robert deV. Frierson,**

*Secretary of the Board.*

[FR Doc. 2013–28028 Filed 11–21–13; 8:45 am]

**BILLING CODE 6210–01–P**

[1] The Board's PSR policy is available at *www.federalreserve.gov/paymentsystems/psr_policy.htm.*

[2] Under the TT&L program, a retainer depositary was a TT&L depositary that retained some of the electronic tax payments in its Treasury Investment Program (TIP) main account balance. An investor depositary is a TT&L depositary that accepts direct investments of Treasury funds and historically retained some electronic tax deposits in its TIP main account balance. Following the withdrawal of retained tax deposits in December 2011, the Treasury eliminated the designation of *Retainer Depositary* from the TT&L program.

[3] This schedule of posting rules does not affect the overdraft restrictions and overdraft-measurement provisions for nonbank banks established by the Competitive Equality Banking Act of 1987 and the Board's Regulation Y (12 CFR 225.52).

[4] Institutions that are monitored in real time must fund the total amount of their commercial ACH credit originations in order for the transactions to be processed. If the Federal Reserve receives commercial ACH credit transactions from institutions monitored in real time after the scheduled close of the Fedwire Funds Service, these transactions will be processed at 12:30 a.m. the next business day, or by the ACH deposit deadline, whichever is earlier. The Account Balance Monitoring System provides intraday account information to the Reserve Banks and institutions and is used primarily to give authorized Reserve Bank personnel a mechanism to control and monitor account activity for selected institutions. For more information on ACH transaction processing, refer to the ACH Settlement Day Finality Guide available through the Federal Reserve Financial Services Web site at *http://www.frbservices.org.*

[5] The Reserve Banks will identify and notify institutions with Treasury-authorized penalties on Thursdays. In the event that Thursday is a holiday, the Reserve Banks will identify and notify institutions with Treasury-authorized penalties on the following business day. Penalties will then be posted on the business day following notification.

## FEDERAL TRADE COMMISSION

### Agency Information Collection Activities; Submission for OMB Review; Comment Request

**AGENCY:** Federal Trade Commission.

**ACTION:** Notice and request for comment.

**SUMMARY:** In compliance with the Paperwork Reduction Act (PRA) of 1995, the FTC is seeking public comments on its request to OMB for a three-year extension of the current PRA clearance for the information collection requirements contained in the Consumer Product Warranty Rule. That clearance expires on November 30, 2013 (OMB Control No. 3084–0111).

**DATES:** Comments must be received by December 23, 2013.

**ADDRESSES:** Interested parties may file a comment online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the proposed information requirements should be addressed to Svetlana Gans, Attorney, Division of Marketing Practices, Bureau of Consumer Protection, Federal Trade Commission, Room H–286, 600 Pennsylvania Ave. NW., Washington, DC 20580, (202) 326–3708.

**SUPPLEMENTARY INFORMATION:** *Title:* Rule Concerning Disclosure of Written Consumer Product Warranty Terms and Conditions (the Consumer Product Warranty Rule or Warranty Rule), 16 CFR Part 701.

*OMB Control Number:* 3084–0111.

*Type of Review:* Extension of a currently approved collection.

*Abstract:* The Warranty Rule is one of three rules [1] that the FTC implemented pursuant to requirements of the Magnuson-Moss Warranty Act, 15 U.S.C. 2301 *et seq.* (Warranty Act or Act). The Warranty Rule specifies the

[1] The other two rules relate to the pre-sale availability of warranty terms and minimum standards for informal dispute settlement mechanisms that are incorporated into a written warranty.

information that must appear in a written warranty on a consumer product costing more than $15. The Rule tracks Section 102(a) of the Warranty Act, specifying information that must appear in the written warranty and, for certain disclosures, mandates the exact language that must be used. Neither the Warranty Rule nor the Act requires that a manufacturer or retailer warrant a consumer product in writing, but if they choose to do so, the warranty must comply with the Rule.

On August 5, 2013, the Commission sought comment on the Rule's information collection requirements.[2] The Commission did not receive any comments.

As required by OMB regulations, 5 CFR Part 1320, the FTC is providing this second opportunity for public comment.

*Likely Respondents:* Manufacturers of consumer products.

*Estimated Annual Hours Burden:* 116,128 hours (derived from estimated 14,516 manufacturers × 8 hours of burden per year).

*Estimated Annual Cost Burden:* $15,710,000, rounded to the nearest thousand (which is derived from $14,516,000 for legal professionals + $713,316 for legal support + $480,189 for clerical workers).[3]

- Legal Professionals: (0.5) (116,128 hours) ($250/hour) = $14,516,000
- Legal Support: (0.25) (116,128 hours) ($24.57/hour) = $713,316
- Clerical Workers: (0.25) (116,128 hours) ($16.54/hour) = $480,189

**Request for Comment**

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before December 23, 2013. Write ''Warranty Rules: Paperwork Comment, FTC File No. P044403'' on your comment. Your comment—including your name and your state—will be placed on the public record of this proceeding, including, to the extent practicable, on the public Commission Web site, at *http://www.ftc.gov/os/publiccomments.shtm.* As a matter of discretion, the Commission tries to remove individuals' home contact information from comments before placing them on the Commission Web site.

Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, such as anyone's Social Security number, date of birth, driver's license number or other state identification number or foreign country equivalent, passport number, financial account number, or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, like medical records or other individually identifiable health information. In addition, do not include any ''[t]rade secret or any commercial or financial information which is * * * privileged or confidential,'' as discussed in Section 6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2). In particular, do not include competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

If you want the Commission to give your comment confidential treatment, you must file it in paper form, with a request for confidential treatment, and you are required to follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c). Your comment will be kept confidential only if the FTC General Counsel, in his or her sole discretion, grants your request in accordance with the law and the public interest.

Postal mail addressed to the Commission is subject to delay due to heightened security screening. As a result, we encourage you to submit your comment online, or to send it to the Commission by courier or overnight service. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/consumerwarrantypra2*, by following the instructions on the web-based form. If this Notice appears at *http://www.regulations.gov*, you also may file a comment through that Web site.

If you file your comment on paper, write ''Warranty Rules: Paperwork Comment, FTC File No. P044403'' on your comment and on the envelope, and mail or deliver it to the following address: Federal Trade Commission, Office of the Secretary, Room H–113 (Annex J), 600 Pennsylvania Avenue NW., Washington, DC 20580. If possible, submit your paper comment to the Commission by courier or overnight service.

Visit the Commission Web site at *http://www.ftc.gov* to read this Notice. The FTC Act and other laws that the Commission administers permit the collection of public comments to consider and use in this proceeding as appropriate. The Commission will consider all timely and responsive public comments that it receives on or before December 23, 2013. You can find more information, including routine uses permitted by the Privacy Act, in the Commission's privacy policy, at *http://www.ftc.gov/ftc/privacy.shtm.*

Comments on the information collection requirements subject to review under the PRA should also be submitted to OMB. If sent by U.S. mail, address comments to: Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for the Federal Trade Commission, New Executive Office Building, Docket Library, Room 10102, 725 17th Street NW., Washington, DC 20503. Comments sent to OMB by U.S. postal mail, however, are subject to delays due to heightened security precautions. Thus, comments instead should be sent by facsimile to (202) 395–5167.

**David C. Shonka,**

*Principal Deputy General Counsel.*

[FR Doc. 2013–27982 Filed 11–21–13; 8:45 am]

**BILLING CODE 6750–01–P**

[2] *See* 78 FR 47317 (60-Day **Federal Register** Notice) and 78 FR 65649 (extended comment period until Nov. 8, 2013).

[3] Staff has derived an hourly wage rate ($250/hour) for legal professionals based upon industry knowledge. The wage rates for legal support workers ($24.57) and for clerical support ($16.54) used in this Notice are based on recent data from the Bureau of Labor Statistics National Compensation Survey (Mar. 29, 2013), *available at http://www.bls.gov/news.release/ocwage.htm.*

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

**[CDC–2013–0022; Docket Number NIOSH 153–B]**

### Request for the Technical Review of 25 Draft Skin Notation Assignments and Skin Notation Profiles

**AGENCY:** National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

**ACTION:** Request for comments.

**SUMMARY:** The National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and Prevention (CDC) is conducting a public review of the draft skin notations and supporting technical documents entitled, Skin Notations Profiles, for 25 chemicals. NIOSH is requesting technical reviews of the draft Skin Notation Profiles. This review is consistent with the process used for the publication of the first 20 Skin Notation Profiles, Docket Number NIOSH 153–A [*http://www.cdc.gov/niosh/docket/archive/docket153A.html*]. To facilitate

the review of these documents, NIOSH requests that the following questions be taken into consideration for each Skin Notation Profile:

1. Does this document clearly outline the systemic health hazards associated with exposures of the skin to the chemical? If not, what specific information is missing from the document?

2. If the SYS or SYS (FATAL) notations are assigned, are the rationale and logic behind the assignment clear? If not assigned, is the logic clear why it was not (e.g., insufficient data, no identified health hazard)?

3. Does this document clearly outline the direct (localized) health hazards associated with exposures of the skin to the chemical? If not, what specific information is missing from the document?

4. If the DIR, DIR (IRR), or DIR (COR) notations are assigned, are the rationale and logic behind the assignment clear? If not assigned, is the logic clear why it was not (e.g., insufficient data, no identified health hazard)?

5. Does this document clearly outline the immune-mediated responses (allergic response) health hazards associated with exposures of the skin to the chemical? If not, what specific information is missing from the document?

6. If the SEN notation is assigned, are the rationale and logic behind the assignment clear? If not assigned, is the logic clear why it was not (e.g., insufficient data, no identified health hazard)?

7. If the ID (SK) or SK were assigned, are the rationale and logic outlined within the document?

8. Are the conclusions supported by the data?

9. Are the tables clear and appropriate?

10. Is the document organized appropriately? If not, what improvements are needed?

11. Are you aware of any scientific data reported in governmental publications, databases, peer-reviewed journals, or other sources that should be included within this document?

**DATES:** Electronic or written comments on the 25 documents contained within Group B must be received on or before January 21, 2014.

**ADDRESSES:** You may submit comments, identified by CDC–2013–0022 and docket number NIOSH 153–B, by any of the two following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* NIOSH Docket Office, Robert A. Taft Laboratories, MS–C34, 4676 Columbia Parkway, Cincinnati, OH 45226.

All information received in response to this notice must include the agency name and docket number [CDC–2013–0022; NIOSH 153–B]. All relevant comments received will be posted without change to *www.regulations.gov,* including any personal information provided. All electronic comments should be formatted as Microsoft Word. To view this notice and related materials, visit *www.regulations.gov* and enter CDC–2013–0022 in the search field and click ''search.''

All information received in response to this notice will be available for public examination and copying at the NIOSH Docket Office, 4676 Columbia Parkway, Cincinnati, Ohio 45226.

**FOR FURTHER INFORMATION CONTACT:** Naomi Hudson, NIOSH, Robert A. Taft Laboratories, MS–C32, 4676 Columbia Parkway, Cincinnati, OH 45226, telephone (513) 533–8388 or G. Scott Dotson, NIOSH, Robert A. Taft Laboratories, MS–C32, 4676 Columbia Parkway, Cincinnati, OH 45226, telephone (513) 533–8540.

**SUPPLEMENTARY INFORMATION:** In 2009, NIOSH published Current Intelligence Bulletin (CIB) 61—A Strategy for Assigning New NIOSH Skin Notations [NIOSH 2009–147; *http://www.cdc.gov/niosh/docs/2009-147/pdfs/2009-147.pdf*]. The CIB presents a strategic framework that is a form of hazard identification that has been designed to do the following:

1. Ensure that the assigned skin notations reflect the contemporary state of scientific knowledge

2. Provide transparency behind the assignment process

3. Communicate the hazards of chemical exposures of the skin

4. Meet the needs of health professionals, employers, and other interested parties in protecting workers from chemical contact with the skin.

This strategy involves the assignment of multiple skin notations for distinguishing systemic (SYS), direct (DIR), and sensitizing (SEN) effects caused by exposure of skin (SK) to chemicals. Chemicals that are highly or extremely toxic and may be potentially lethal or life-threatening following exposures of the skin are designated with the systemic subnotation (FATAL). Potential irritants and corrosive chemicals are indicated by the direct effects subnotations (IRR) and (COR), respectively. Thus with the new strategy, chemicals labeled as SK: SYS are recognized to contribute to systemic toxicity through dermal absorption. Chemicals assigned the notation SK: SYS (FATAL) have been identified as highly or extremely toxic and have the potential to be lethal or life-threatening following acute contact with the skin. Substances identified to cause direct effects (i.e., damage or destruction) to the skin limited to or near the point of contact are labeled SK: DIR, and those resulting in skin irritation and corrosion at the point of contact are labeled as SK: DIR (IRR) and SK: DIR (COR), respectively. The SK: SEN notation is used for substances identified as causing or contributing to allergic contact dermatitis (ACD) or other immune-mediated responses, such as airway hyper reactivity (asthma). Candidate chemicals may be assigned more than one skin notation when they are identified to cause multiple effects resulting from skin exposure. For example, if a chemical is identified as corrosive and also contributes to systemic toxicity, it will be labeled as SK: SYS–DIR (COR). When scientific data for a chemical indicate that skin exposure does not produce systemic, direct, or sensitizing effects, the compound will be assigned the notation (SK). The ID$^{(SK)}$ notation is assigned to indicate that insufficient data on the health hazards associated with skin exposure to a substance exist at the time of the review to determine whether the chemical has the potential to act as a systemic, direct, or sensitizing agent. The ND notation indicates that a chemical has not been evaluated by the strategy outlined in this CIB and that the health hazards associated with skin exposure are unknown.

Historically, skin notations have been published in the NIOSH Pocket Guide to Chemical Hazards [NIOSH 2005–149]. This practice will continue with the NIOSH skin notation assignments for each evaluated chemical being integrated as they become available. A support document called a Skin Notation Profile has been developed for each evaluated chemical. NIOSH submitted the first group of Skin Notation Profiles for external review in 2010 [75 FR 22148] and published the finalized reports in 2011 [*http://www.cdc.gov/niosh/topics/skin/skin-notation_profiles.html*]. The Skin Notation Profile for a chemical is intended to provide information supplemental to the skin notation, including a summary of all relevant data used to aid in determining the hazards associated with skin exposures.

NIOSH seeks comments on the draft skin notation assignments and Skin Notation Profiles for 25 chemicals. The draft Skin Notation Profiles were developed to provide the scientific rationale behind the hazard-specific

skin notation (SK) assignments for the following chemicals:

| Document | Substance(s) |
|---|---|
| B–01 ..... | Allyl glycidyl ether (CAS# 108–92–3). |
| B–02 ..... | 2-Diethylaminoethanol (CAS# 100–37–8). |
| B–03 ..... | Methyl isocyanate (CAS# 624–83–9). |
| B–04 ..... | 2-Ethoxyethyl acetate (CAS# 111–15–9). |
| B–05 ..... | Propargyl alcohol (CAS# 107–19–7). |
| B–06 ..... | Ethyl acrylate (CAS# 140–88–5). |
| B–07 ..... | Isophorone diisocyanate (CAS# 4098–71–9). |
| B–08 ..... | Nitrobenzene (CAS# 98–95–3). |
| B–09 ..... | Phenylhydrazine (CAS# 100–63–0). |
| B–10 ..... | 2-Mercaptobenzothiazole (CAS# 149–30–4). |
| B–11 ..... | Aniline (CAS# 62–53–3). |
| B–12 ..... | Captafol (CAS# 2425–06–1). |
| B–13 ..... | Dinitro-o-cresol (CAS# 534–52–1). |
| B–14 ..... | Aldrin (CAS# 309–00–2). |
| B–15 ..... | Dieldrin (CAS# 60–57–1). |
| B–16 ..... | Parathion (CAS# 56–38–2). |
| B–17 ..... | Nicotine (CAS# 54–11–5). |
| B–18 ..... | Azinphos-methyl (CAS# 86–50–0). |
| B–19 ..... | Endrin (CAS# 72–20–8). |
| B–20 ..... | Methyl parathion (CAS# 298–00–0). |
| B–21 ..... | Phorate (CAS# 298–02–2). |
| B–22 ..... | Phosdrin (CAS# 7786–34–7). |
| B–23 ..... | TEDP (CAS# 3689–24–5). |
| B–24 ..... | TEPP (CAS# 107–49–3). |
| B–25 ..... | Chlordane (CAS# 57–74–9). |

Each Skin Notation Profile provides a detailed summary of the health hazards of skin contact and rationale for the proposed SK assignment with the chemical(s)-of-interest.

Dated: November 14, 2013.

**John Howard,**

*Director, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention.*

[FR Doc. 2013–28019 Filed 11–21–13; 8:45 am]

**BILLING CODE 4163–19–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

### Statement of Organization, Functions, and Delegations of Authority

Part C (Centers for Disease Control and Prevention) of the Statement of Organization, Functions, and Delegations of Authority of the Department of Health and Human Services (45 FR 67772–76, dated October 14, 1980, and corrected at 45 FR 69296, October 20, 1980, as amended most recently at 78 FR 63982–63983, dated October 25, 2013) is amended to reorganize the Office of Surveillance, Epidemiology and Laboratory Services, Centers for Disease Control and Prevention.

Section C–B, Organization and Functions, is hereby amended as follows:

Delete in its entirety the titles and functional statements for the Office of Surveillance, Epidemiology and Laboratory Services (CP) and insert the following:

Office of Public Health Scientific Services (CP). The Office of Public Health Scientific Services (OPHSS) is to lead, promote, and facilitate science, standards and policies to reduce the burden of diseases in the United States and globally.

Office of the Director (CPA). (1) Serves as the principal advisor to the Centers for Disease Control and Prevention (CDC) Director on informatics issues; (2) assists the CDC Director in formulating and communicating strategic initiatives and policies involving health statistics, informatics, surveillance, epidemiology and laboratory practices; (3) represents the CDC Director externally on key informatics issues; (4) provides strategic leadership to the National Center for Health Statistics (NCHS) and the Center for Surveillance, Epidemiology and Laboratory Services (CSELS); (5) ensures agency-wide strategic approaches to informatics, surveillance, data access, workforce development and laboratory practices; (6) identifies approaches for increasing the use of electronic health records (EHRs) as part of an integrated strategy for public health surveillance; (7) leads efforts to improve public health data access and analytical methods; (8) leads the development of an efficient, sustainable and integrated network of public health laboratories; (9) leads efforts to prepare the public health workforce to meet present and anticipate future challenges; (10) facilitates relevant and meaningful collaborations across NCHS and CSELS; and (11) ensures the timely availability of statistical health information.

Health Information Technology and Surveillance Strategy Unit (CPA3). As the OPHSS' primary focal point, the unit leads collaborative activities at multiple levels and with multiple partners to ensure CDC maintains a leadership role in the development of strategy, policy, future solutions and issues relating to improvements in integrating health information technology (HIT), public health surveillance and biosurveillance strategies with the ultimate goal of strengthening public health. This unit: (1) Leads and manages a network of intersects with CDC's key state, territorial, local and tribal (STLT) partner organizations and their members through routine work groups and collaboration forums to collaboratively develop solutions in the areas of HIT, public health surveillance and biosurveillance to strengthen public health at the federal and STLT levels; (2) leads and manages CDC's interactions with other federal agencies to ensure CDC maintains its leadership role in the areas of HIT, public health surveillance and biosurveillance, including representing CDC on the Department of Homeland Security's National Biosurveillance Integration Oversight Committee, the White House National Security Staff's Sub-Interagency Policy Committee on Biosurveillance and management of a federal Biosurveillance Work Group resulting in CDC's coordinated input into federal government wide policies, initiatives and products; (3) serves as the primary point of contact for CDC health HIT activities with the Office of the National Coordinator for Health Information Technology (ONC) and the Centers for Medicare and Medicaid Services; (4) leads and manages a network of intersects within CDC to ensure initiatives and activities are coordinated and complimentary in the areas of HIT, public health surveillance and biosurveillance to include the management of the CDC's EHR Forum, the Biosurveillance Leadership Team, and the OPHSS/Office of Infectious Diseases monthly leadership meeting; (5) leads the work, education, communication and coordinated activities necessary to ensure CDC is involved in and contributes to electronic health information exchange, specifically, Meaningful Use (MU) through the convening of EHR/MU advisory groups, the provision of appropriate technical assistance to CDC programs and STLT partners, the convening of national communities of practice (with ONC), and the education of CDC programs on EHR/MU; (6) maintains leadership and consultation to various federal advisory committees; and (7) maintains and utilizes the National Public Health Surveillance and Biosurveillance Registry for Human Health, which catalogs CDC surveillance-related systems, programs, collaboratives, registries, and tools, and provides reports from the Registry to support and promote coordinated actions and efficiencies in surveillance activities throughout the Agency.

Delete in its entirety the titles and functional statements for the Laboratory Science Policy and Practice Program Office (CPG), Epidemiology and Analysis Program Office (CPK), Scientific Education and Professional Development Program Office (CPI) and the Public Health Surveillance and Informatics Program Office (CPM).

After the National Center for Health Statistics (CPC), insert the following:

Center for Surveillance, Epidemiology and Laboratory Services (CPN). The primary mission of the Center for Surveillance, Epidemiology and Laboratory Services (CSELS) is to provide scientific service, expertise, skills, and tools in support of CDC' national efforts to promote health; prevent disease, injury and disability; and prepare for emerging health threats.

Office of the Director (CPN1). (1) Manages, directs, coordinates, and evaluates the activities of the Center; (2) develops goals and objectives and provides leadership, policy formation, scientific oversight, and guidance in program planning and development; (3) develops strategic planning and briefing materials; (4) reviews and evaluates programmatic data to identify options for enhancing program effectiveness; (5) coordinates activities related to long- and short-range health communications plans; (6) provides and coordinates business, policy, and communication and information technology (IT) activities for the Center; (7) manages, develops, plans, coordinates, edits and produces the Morbidity and Mortality Weekly Report (MMWR) series of publications including the MMWR Recommendations and Reports, CDC Surveillance Summaries, and Annual Summary of Notifiable Diseases; (8) manages the CDC Vital Signs program; (9) serves as primary liaison with the Office of State, Tribal, Local, and Territorial Support relating to Center activities at the state and local levels; (10) collaborates, as appropriate, with other CDC Centers/Institute/Offices (CIOs) other Department of Health and Human Services (HHS) agencies, and other federal agencies; (11) provides leadership on genomics activities and planning; (12) manages and coordinates program and laboratory integration opportunities for the Center; and (13) identifies program priorities through strategic planning and other processes as appropriate.

Morbidity and Mortality Weekly Report Activity (CPN12). (1) Manages the MMWR series of publications including the MMWR Recommendations and Reports, CDC Surveillance Summaries, and Annual Summary of Notifiable Diseases; and (2) develops, plans, coordinates, edits, and produces the MMWR series, including the MMWR Recommendations and Reports, CDC Surveillance Summaries, and Annual Summary of Notifiable Diseases.

Vital Signs Activity (CPN13). (1) Manages the CDC Vital Signs program, which offers recent data and calls to action for important public health issues; (2) produces CDC Vital Signs which includes an MMWR Early Release, a fact sheet and Web site, a media release, and a series of announcements via social media tools; and (3) leads an agency-wide call to action each month concerning a single, important public health topic.

Policy Activity (CPN14). (1) Serves as the Center liaison to HHS and Congressional offices; (2) analyzes bills and other legislative activities; (3) develops, reviews and finalizes Congressional testimony and briefing documents; (4) coordinates budget formulation and performance planning; (5) supports the Center's divisions through developing appropriate policy capacity; (6) manages cross-cutting policy issues within the Center and as appropriate, with other CIO and Office of the Director (OD) offices within CDC; (7) coordinates with the Center director and management officer the formulation of the Center budget; (8) liaises with the CDC Office of the Associate Director for Policy on Congressional, legislative, and other inquiries; (9) maintains liaison with Congress on matters including appropriations, legislative bill tracking, and legislative requests, testimony for hearings, congressional inquiries, etc.; (10) develops policy- and program-related materials and talking points; (11) oversees the preparation and routing of controlled correspondence; (12) maintains liaison with key CDC offices and individuals working on public health policies and legislative issues; (13) serves as liaison to governmental and nongovernmental partners on policy-related issues; (14) oversees priority issues management and proactive and reactive strategic media efforts; and (15) conducts environmental analysis in response to short-term issues to be shared with leadership and program managers.

Office of Public Health Genomics (CPN15). (1) Integrates genomics responsibly and effectively into health care and disease prevention; (2) serves CDC programs, other federal agencies, state health departments, and other external partners by identifying, evaluating, and implementing evidence-based genomics practices to prevent and control the country's leading chronic, infectious, environmental, and occupational diseases; (3) supports policy, education, and surveillance framework to promote effective implementation of evidence-based recommendations for genomic tests and family health history applications that can save lives now, and those applications that will emerge in the next decade and beyond; (4) fosters public health genomics programs at the state and national level by providing ongoing consultation and tools to state health departments, CDC programs, and other stakeholders to share successful approaches to promote the appropriate use of genomic tests; (5) evaluates key emerging genomic applications with the potential to impact population health; (6) supports the Evaluation of Genomic Applications in Practice and Prevention Working Group in the development of an evidence framework for introducing whole genome sequencing into practice, assessing the role of genomics and family history in recommendations for colorectal cancer screening; identifies new emerging genomic applications with the potential to impact population health through horizon scanning and evidence summaries of validity and utility; and communicate evidence-based messages through well-established communications channels, including the Office of Public Health Genomics' (OPHG) Genomics and Health Impact Update & Blog, CDC Expert Commentary Series on Medscape, OPHG Web site, publications, and other means.

Communications Activity (CPN16). (1) Formulates strategic media objectives for advancing program priorities and addressing identified long-range issues; (2) oversees th0 implementation of strategic media plans through several functional areas; (3) develops and implements all proactive media outreach and reactive media responses for the Center: (4) provides media training and technical assistance, as appropriate; (5) serves as liaison to key offices for obtaining CDC and HHS media clearance on products/activities; (6) serves as the principal advisor to Center on communication and marketing science, research and practice; (7) provides oversight to ensure the quality and science of health communication and marketing campaigns and products; (8) coordinates activities related to long- and short-range health communications plans; (9) develops web strategies and support; and (10) facilitates strategies and plans for utilization of virtual conference and training platforms.

Informatics Innovation Unit (CPN17). (1) Advances the field of public health informatics for CSELS and the Agency

through applied research and innovation; (2) collaborates with members of CDC programs as well as the broader public health community to develop innovative technologies and techniques to positively impact public health practice; (3) transitions new informatics solutions, standards, and techniques to th(i appropriate public health programs for deployment and implementation; (4) provides CDC and its external research and public health partners, consultation, evaluation, guidance, support (including innovative web activities) and insight into the use of new informatics solutions for public health practice; (5) provides consultation to CDC programs for innovative solutions and lab infrastructure for research and development to support innovative program-driven solutions; (6) leverages its resources to rapidly create prototypes and examine hypotheses generated by CSELS, CDC, and its external research' and public health partners; (7) conducts pilot projects to test and evaluate efficacy of hypotheses generated by CSELS, CDC, and its external research and public health partners (e.g., further public health—clinical decision support integration); (8) provides CSELS and CDC an optimal (i.e. flexible and scalable) environment for the rapid development of prototype and pilot public health informatics solutions for collaboration, testing and evaluation purposes; (9) participates and represents CDC within innovation committees, workgroups, organizations, and councils, within CDC and with other federal agencies as well; (10) facilitates public health informatics innovation within the public health community, through partner outreach and collaboration, using crowdfunding, challenge grants, and other novel cost-efficient mechanisms; (11) performs relevant knowledge dissemination to CDC and its partners via multiple modalities, including presentations, manuscripts, and web-based content; (12) provides education to fellows, colleagues, and partners on tools, techniques, and methodologies; and (13) provides regular updates to CSELS leadership as to the status of all projects in the technology lab.

Business Management Office (CPN18). (1) Provides leadership, oversight, and guidance in the management and operations of Center program offices and divisions; (2) plans, coordinates, and provides administrative management support, advice, and guidance to divisions, involving the areas of fiscal management, procurement, property management, personnel, travel, and other administrative services; (3) coordinates the development of the Center's annual budget request; (4) conducts management analyses ensure optimal utilization of resources and accomplishment of program objectives; (5) plans, allocates, and monitors program resources; (6) liaises and collaborates with other CDC components and external organizations in support of operations; (7) works closely with other federal agencies involved with program interagency agreements; (8) coordinates requirements relating to procurement, grants, cooperative agreements, materiel management, and interagency agreements; (9) provides fiscal management and stewardship of grants, contracts, and cooperative agreements; (10) develops and implements administrative policies, procedures, and operations, as appropriate for the Center and divisions, and prepares special reports and studies, as required, in the administrative management areas; (11) ensures Center and divisions adhere to the Agency's security guidance, regulations and best practices; (12) provides expertise and support to the Center and divisions in the areas of portfolio management, project execution, and leadership; (13) coordinates all enterprise-wide IT security policies and procedures with the Office of the Chief Information Security Officer; (14) ensures operations are in accordance with CDC Capital Planning and Investment Control guidelines; (15) ensures adherence to CDC enterprise architecture guidelines and standards; and (16) consults with users to determine IT needs and to develop strategic a action plans.

Program Integration Activity (CPN19). (1) Provides coordination internally and externally to help ensure that the Center's organizations are current in emergency preparedness and response capabilities through information dissemination, and planning; (2) links relevant strategies and priorities of the Center's divisions; (3) facilitates ongoing implementation of surveillance, epidemiology, laboratory and public health workforce development activities across the divisions and interfaces with other CDC CIOs; (4) provides planning and coordination of overall surveillance strategies, preparedness, response and prevention effectiveness related to a center-wide public health scientific agenda and in quantifying how programs and activities promote cost-effective and high impact prevention strategies; (5) ensures multidisciplinary approach to epidemiology, statistics, informatics, laboratory methods and evaluation; and (6) ensures appropriate integration of the Center's priority initiatives.

Division of Laboratory Programs, Standards and Services (CPNB). The mission of the Division of Laboratory Programs, Standards and Services (DLPSS) is to provide leadership, support and cross-cutting services to continuously strengthen the quality of laboratory science, policy and practice at CDC and in the United States (U.S.). DLPSS strives to strengthen state and local public health laboratories' ability to perform their critical role in protecting the public's health. In carrying out this mission, DLPSS: (1) Fosters connectivity and collaboration across the laboratory community; (2) enhances integration of laboratory science practice and informatics into public health and patient care; (3) develops standards to enhance the performance of public health laboratory systems; (4) increases opportunities for the improving the quality of public health laboratory practices and services; (5) increases the capacity of the laboratory workforce; and (6) fosters a culture of efficiency and excellence.

Office of the Director (CPNB1). (1) Provides leadership and guidance on strategic planning and implementation, program priority setting, and policy development, to advance the mission of the division, the Center and CDC; (2) develops goals, objectives, and budget, monitors progress and allocation of resources, and reports accomplishments, future directions, and resource requirements; (3) directs and provides public health vision for laboratory science; (4) assists CDC labs in operating as ''one-CDC'' for lab science, research, policy and practice; (5) conducts research for quality improvement laboratory I practice to establish evidence-based recommendations on best practices, reference materials and intervention to improve the integration of laboratory medicine into health care and public health; (6) collaborates with subject-matter experts to integrate technical content with cutting-edge instructional design concepts to effectively transfer laboratory skills and new methodologies; (7) collaborates with the U.S. Food and Drug Administration (FDA) to communicate regulatory requirements for laboratory developed tests and in-vitro diagnostics to CDC laboratories and assists them in meeting these requirements; (8) ensures compliance with federal regulations for the possession, use and transfer of select agents and toxins within CDC's registered laboratories and supporting space; (9) safeguards valuable biological

samples, collected agency studies, outbreaks, and research projects to help address future public health needs; (10) oversees and manages training and the Intuitional Biosecurity Board to support the implement of Dual Use Research of Concern oversight at CDC; (11) collaborates with the Centers for Medicare and Medicaid Services (CMS) to develop regulatory standards for the Clinical Improvement Amendments (CLIA) program; (12) advises the Center OD on matters relating to laboratory science and coordinates division responses to requests for technical assistance or information on activities supported by the division; (13) develops and produces guidance documents to meet the needs of internal and external partners, division programs, and mission; and (14) represents the division at official professional and scientific meetings, both within and outside of CDC.

Business Management Activity (CPNB12). (1) Provides leadership, oversight, and guidance in the management and operations of the DLPSS programs; (2) plans, coordinates, and provides administrative management support, advice, and guidance to DLPSS, involving the areas of fiscal management, procurement, property management, personnel, travel, and other administrative services; (3) coordinates the development of the DLPSS annual budget request; (4) conducts management analyses of DLPSS programs and staff to ensure optimal utilization of resources and accomplishment of program objectives; (5) plans, allocates, and monitors DLPSS resources; (6) maintains liaison and collaborates with other CDC components and external organizations in support of DLPSS management and operations; (7) works closely with other federal agencies involved with DLPSS interagency agreements; (8) coordinates DLPSS requirements relating to procurement, grants, cooperative agreements, materiel management, and interagency agreements; (9) provides fiscal management and stewardship of grants, contracts, and cooperative agreements; and (10) develops and implements administrative policies, procedures, and operations, as appropriate for DLPSS, and prepares special reports and studies, as required, in the administrative management areas.

Laboratory Services and Compliance Branch (CPNBB). (1) Provides scientific consultation, training, and technical assistance on federal safety regulations and requirements to CDC laboratories and program staff; (2) ensures implementation of federal safety regulations and requirements across CDC laboratories; (3) provides agency oversight and coordination of policies and practices of dual-use research and concern; (4) provides agency oversight and coordination of specimen inventory management to improve support for CDC research and laboratory operations; (5) maintains compliance with the Select Agent rule (42 CFR Part 73) for Select Agents housed within the CDC; and (6) provides coordination of policies and practices and technical support to CDC laboratories of overarching quality management issues and compliance with FDA regulations pertaining to laboratory diagnostics.

Laboratory Training Branch (CPNBC). (1) Provides advanced laboratory training to maintain a competent, prepared, and sustainable national and global laboratory workforce; (2) analyzes, designs, develops, and implements effective needs-based training pertaining to public health laboratory methodology and technology; (3) evaluates the efficiency and effectiveness of public health laboratory education and training for state and local public health, clinical, military, CDC, and other federal agency laboratorians; (4) evaluates the effectiveness and measures the outcomes of all training to ensure a high quality product for all end users; (5) provides technical support and administration coordination for the American Public Health Laboratories (APHL) cooperative agreement with CDC; (6) provides cross-agency and external stakeholder coordination on interoperability of laboratory information management systems; and (7) provides guidance and support regarding laboratory informatics, including systems and data exchange to stakeholders at local, state, federal, and global levels.

Laboratory Practice Standards Branch (CPNBD). (1) Encourages the establishment and adoption of mandatory and voluntary standards for laboratory practice; (2) assists CMS in the implementation of the CLIA; (3) coordinates and conducts standards development, validation, and review activities that provide support to CMS in its development and revision of the CLIA standards and guidelines; (4) provides technical assistance to CMS in its review of laboratory accreditation programs, state laboratory licensure programs, and proficiency testing programs; (5) provides technical assistance to CMS in responding to inquiries, especially pertaining to issues relating to testing complexity, personnel, quality control/quality assessment, and proficiency testing; (6) evaluates the applicability of CLIA quality standards to new laboratory technology and methodologies and, when necessary, assists in the establishment of appropriate alternative quality assurance measures; (7) performs review of CMS' guidelines for CLIA program implementation and oversight; (8) provides scientific support for issues relative to the development and implementation of cytology standards; (9) assists in the development and review of voluntary laboratory performance standards and guidelines; (10) disseminates information about laboratory standards and practices; (11) provides materials, forums, briefings, and assistance to CDC and external organizations in the interpretation, understanding, and implementation of the CLIA regulations; and (12) collaborates with other components of CDC in carrying out the above functions.

Laboratory Research and Evaluation Branch (CPNBE). (1) Encourages the establishment and adoption of performance standards for laboratory practice; (2) develops, evaluates, and implements systems for measuring and assessing laboratory quality; (3) facilitates and conduct research and demonstration projects to support the scientific development of performance standards, evaluation systems, and regulatory standards, and assesses the efficacy of established standards; (4) develops, promotes, implements, and evaluates intervention strategies to correct general performance deficiencies in health laboratory systems and worker competencies; (5) provides a forum for exchange of information about laboratory practice and research and development activities to promote the coordination of federal, state, and clinical laboratory improvement efforts; (6) coordinates and conducts activities that provide technical and scientific support to CMS in its evaluation, development, and revision of standards and guidelines; (7) monitors and evaluates current and emerging practices in genomics to improve quality and promote access to genetics testing; and (8) collaborates with other components of the CDC in carrying out the above functions.

Division of Epidemiology, Analysis and Library Services (CPNC). The primary mission of the Division of Epidemiology, Analysis and Library Services (DEALS) is to collaborate with our CDC and state and local public health partners to create and promote quality, timely and useful cross-cutting scientific products and services in order to strengthen the science of public health and ultimately to improve public health decision-making. In carrying out its mission, DEALS: (1) Provides

leadership and overall direction for execution of programs that support the development and dissemination of epidemiological resources and analytical methods for improving population health; that identify what works in community preventive services and that serve as a hub of research, information exchange, and learning for the CDC community; (2) establishes division goals, objectives and priorities and assures alignment with the Center's and CDC goals, objectives and priorities; (3) provides leadership and guidance for a portfolio of projects and activities that address cross cutting topics including measurement of population health and health disparities, assessment of health and economic impact, analytic data management, software development for epidemiologic investigations, and systematic reviews of community preventive services; (4) supports the development and dissemination of publications and reports on cross cutting topics and community preventive services; (5) provides access to literature and science databases, and reference and systematic review support; (6) monitors progress in implementation of division projects and activities that support the achievement of CDC and the Center's goals, objectives, and priorities; (7) provides oversight and approval of scientific products including manuscripts, Web sites, databases, reports, and other documents; (8) assures compliance with all federal rules and regulations regarding research with human subjects and the use of published literature; (9) develops curriculum, training, and consultation services for CDC and other federal and non-federal partners to foster the development of skills in epidemiologic and analytic methodologies, systematic reviews, library sciences, and information literacy; and (10) provides division level management, administration, support services, and coordinates with appropriate offices on program and administrative matters.

Office of the Director (CPNC1). (1) Provides leadership and guidance on strategic planning and implementation, program priority setting, and policy development, to advance the mission of the division, the Center and CDC; (2) develops goals, objectives, and budget; monitors progress and allocation of resources, and reports accomplishments, future directions, and resource requirements; (3) develops, implements and evaluates long term research and programmatic agendas for analytic methods development, the Community Guide, and library services; (4) facilitates scientific, policy, communication, technology, and program collaboration among divisions and centers, and between CDC and other federal/non-federal partners; (5) promotes advancement of science throughout the division, supports program evaluation, and ensures that research meets the highest standards in the field; (6) provides expertise and consultation in analytic and systematic review methods, and library sciences to planning, projects, policies and program activities; (7) advises the Center OD on matters relating to analytic methods development, the Community Guide, and library services; and coordinates division responses to requests for technical assistance or information on activities supported by the division; (8) develops and produces communications tools and public affairs strategies to meet the needs of division programs and mission; and (9) represents the division at official professional and scientific meetings, both within and outside of CDC.

Analytic Tools and Methods Branch (CPNCB). (1) Supports the development and dissemination of epidemiologic resources and analytic tools and methods for improving population health, including but not limited to measurement of population health and health disparities, assessment of health and economic impact, community health needs assessment and improvement, data management and analytic capacity building, and epidemiological software for data collection, management, and analysis; (2) supports and conducts applied research in collaboration with CDC scientists that expands the scope of analytic methods capabilities and public health science; (3) coordinates CDC access to large complex health related data sets; (4) provides assistance and consultation on analytic methods, analytic data management, and analysis of complex data to other units within CDC; (5) participates with CDC and other federal and non-federal partners in developing indicators, methods, and statistical procedures for assessing and monitoring the health of communities and measuring the effectiveness of community interventions; (6) develops, maintains, and improves epidemiologic tools for data collection, data management, and data analysis, including Epi Info; (7) provides training, technical assistance, and support to public health partners and entities using Epi Info for outbreak investigations, studies, and surveillance; (8) collaborates with national and global partners to promote inter-operability of public health tools for outbreak management, surveillance, and research applications; and (9) participates with CDC and other federal and non-federal partners in developing indicators, methods, and statistical procedures for measuring and reporting health disparities.

Community Guide Branch (CPNCC). (1) Convenes and supports the independent Community Preventive Services Task Force (CPSTF); (2) oversees production of the systematic reviews that serve as the foundation for CPSTF findings and recommendations; (3) coordinates and manages large and diverse teams of internal and external partners in the systematic review process; (4) participates with other CDC programs, HHS, and non-governmental partners in developing and/or refining methods for conducting systematic reviews; (5) assists CDC and other federal and non-federal partners in understanding, using, and communicating methods for conducting systematic reviews; (6) produces and promotes the use of the Guide to Community Preventive Services (aka Community Guide); (7) communicates the Community Guide reviews, recommendations, and research needs in the American Journal of Preventive Medicine and the MMWR publications as well as via other journals, books, documents, the world wide Web, and other media; (8) participates with other CDC programs, HHS and nongovernmental partners in disseminating Community Guide reviews, recommendations, and research needs to appropriate audiences throughout the U.S. health care and public health systems, and their multi-sectoral partners; (9) participates with other CDC programs, HHS, and other federal and non-governmental partners in developing policies, and processes for referencing Community Guide findings in research and programmatic funding announcements, with the aim of increasing use of Community Guide findings and filling evidence gaps; (10) participates with other CDC programs, HHS, and nongovernmental partners in developing and/or refining methods for implementing Community Guide recommendations; (11) provides consultations for implementing Community Guide recommended strategies; (12) participates in the development of national and regional public/private partnerships to enhance prevention research and the translation of evidence into policy and action; (13) assists CDC and other federal and non-federal partners in linking reviews of evidence to guidelines development

and/or program implementation; and (14) designs and conducts programmatic, process and outcome evaluation strategies for all stages of development and diffusion of the Community Guide.

Library Science and Services Branch (CPNCD). (1) Delivers credible, timely information from scientific and health literature to CDC scientists through the provision of library operations; information, reference, and research services, education and outreach services, knowledge management, systems, and technology support, marketing of services and outreach activities and administrative services; (2) maintains state-of-the-art library and information systems and discovery tools to deliver efficient and timely access to books, journals, data, and services; (3) monitors and evaluates usage of services and resources to optimize collections; (4) develops and offers training supporting scientific endeavors and research administration; (5) develops, curates, and sustains archives of public health information to document CDC's role in key public health missions; and (6) works collaboratively with public health partners to increase access to evidence-based literature and in support of the public health workforce.

Division of Scientific Education and Professional Development (CPND). The primary mission of the Division of Scientific Education and Professional Development (DSEPD) is to provide leadership in public health training and education and manage evidence-based programs to prepare the health workforce to meet public health challenges of the 21st century. In carrying out its mission, DSEPD: (1) Plans, directs and manages programs that develop the future public health workforce and support the existing workforce; (2) provides leadership in scientific approaches to education of the workforce, including quality assurance, technical consultation and evaluation of scientific workforce development and education; and (3) provides leadership to coordinate CDC and partner strategic workforce initiatives to increase capability of existing workforce, expand pipeline programs to recruit new talent, and strengthen systems to support the workforce.

Office of the Director (CPND1). (1) Provides leadership and overall direction for DSEPD; (2) develops goals and objectives, and provides leadership, policy formation, scientific oversight, and guidance in scientific education and professional development program planning and development; (3) plans, coordinates, and develops workforce-related research plans for DSEPD; (4) ensures adherence and provides training to DSEPD on CDC and HHS science-related policies; (5) oversees and manages DSEPD clearance process for scientific, technical, and programmatic documents; (6) coordinates all DSEPD program reviews; (7) reviews, prepares, coordinates, and develops Congressional testimony and briefing materials; (8) assists DSEPD programs in establishing performance metrics and coordinates quarterly reviews with programs to ascertain status on meeting of the metrics; (9) coordinates DSEPD budget formulation/negotiation related to program initiatives and goals management; (10) identifies relevant scanning/benchmarking on scientific education and professional development processes, services, and products; (11) provides leadership and guidance on new developments and national trends for public health workforce education and training; (12) establishes policies and standards for public health education and training activities/initiatives, including but not limited to, competency development, quality assurance, and evaluation, and works collaboratively within DSEPD and other components of CDC to ensure their implementation and adoption; (13) manages pilot fellowship programs in early stages of development, as needed; (14) develops and manages unified DSEPD-wide administrative systems and advocates and supports the commitment of resources to application development; (15) coordinates management information systems, including the Fellowship Management System (FMS), and analyses of data for improved utilization of DSEPD resources; and (16) directs systems analysis and design, programming, and systems training as it relates to implementation of new and existing administrative, management, and executive information systems.

Program and Workforce Activity (CPND12). (1) Provides leadership to coordinate CDC and partner strategic workforce initiatives to increase capability of existing workforce, expand pipeline programs to recruit new talent, and strengthen systems to support the workforce; (2) plans, directs, and manages workforce pipeline programs targeting elementary through undergraduate level students, intended to increase the number of individuals aware of and choosing a career in public health; (3) sponsors complementary activities to train teachers to develop lesson plans of public health significance for middle and high school students; (4) fosters closer linkages between academia and public health practice; (5) provides technical consultation to academic institutions regarding improvement of their experiential learning opportunities; (6) supports and provides oversight for cooperative agreements with academic partner organizations (e.g., Association of Schools of Public Health, Association of American Medical Colleges, Association for Prevention Teaching and Research, American Association of Colleges of Nursing) to enhance development of public health and health professionals skilled in improving the health of populations; (7) works with partners in academia, state and local health agencies, public health and health professional organizations to address public health educational needs, including developing population health competencies for academia to improve health professional education (e.g., schools of medicine, nursing, and public health); and (8) supports translation of lessons learned among academic institutions, e.g., through toolkits or workshops.

Business Management Activity (CPND13). (1) Provides leadership, oversight, and guidance in the management and operations of DSEPD programs; (2) plans, coordinates, and provides administrative management support, advice, and guidance to DSEPD involving the areas of fiscal management, procurement, property management, personnel, travel, and other administrative services; (3) coordinates with DSEPD/OD, the Human Resources Office, the Procurement and Grants Office, and the Office of the Chief Financial Officer on administrative guidance and oversight in the areas of personnel, procurement, budget, travel, and other administrative services; (4) coordinates the development of the DSEPD annual budget request; (5) conducts management analyses o DSEPD programs and staff to ensure optimal utilization of resources and accomplishment of program objectives; (6) plans, allocates, and monitors DSEPD resources; (7) maintains liaison and collaborates with other CDC components and external organizations in support of DSEPD management and operations; (8) works closely with other federal agencies involved with DSEPD interagency agreements; (9) coordinates DSEPD requirements relating to procurement, grants, cooperative agreements, materiel management, and interagency agreements; (10) provides fiscal management and stewardship of grants, contracts, and cooperative agreements; and (11) develops and implements administrative policies,

procedures, and operations, as appropriate for DSEPD, and prepares special reports and studies, as required, in the administrative management areas.

Educational Design, Consultation, and Accreditation Branch (CPNDB). (1) Plans, directs, and manages training design, development, consultation, and accreditation activities for entry level public health professionals and the existing public health workforce; (2) develops educational research agenda and conducts educational research to identify best practices and methods for developing the public health workforce; (3) develops evidence-based policies and standards for public health education and training activities/initiatives, including but not limited to, competency development, quality assurance, and evaluation, and provides technical assistance within DSEPD and other components of CDC to ensure their implementation and adoption; (4) develops and implements a crosscutting framework for planning and evaluating fellowship training programs that is responsive to the needs of CDC's internal workforce and to the needs of DSEPD's external partners; (5) develops and maintains appropriate liaisons with all fellowship programs in DSEPD, and provides technical assistance to other programs across the Agency to ensure the development of rigorous educational programs based on the science of adult learning and educational psychology; (6) facilitates a cross-cutting approach and sharing of educational/evaluation lessons learned and tools across DSEPD programs, as well as other programs across the agency; (7) provides leadership in planning and implementation of the educational component of the complex, integrated FMS to ensure data requirements are consistent with the evaluation framework, to capture educational outcomes of fellowships; (8) provides consultation, guidance, and technical assistance to course developers, incorporating principles of learning theory to ensure consistent design and delivery of accredited educational activities; (9) maintains knowledge of continuing education standards and applies quality assurance practices required to uphold national accreditations; (10) assesses need and demand for additional accreditations to support professional license and certification needs of technical and professional staff within the health workforce; (11) develops and maintains internal and external partnerships to foster best practices in the design and delivery of educational activities and training; (12) maintains knowledge of information technology and learning standards as they apply to education and training to demonstrate and promote compliance and best practices by CDC programs; (13) applies the principles of instructional systems design and learning theory to design, develop, deliver, and evaluate informational and instructional products; (14) implements and maintains the CDC Training and Continuing Education Online web-based accreditation and registration system; (15) maintains and updates the CDC Learning Connection (including CDC TRAIN), an online portal that stores and delivers high quality public health training products and resources from one central location at CDC to all members of the public health community; (16) adapts information systems and processes to reflect current best practices and adherence to accreditation requirements; and (17) provides technical assistance and guidance to learners to ensure accreditation and learner support.

Epidemiology Workforce Branch (CPNDC). (1) Plans, directs, and manages CDC-wide training and service programs for teaching and training future public health professionals, and supports the existing workforce in applied epidemiology, including but not limited to the Epidemic Intelligence Service Program; (2) establishes and implements overall policies, plans, and procedures, and evaluates the effectiveness of fellowship program activities, including monitoring the completion of program activities by EIS officers (EISOs) and evaluating the quality of assignments through site visits and by maintaining liaison with supervisors of EISOs within CDC and in field assignments; (3) coordinates the assignment and deployment of EISOs in response to natural disasters, terrorist events, and other large scale public health emergencies; (4) provides technical assistance, consultation, resources, and training for DSEPD, other components of CDC, and the broader health workforce (e.g., state/local workers), including, but not limited to the development and dissemination of standard curricula, training, and related materials, in epidemiology; (5) maintains liaison with alumni within and outside CDC to assist with training, recruitment, and promotional activities; (6) responds to domestic and international requests for assistance and consultation (e.g., Epi-Aids); (7) maintains liaison with other governmental agencies, academic institutions and organizations, state and local health agencies, private health organizations, professional organizations, and other outside groups; (8) assumes an active national and international leadership role in applied epidemiology training; and (9) collaborates, as appropriate, with the CDC/OD, other CIOs, and domestic and international agencies to carry out the functions of the branch.

Health Systems Integration Workforce Branch (CPNDD). (1) Plans, directs, and manages CDC-wide training and service programs for teaching and training future public health professionals, and supports the existing workforce in applied public health sciences, including but not limited to the Preventive Medicine Residency/Fellowship, Public Health Informatics Fellowship, Prevention Effectiveness Fellowship, and the Presidential Management Fellows Program; (2) operates and maintains an accredited preventive medicine residency program for physicians in CDC through the Accreditation Council for Graduate Medical Education and a complementary fellowship program for public health veterinarians; (3) establishes and implements overall policies, plans, and procedures, and evaluates the effectiveness of fellowship program activities, including monitoring the completion of program activities by fellows/residents and evaluating the quality of assignments through site visits by maintaining liaison with supervisors of fellows/residents within CDC and in field assignments; (4) coordinates the assignment and deployment of fellows/residents in response to natural disasters, terrorist events, and other large scale public health emergencies; (5) provides technical assistance, consultation, resources, and training for DSEPD, other components of CDC, and the broader health workforce (e.g., state/local workers), including, but not limited to the development and dissemination of standard curricula, training, and related materials, in preventive medicine, informatics, prevention effectiveness and leadership/management and policy; (6) maintains liaison with alumni within and outside CDC to assist with training, recruitment, and promotional activities; (7) responds to domestic and international requests for assistance and consultation (e.g., Info-Aids, Econ-Aids); (8) maintains liaison with other governmental agencies, academic institutions and organizations, state and local health agencies, private health organizations, professional organizations, and other outside groups; (9) assumes an active national and international leadership role in applied

public health sciences training in preventive medicine, public health informatics, prevention effectiveness, and leadership/management, and policy; and (10) collaborates, as appropriate, with the CDC/OD, other CIOs, and domestic and international agencies to carry out the functions of the branch.

Division of Health Informatics and Surveillance (CPNE). The mission of the Division of Health Informatics and Surveillance (DHIS) is to advance the science and practice of public health informatics and surveillance. In carrying out its mission, DHIS: (1) Serves as a focal point at CDC for addressing common issues and advancing best practices in the fields of public health informatics and surveillance, and (2) manages public health surveillance systems with cross-cutting utility for multiple CDC programs. The disciplines of public health informatics and surveillance are strongly inter-related. Informatics addresses the collection, classification, storage, and retrieval and dissemination of recorded knowledge. Surveillance involves the collection, management, analysis, interpretation, and dissemination of information about the health of populations in order to inform and guide public health programs. DHIS strives to improve the usefulness and the impact of public health surveillance and to improve information and knowledge management across the public health enterprise information technology and health information exchange, in public health informatics and surveillance.

Office of the Director (CPNE1). (1) Identifies and disseminates evidence-based information regarding best practices for public health surveillance and information management; (2) plans, directs, enhances and collaboratively supports national surveillance programs and information technology initiatives to include Biosense and National Notifiable Disease Surveillance System (NNDSS), improving the nation's capability to monitor disease and provide public health situational awareness; (3) contributes to surveillance and informatics functions that are part of CDC's public health preparedness and response activities; (4) promotes a multidisciplinary approach (epidemiology, statistics, informatics, program evaluation, economic, qualitative, etc.) to assure that CDC surveillance and information systems serve public health program objectives; (5) coordinates the establishment and maintenance of select internal CDC processes for decision-making regarding shared surveillance and informatics policies, practices, standards, and services that have applicability throughout CDC; (6) collaborates and coordinates with all CDC organizations on informatics and HIT issues and the interrelationships between informatics and IT services; (7) plans, directs, enhances and collaboratively supports national information technology and surveillance initiatives that support the nation's capability to monitor disease and provide public health situational awareness; (8) develops, recommends or implements policies and procedures relating to information management, informatics resource management, support services, and surveillance as appropriate; (9) facilitates coordination of informatics and surveillance activities across local, state, and federal jurisdictions/agencies; (10) contributes to informatics and surveillance functions that are part of CDC's public health preparedness and response activities; (11) optimizes the portfolio of CDC's informatics projects and systems by identifying and facilitating opportunities for cross-coordinating national CIOs collaboration in order to leverage investments and promote efficiency and integration; (12) collaborates and coordinates with CDC organizations on informatics and HIT issues; (13) works closely with the Office of the Chief Information Officer on the interrelationships between informatics and IT; (14) leads the development of policy, long-range plans, and programs of the division; (15) coordinates the establishment and maintenance of internal processes for decision-making regarding shared informatics and surveillance policies, practices, standards, and services that have applicability throughout CDC; (16) leads the development of all communications strategies, tools and messages for the division; (17) coordinates the establishment and maintenance of internal processes for decision-making regarding effective communications; and (18) identifies and disseminates evidence-based information regarding best practices for public health surveillance and information management.

Business Services Activity (CPNE12). (1) Provides leadership, oversight, and guidance in the management and operations of DHIS programs; (2) plans, coordinates, and provides administrative management support, advice, and guidance to the DHIS, involving the areas of fiscal management, procurement, property management, personnel travel, and other administrative services; (3) coordinates the development of annual budget request; (4) conducts management analyses of the division and programs and staff to ensure optimal utilization of resources and accomplishment of program objectives; (5) plans, allocates, and monitors resources; (6) maintains liaison and collaborates with other CDC components and external organizations in support of the division management and operations; (7) works closely with other federal agencies involved with interagency agreements; (8) coordinates division requirements relating to procurement, grants, cooperative agreements, material management, and interagency agreements; (9) provides fiscal management and stewardship of grants, contracts, and cooperative agreements; and (10) develops and implements administrative policies, procedures, and operations, as appropriate, for the division, and prepares special reports and studies, as required, in the administrative management areas.

Informatics Services Branch (CPNEB). (1) Provides innovative informatics solutions and services supporting integration of systems for CDC programs and external partners, and for the enhancement of informatics capabilities of public health generally; (2) analyzes the information needs of public health programs and develops strategic solutions to address them; (3) provides expertise including subject matter expert (SME) technical support to client programs in IT systems design, project management, data interchange strategies, data management, IT security, IT architecture, systems integration, technical standards, current technologies and best practices, rules governing federal information systems, and protocols for deploying and operating systems at CDC; (4) identifies opportunities for and develops shared IT components that can be utilized by multiple programs and partners in order to increase efficiency, decrease cost, and promote interoperability and information sharing; (5) identifies opportunities for and develops IT services that assist CDC programs and external partners, including modernization of legacy applications; (6) provides expertise in and develops specifications for standards-based data interchanges for use by public health programs and provides supporting services for electronic messaging such as online vocabulary management, message validation, security and credential management, routing and directory management; (7) provides management of large, complex datasets and major IT investments including NNDSS and Biosense; (8) provides data

processes for transforming and translating data into useable form for scientific analysis, and provides mechanisms to make data accessible and available; (9) provides direct consultation and technical assistance to CDC programs and to external partners in order to help them achieve the technical and informatics capabilities as well as appropriate security for developed systems/tools required or endorsed by CDC; (10) provides operational support of multiple public health programs through provision of informatics and IT services, public use data sets via the Internet (WONDER) and data to programs; (11) provides support and technical assistance for ICD–10 transition; and (12) manages the development of a Reportable Conditions Knowledge Management System in support of electronic case reporting.

Public Health Information Support Branch (CPNEC). (1) Provides leadership to CSELS, CDC, and other organizations to promote and support effective public health surveillance for notifiable diseases and conditions which currently includes the operations and maintenance of Biosense and NNDSS; (2) enhances and maintains partnerships with other federal agencies, state and local public health departments, national organizations, health plans, care networks, regional health information exchanges to meet public health informatics needs; (3) works towards more efficient and effective public health information systems by aligning informatics solutions with HIT policies and translating emerging science, research and learning into practice; (4) provides analysis and reporting for MMWR tables based on NNDSS data; (5) coordinates with the Council of State and Territorial Epidemiologists with regard to notifiable diseases designations; (6) provides SME support to STLT programs on procedures, policies and analysis with regard to Biosense; manages quality assurance around related data use agreements and governance (7) leverages other data sources for syndromic surveillance and provides oversight for data quality and analytics; and (8) develops and fosters adoption of informatics standards.

Program Support Branch (CPNED). (1) Supports CDC and STLT programs in the conduct of national surveillance; (2) provides financial support to NNDSS via the Epidemiology and Laboratory Capacity (ELC) cooperative agreement; (3) provides development and support for extramural activities, including cooperative agreements and grants, and coordinates technical assistance and consultations for major projects with key public health partners; (4) supports Biosense via cooperative agreements with STLTs; (5) provides Public Health Information Network technical assistance/certification; (6) supports educational opportunities and collaborations; (7) provides cooperative agreement funding to public health organizations and manages numerous cooperative agreements and memberships; (8) provides funding to academic institutions for special projects; and (9) collaborates with the National Center for Emerging and Zoonotic Infectious Diseases to monitor the national implementation of electronic laboratory reporting (ELR), including monitoring ELC funded activities for ELR and guiding APH ELR technical assistance activities.

After the School Health Branch (CUCPG), Division of Population and Health Promotion (CUCP), National Center for Chronic Disease Prevention and Health Promotion (CUC), insert the following:

Population Health Surveillance Branch (CUCPH). (1) Plans and directs all activities related to the Behavioral Risk Factor Surveillance System (BRFSS), the nation's premier system of health surveys that collect state data about United States residents regarding their health-related risk behaviors, chronic health conditions, and use of preventive services; (2) coordinates BRFSS surveillance activities across all states and CDC programs; (3) provides support to build state capacity for BRFSS survey operations, data management, analysis, dissemination, and use of the data by state agencies to set public health priorities and monitor public health programs; (4) develops guidelines and criteria for the enhancement of behavioral risk factor surveys at the state and local levels; (5) delivers timely behavioral risk factor data of high validity and reliability to states, CDC scientists, the national public health community, and the general public; (6) supports and enhances analysis and dissemination of information from the BRFSS to promote the broad use and application of BRFSS results and findings by policy and decision makers, public health professionals, and other relevant audiences through communication channels and formats appropriate to these constituencies; (7) plans and coordinates cross cutting research related to survey methodology; (8) provides scientific leadership and guidance to surveillance programs to assure highest scientific quality and professional standards related to BRFSS; (9) provides leadership to CDC, states and other organizations to support effective and flexible population health surveillance, including rapidly emerging public health issues and threats; and (10) provides administrative and management support, as required, for states and territories including oversight of BRFSS and other grants, cooperative agreements, and reimbursable agreements.

Dated: September 30, 2013.

**Sherri A. Berger,**

*Chief Operating Officer, Centers for Disease Control and Prevention.*

[FR Doc. 2013–27088 Filed 11–21–13; 8:45 am]

**BILLING CODE 4160–18–M**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

**[Document Identifier: CMS–1984–14, CMS–10198, CMS–10069 and CMS–10150]**

### Agency Information Collection Activities: Submission for OMB Review; Comment Request

**ACTION:** Notice.

**SUMMARY:** The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including any of the following subjects: (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.

**DATES:** Comments on the collection(s) of information must be received by the OMB desk officer by December 23, 2013:

**ADDRESSES:** When commenting on the proposed information collections, please reference the document identifier or OMB control number. To be assured consideration, comments and

recommendations must be received by the OMB desk officer via one of the following transmissions: OMB, Office of Information and Regulatory Affairs, Attention: CMS Desk Officer, Fax Number: (202) 395–6974 *OR,* Email: *OIRA_submission@omb.eop.gov.*

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995.*

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov.*

3. Call the Reports Clearance Office at (410) 786–1326.

**FOR FURTHER INFORMATION CONTACT:** Reports Clearance Office at (410) 786–1326.

**SUPPLEMENTARY INFORMATION:** Under the Paperwork Reduction Act of 1995 (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. The term ''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 publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Hospice Facility Cost Report; *Use:* In accordance with sections 1815(a), 1833(e), and 1861(v)(1)(A) of the Social Security Act (the Act), providers of service in the Medicare program are required to submit annual information to achieve reimbursement for health care services rendered to Medicare beneficiaries. In addition, 42 CFR 413.20(b) specifies that cost reports are required from providers on an annual basis. Such cost reports are required to be filed with the provider's Medicare contractor. The functions of the Medicare contractor are described in section 1816 of the Act. Section 3132 of the Affordable Care Act requires that we collect appropriate data and information to facilitate hospice payment reform. Please note that the package associated with the 60-day notice that published on April 29, 2013 (78 FR 25089) has been revised. *Form Number:* CMS–1984–14 (OCN: 0938–0758); *Frequency:* Yearly; *Affected Public:* Private sector—Business or other for-profit and Not-for-profit institutions; *Number of Respondents:* 2,751; *Total Annual Responses:* 2,751; *Total Annual Hours:* 517,188. (For policy questions regarding this collection contact Gail Duncan at 410–786–7278.)

2. *Type of Information Collection Request:* Reinstatement without change of a previously approved collection; *Title of Information Collection:* Creditable Coverage Disclosure to CMS On-Line Form and Instructions; *Use:* Most entities that currently provide prescription drug benefits to any Medicare Part D eligible individual must disclose whether their prescription drug benefit is creditable (expected to pay at least as much, on average, as the standard prescription drug plan under Medicare). The disclosure must be provided annually and upon any change that affects whether the coverage is creditable prescription drug coverage. *Form Number:* CMS–10198 (OCN: 0938–1013); *Frequency:* Yearly and semi-annually; *Affected Public:* Private sector—Business or other for-profits and Not-for-profit institutions, State, Local, or Tribal Governments; *Number of Respondents:* 85,610; *Total Annual Responses:* 87,265; *Total Annual Hours:* 7,272. (For policy questions regarding this collection contact Roslyn Thomas at 410–786–9621.)

3. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Medicare Waiver Demonstration Application; *Use:* The currently approved application has been used for several congressionally mandated and high priority demonstrations. The standardized format is not controversial and will reduce burden on applicants and reviewers. Responses are strictly voluntary. The standard format will enable us to select proposals that meet our objectives and show the best potential for success. *Form Number:* CMS–10069 (OCN: 0938–0880); *Frequency:* Once; *Affected Public:* Private sector—Business or other for-profits and Not-for-profit institutions; *Number of Respondents:* 75; *Total Annual Responses:* 75; *Total Annual Hours:* 6,000. (For policy questions regarding this collection contact Steven Johnson at 410–786–3332.)

4. *Type of Information Collection Request:* Reinstatement without change of a previously approved collection; *Title of Information Collection:* Collection of Drug Pricing and Network Pharmacy Data from Medicare Prescription Drug Plans (PDPs and MA–PDs) and Supporting Regulations; *Use:* Both stand-alone prescription drug plans (PDPs) and Medicare Advantage Prescription Drug (MA–PDs) plans are required to submit drug pricing and pharmacy network data to us. These data are made publicly available to people with Medicare through the Medicare Prescription Drug Plan Finder web tool on *http://www.medicare.gov.* Drug prices vary across a plans pharmacy network based on the contracts that each plan negotiates with each pharmacy or pharmacy chain in their networks. The pharmacy networks can change during the course of the year as new pharmacies open, close, change ownership, or plans negotiate new contracts with pharmacies resulting in different dispensing fees for prescriptions. Drug prices also change frequently due to the daily fluctuation of the Average Wholesale Price (AWP), thus plans increase or decrease their drug prices to reflect these changes.

The purpose of the data is to enable prospective and current Medicare beneficiaries to compare, learn, select and enroll in a plan that best meets their needs. The database structure provides the necessary drug pricing and pharmacy network information to accurately communicate plan information in a comparative format. *Form Number:* CMS–10150 (OCN: 0938–0951); *Frequency:* Yearly; *Affected Public:* Private sector—Business or other for-profit and Not-for-profit institutions; *Number of Respondents:* 680; *Total Annual Responses:* 17,680; *Total Annual Hours:* 70,720. (For policy questions regarding this collection contact Jay Dobbs at 410–786–1182.)

Dated: November 19, 2013.

**Martique Jones,**

*Deputy Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.*

[FR Doc. 2013–28048 Filed 11–21–13; 8:45 am]

**BILLING CODE 4120–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

**[Document Identifier: CMS–10502, CMS–10503, CMS–10504, CMS–10509, CMS–10418 and CMS–10157]**

### Agency Information Collection Activities: Proposed Collection; Comment Request

**AGENCY:** Centers for Medicare & Medicaid Services, HHS.

**ACTION:** Notice.

**SUMMARY:** The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. 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 or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including any of the following subjects: (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.

**DATES:** Comments must be received by January 21, 2014.

**ADDRESSES:** When commenting, please reference the document identifier or OMB control number (OCN). To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov*. Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number ____, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, you may make your request using one of following:

1. Access CMS' Web site address at *http://www.cms.hhs.gov/PaperworkReductionActof1995*.

2. Email your request, including your address, phone number, OMB number, and CMS document identifier, to *Paperwork@cms.hhs.gov*.

3. Call the Reports Clearance Office at (410) 786–1326.

**FOR FURTHER INFORMATION CONTACT:** Reports Clearance Office at (410) 786–1326.

**SUPPLEMENTARY INFORMATION:**

**Contents**

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS–10502 LTCH Quality Reporting Program: Program Evaluation
CMS–10503 Inpatient Rehabilitation Facilities (IRF) Quality Reporting Program (QRP): Program Evaluation
CMS–10504 Hospice Quality Reporting Program: Program Evaluation
CMS–10509 Prospective Evaluation of Evidence-Based Community Wellness and Prevention Programs
CMS–10418 Annual MLR and Rebate Calculation Report and MLR Rebate Notices
CMS–10157 HIPAA Eligibility Transaction System (HETS) Trading Partner Agreement (TPA)

Under the Paperwork Reduction Act (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. The term ''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 requires federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collections

1. *Type of Information Collection Request:* New collection (Request for a new OMB control number); *Title of Information Collection:* Long Term Care Hospital Quality Reporting Program: Program Evaluation; *Use:* Section 3004(a) of the Affordable Care Act (ACA) mandated that we establish a quality reporting program for Long Term Care Hospitals (LTCHs). Specifically, section 3004(a) added section 1886(m)(5) to the Social Security Act (the Act) to establish a quality reporting program for LTCHs. This program requires that quality data be submitted by LTCH providers in a time, form and manner specified by the Secretary.

We are interested in exploring how LTCH providers are responding to the new quality reporting program (QRP) and its measures. We believe that it is important to understand early trends in outcomes, to make adjustments as needed to enhance the effectiveness of the program, and to seek opportunities to minimize provider burden, and ensure the QRP is useful and meaningful to providers. The methodology employed in the evaluation is the utilization of qualitative interviews (as opposed to quantitative statistical methods). In consultation with research experts, we have decided that at this juncture it would be meaningful to use a rich, contextual approach to evaluate the process and success of the QRP initiative.

The decision to pursue this quantitative methodology in 2013, in which we learned that providers are anxious to have their voice heard, but that they did not feel comfortable expressing themselves fully in public open door forums. Providers desired some level of confidentiality, which this methodology affords. The intended use of the information collected is to help inform us about CMS providers' experiences related to the QRPs, such as program impact related to quality improvement, burden, process-related issues, and education. This will also inform future measurement development for the LTCH QRP, future steps related to data validation, as well as future monitoring and evaluation. General findings may be used to discuss our future efforts in the QRP. *Form Number:* CMS–10502 (OCN: 0938–NEW); *Frequency:* Occasionally; *Affected Public:* Private sector—Business or other for-profits and not-for-profit organizations; *Number of Respondents:* 30; *Total Annual Responses:* 30; *Total Annual Hours:* 71. (For policy questions regarding this

collection contact Caroline Gallaher at 410–786–8705.)

2. *Type of Information Collection Request:* New collection (Request for a new OMB control number); *Title of Information Collection:* Inpatient Rehabilitation Facilities Quality Reporting Program: Program Evaluation; *Use:* Section 3004 of the Affordable Care Act (ACA) mandated that we establish a quality reporting program for Inpatient Rehabilitation Facilities (IRFs). Specifically, section 3004(a) added section 1886(j)(7) to the Social Security Act (''the Act'') to establish a quality reporting program (QRP) for IRFs. This program requires IRFs to submit quality data in a time, form and manner specified by the Secretary.

We are interested in exploring how IRF providers are responding to the new QRP and its measures. We believe that it is important to understand early trends in outcomes, to make adjustments as needed to enhance the effectiveness of the program, and to seek opportunities to minimize provider burden, and ensure the quality reporting program is useful and meaningful to the providers. The methodology employed in the evaluation is the utilization of qualitative interviews (as opposed to quantitative statistical methods). In consultation with research experts, we have decided that at this juncture it would be meaningful to use a rich, contextual approach to evaluation the process and success of the QRP initiative. The decision to pursue this quantitative methodology in 2013, in which we learned that providers are anxious to have their voice heard, but that they did not feel comfortable expressing themselves fully in public open door forums. Providers desired some level of confidentiality, which this methodology affords.

The intended use of the information collected is to help inform CMS providers' experiences related to the QRPs, such as program impact related to quality improvement, burden, process-related issues, and education. This will also inform future measurement development for the IRF QRP, future steps related to data validation, as well as future monitoring and evaluation. General findings may be used to discuss our future efforts in the QRP. *Form Number:* CMS–10503 (OCN: 0938–NEW); *Frequency:* Occasionally; *Affected Public:* Private sector—Business or other for-profits and not-for-profit organizations; *Number of Respondents:* 30; *Total Annual Responses:* 30; *Total Annual Hours:* 71. (For policy questions regarding this collection contact Caroline Gallaher at 410–786–8705.)

3. *Type of Information Collection Request:* New collection (Request for a new OMB control number); *Title of Information Collection:* Hospice Quality Reporting Program: Program Evaluation; *Use:* Section 3004(c) of the Affordable Care Act (ACA) mandated that we establish a quality reporting program (QRP) for hospices. Specifically, section 3004(c) added section 1814(i)(5) to the Social Security Act (the Act) to establish a quality reporting program for hospices. This program requires that quality data be submitted by hospice providers in a time, form and manner specified by the Secretary.

We are interested in exploring how hospice providers are responding to the new QRP and its measures. We believe that it is important to understand early trends in outcomes, to make adjustments as needed to enhance the effectiveness of the program, and to seek opportunities to minimize provider burden, and ensure the quality reporting program is useful and meaningful to the providers. The methodology employed in the evaluation is the utilization of qualitative interviews (as opposed to quantitative statistical methods). In consultation with research experts, we have decided that at this juncture it would be meaningful to use a rich, contextual approach to evaluation the process and success of the QRP initiative. The decision to pursue this quantitative methodology in 2013, in which we learned that providers are anxious to have their voice heard, but that they did not feel comfortable expressing themselves fully in public open door forums. Providers desired some level of confidentiality, which this methodology affords.

The intended use of the information collected is to help inform CMS providers' experiences related to the QRPs, such as program impact related to quality improvement, burden, process-related issues, and education. This will also inform future measurement development for the hospice QRP, future steps related to data validation, as well as future monitoring and evaluation. General findings may be used to discuss our future efforts in the QRP. *Form Number:* CMS–10504 (OCN: 0938–NEW); *Frequency:* Occasionally; *Affected Public:* Private sector—Business or other for-profits and not-for-profit organizations; *Number of Respondents:* 30; *Total Annual Responses:* 30; *Total Annual Hours:* 71. (For policy questions regarding this collection contact Caroline Gallaher at 410–786–8705.)

4. *Type of Information Collection Request:* New collection (Request for a new OMB control number); *Title of Information Collection:* Prospective Evaluation of Evidence-Based Community Wellness and Prevention Programs; *Use:* Section 4202(b) of the Affordable Care Act (ACA) mandated that we conduct an evidence review and independent evaluation of wellness programs focusing on the following six intervention areas: Chronic disease self-management, increasing physical activity, reducing obesity, improving diet and nutrition, reducing falls, and mental health management. In response to the ACA mandate, we adopted a three-phase approach to evaluate the impact of wellness programs on Medicare beneficiary health, utilization, and costs to determine whether broader Medicare beneficiary participation in wellness programs could lower future growth in Medicare spending. Phase I consisted of a comprehensive literature review and environmental scan to identify a list of wellness programs for further evaluation. Phase II involved a retrospective evaluation of 10 wellness programs in the targeted intervention areas mentioned above. The purpose of the Phase II evaluation was to use Medicare claims data to assess the 10 wellness programs' impact on Medicare beneficiary outcomes including health service utilization and medical costs. The findings in Phase II were promising in that several wellness programs demonstrated the potential to save medical costs among participating beneficiaries.

Phase III of our evaluation, of which this work is the key component, aims to round out our understanding of how wellness programs affect Medicare beneficiaries and what cost saving opportunities exist for the Medicare program. This evaluation effort will (1) describe the overall distribution of readiness to engage with wellness programs in the Medicare population, (2) better adjust for selection biases of individual programs and interventions using beneficiary level survey data, (3) evaluate program impacts on health behaviors, self-reported health outcomes, and claims-based measures of utilization and costs, and (4) better describe program implementation, operations and cost in relation to the expected benefits. The results of these analyses will be used to inform wellness and prevention activities in the future.

To achieve the goals of this project, we will be conducting a nationally representative survey of Medicare beneficiaries to assess their readiness to participate in community-based wellness programs. National estimates of Medicare beneficiary demand for wellness services and benefits will be generated from this population-based

readiness national survey. In addition, we will partner with evidence-based wellness programs for the purposes of enrolling an estimated 2,000 participants per program. Surveys of program participants will be conducted to assess program impacts on health and behavior. *Form Number:* CMS–10509 (OCN: 0938–NEW); *Frequency:* Semi-annually; *Affected Public:* Individuals and households; *Number of Respondents:* 20,833; *Total Annual Responses:* 45,420; *Total Annual Hours:* 18,531. (For policy questions regarding this collection contact Benjamin Howell at 410–786–4942.)

5. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Annual MLR and Rebate Calculation Report and MLR Rebate Notices; *Use:* Under Section 2718 of the Affordable Care Act and implementing regulation at 45 CFR Part 158, a health insurance issuer (issuer) offering group or individual health insurance coverage must submit a report to the Secretary concerning the amount the issuer spends each year on claims, quality improvement expenses, non-claims costs, Federal and State taxes and licensing and regulatory fees, and the amount of earned premium. An issuer must provide an annual rebate if the amount it spends on certain costs compared to its premium revenue (excluding Federal and States taxes and licensing and regulatory fees) does not meet a certain ratio, referred to as the medical loss ratio (MLR). An interim final rule (IFR) implementing the MLR was published on December 1, 2010 (75 FR 74865) and modified by technical corrections on December 30, 2010 (75 FR 82277), which added Part 158 to Title 45 of the Code of Federal Regulations. The IFR was effective January 1, 2011. A final rule regarding selected provisions of the IFR was published on December 7, 2011 (76 FR 76574) and an interim final rule regarding an issue not included in issuers' reporting obligations (disbursement of rebates by non-federal governmental plans) was also published December 7, 2011 (76 FR 76596) Both rules published on December 7, 2011 and were effective January 1, 2012. Each issuer is required to submit annually MLR data, including information about any rebates it must provide, on a form we prescribed, for each State in which the issuer conducts business. Each issuer is also required to provide a rebate notice to each policyholder that is owed a rebate and each subscriber of policyholders that are owed a rebate for any given MLR reporting year. Additionally, each issuer is required to maintain for a period of seven years all documents, records and other evidence that support the data included in each issuer's annual report to the Secretary.

Based upon HHS' experience in the MLR data collection and evaluation process, HHS is updating its annual burden hour estimates to reflect the actual numbers of submissions, rebates and rebate notices. The 2013 MLR Reporting Form and instructions also reflect changes for the 2013 reporting year and beyond that are set forth in the March 2012 update to 45 CFR 158.120(d)(5) regarding aggregation of student health plans on a nationwide basis, similar to expatriate plans. The instructions also addresses recent applicability guidance issued by the Departments of Labor, Treasury and HHS concerning expatriate plan reporting prior to plan years ending before or on December 31, 2015. In 2014, it is expected that issuers will send fewer notices and rebate checks to policyholders and subscribers which will reduce burden on issuers. On the other hand, the requirement to report data on student health plans will increase burden for some issuers. It is estimated that there will be a net reduction in total information collection burden. *Form Number:* CMS–10418 (OCN: 0938–1164); *Frequency:* Annually; *Affected Public:* Private sector—Business or other for-profits and not-for-profit institutions; *Number of Respondents:* 522; *Number of Responses:* 3,394; *Total Annual Hours:* 294,911. (For policy questions regarding this collection, contact Julie McCune at (301) 492–4196.)

6. *Type of Information Collection Request:* Reinstatement of a previously approved collection; *Title of Information Collection:* HIPAA Eligibility Transaction System (HETS) Trading Partner Agreement (TPA); *Use:* The HIPAA Eligibility Transaction System (HETS) is intended to allow the release of eligibility data to Medicare providers, suppliers or their authorized billing agents for the purposes of preparing accurate Medicare claims, determining beneficiary liability or determining eligibility for specific services. Such information may not be disclosed to anyone other than providers, suppliers or a beneficiary for whom a claim has been filed. *Form Number:* CMS–10157 (OCN: 0938–0960); *Frequency:* Yearly; *Affected Public:* Private sector—Business or other for-profit and not-for-profit institutions; *Number of Respondents:* 1,000; *Total Annual Responses:* 1,000; *Total Annual Hours:* 125. (For policy questions regarding this collection contact Ada Sanchez at 410–786–9466.)

Dated: November 19, 2013.

**Martique Jones,**

*Deputy Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.*

[FR Doc. 2013–28049 Filed 11–21–13; 8:45 am]

**BILLING CODE 4120–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Administration for Children and Families

### Proposed Information Collection Activity; Comment Request

**Proposed Projects**

*Title:* OCSE–75 Tribal Child Support Enforcement Program Annual Data Report.

*OMB No.:* 0970–0320.

*Description:* The data collected by form OCSE–75 are used to prepare the OCSE preliminary and annual data reports. In addition, Tribes administering CSE programs under Title IV–D of the Social Security Act are required to report program status and accomplishments in an annual narrative report and submit the OCSE–75 report annually.

*Respondents:* Tribal Child Support Enforcement Organizations or the Department/Agency/Bureau responsible for Child Support Enforcement in each tribe.

ANNUAL BURDEN ESTIMATES

| Instrument | Number of respondents | Number of responses per respondent | Average burden hours per response | Total burden hours |
|---|---|---|---|---|

*Estimated Total Annual Burden Hours:* 3,600.

In compliance with the requirements of Section 506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and

Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. Email address: *infocollection@acf.hhs.gov*. All requests should be identified by the title of the information collection.

The Department specifically requests comments 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) 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. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

**Robert Sargis,**

*Reports Clearance Officer.*

[FR Doc. 2013–28062 Filed 11–21–13; 8:45 am]

**BILLING CODE 4184–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

**[Docket No. FDA–2013–N–0002]**

### Withdrawal of Approval of New Animal Drug Applications; Carbarsone; Roxarsone

**AGENCY:** Food and Drug Administration, HHS.

**ACTION:** Notice.

**SUMMARY:** The Food and Drug Administration (FDA) is withdrawing approval of three new animal drug applications (NADAs) for roxarsone or carbarsone Type A medicated articles at the sponsor's request because the products are no longer manufactured or marketed.

**DATES:** Withdrawal of approval is effective December 2, 2013.

**FOR FURTHER INFORMATION CONTACT:** John Bartkowiak, Center for Veterinary Medicine (HFV–212), Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855, 240–276–9079, *john.bartkowiak@fda.hhs.gov.*

**SUPPLEMENTARY INFORMATION:** Zoetis Inc., 333 Portage St., Kalamazoo, MI 49007, has requested that FDA withdraw approval of the following three NADAs because the products, used to manufacture Type B and Type C medicated feeds, are no longer manufactured or marketed: NADA 007–891 for 3–NITRO (roxarsone) Type A medicated article, NADA 092–953 for Roxarsone Type A Medicated Articles, and NADA 010–285 for CARB–O–SEP (carbarsone) Type A medicated article.

Therefore, under authority delegated to the Commissioner of Food and Drugs and redelegated to the Center for Veterinary Medicine, and in accordance with § 514.116 *Notice of withdrawal of approval of application* (21 CFR 514.116), notice is given that approval of NADAs 007–891, 092–953, and 010–285, and all supplements and amendments thereto, is hereby withdrawn.

Elsewhere in this issue of the **Federal Register**, FDA is amending the animal drug regulations to reflect the voluntary withdrawal of approval of these applications.

Dated: November 18, 2013.

**Bernadette Dunham,**

*Director, Center for Veterinary Medicine.*

[FR Doc. 2013–27916 Filed 11–21–13; 8:45 am]

**BILLING CODE 4160–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### Proposed Collection; 60-Day Comment Request: Clearance for Surveys of Customers and Partners of the Office of Extramural Research of the National Institutes of Health

**SUMMARY:** 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 Office of Extramural Research (OER), the National Institutes of Health (NIH) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function 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, 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 those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

To submit comments in writing, request more information on the proposed project, or to obtain a copy of the data collection plans and instruments, contact Dr. Sherry Mills, Director, Office of Extramural Programs, OER, NIH, 6705 Rockledge Drive, Suite 350, Bethesda, MD 20892, or call non-toll-free number (301) 435–2729, or Email your request, including your address to: *OEPMailbox@mail.nih.gov*.

Comments regarding this information collection are best assured of having their full effect if received within 60-days of the date of this publication.

*Proposed Collection:* Generic Clearance for Surveys of Customers and Partners of the Office of Extramural Research of the National Institutes of Health—Extension—0925–0627—Office of the Director (OD), Office of Extramural Research (OER), Office of Extramural Programs (OEP), National Institutes of Health (NIH).

*Need and Use of Information Collection:* OER develops, coordinates the implementation of, and evaluates NIH-wide policies and procedures for the award of extramural funds. To move forward with our initiatives to ensure success in accomplishing the NIH mission, input from partners and customers is essential. Quality management principles have been integrated into OER's culture and these surveys will provide customer satisfaction input on various elements of OER's business processes. The approximately 14 (10 quantitative and 4 qualitative) customer satisfaction surveys that will be conducted under this generic clearance will gather and measure customer and partner satisfaction with OER processes and operations. The data collected from these surveys will provide the feedback to track and gauge satisfaction with NIH's statutorily mandated operations and processes. OER/OD/NIH will present data and outcomes from these surveys to inform the NIH staff, officers, leadership, advisory committees, and other decision-making bodies as appropriate. Based on feedback from these stakeholders, OER/OD/NIH will

formulate improvement plans and take action when necessary.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 2,485.

**Estimated Annualized Burden Hours**

QUANTITATIVE SURVEY

| Type of respondent | Number of respondents | Number of responses per respondent | Average burden per response (in hours) | Total annual burden hour |
|---|---|---|---|---|
| Science professionals, applicants, reviewers, Institutional Officials | 3,820 | 1 | 15/60 | 955 |
| Adult Science Trainees | 2,000 | 1 | 15/60 | 500 |
| General Public | 4,000 | 1 | 15/60 | 1,000 |

QUALITATIVE SURVEY

| Type of respondent | Number of respondents | Number of responses per respondent | Average burden per response (in hours) | Total annual burden hour |
|---|---|---|---|---|
| Science professionals, applicants, reviewers, Institutional Officials | 12 | 1 | 1 | 12 |
| Adult Science Trainees | 6 | 1 | 1 | 6 |
| General Public | 12 | 1 | 1 | 12 |

Dated: November 13, 2013.

**Seleda Perryman,**

*Chief, Project Clearance Officer, Office of Policy for Extramural Research Administration, National Institutes of Health.*

[FR Doc. 2013–27965 Filed 11–21–13; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Institute of Diabetes and Digestive and Kidney Diseases; 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:* National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; NIDDK Career Awards Review.

*Date:* December 4, 2013.

*Time:* 4:00 p.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Carol J. Goter-Robinson, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 748, 6707 Democracy Boulevard, Bethesda, MD 20892–5452, (301) 594–7791, *goterrobinsonc@extra.niddk.nih.gov*.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

*Name of Committee:* National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Time-Sensitive Obesity.

*Date:* December 11, 2013.

*Time:* 3:30 p.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Telephone Conference Call).

*Contact Person:* Michele L. Barnard, Ph.D., Scientific Review Officer, Review Branch, DEA, NIDDK, National Institutes of Health, Room 753, 6707 Democracy Boulevard, Bethesda, MD 20892–2542, (301) 594–8898, *barnardm@extra.niddk.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: November 18, 2013.

**David Clary,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2013–28003 Filed 11–21–13; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Human Genome Research Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the Board of Scientific Counselors, National Human Genome Research Institute.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), Title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the NATIONAL HUMAN GENOME RESEARCH INSTITUTE, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* Board of Scientific Counselors, National Human Genome Research Institute.

*Date:* December 11–13, 2013.

*Time:* 6:00 p.m. to 1:00 p.m.

*Agenda:* To review and evaluate personal qualifications and performance, and competence of individual investigators.

*Place:* National Institutes of Health, Building 45, Room D, 9000 Rockville Pike, Rockville, MD 20892.

*Contact Person:* Monica Berger, Executive Secretary, Office of the Scientific Director, National Human Genome Research Institute, 50 South Drive, Bldg. 50, Rm. 5222,

Bethesda, MD 20892, 301–294–6873, *bergerm@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.172, Human Genome Research, National Institutes of Health, HHS)

Dated: November 18, 2013.

**David Clary,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2013–28005 Filed 11–21–13; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### Submission for OMB Review; 30-day Comment Request: Generic Clearance To Support Programs and Administrative Operations at the National Cancer Institute (NCI)

**SUMMARY:** Under the provisions of Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the National Institutes of Health (NIH), has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below. This proposed information collection was previously published in the **Federal Register** on May 23, 2013, Volume 78, p. 30930 and allowed 60-days for public comment. One public comment was received on May 24, 2013 stating that the agency should spend more money on funding prevention research. An email response was sent on May 28, 2013 stating, ''Your comments were received and they will be taken into consideration.'' The purpose of this notice is to allow an additional 30 days for public comment. The National Cancer Institute (NCI), National Institutes of Health, may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

*Direct Comments to OMB:* Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the: Office of Management and Budget, Office of Regulatory Affairs, *OIRA_submission@omb.eop.gov* or by fax to 202–395–6974, Attention: NIH Desk Officer.

**DATES:** *Comment Due Date:* Comments regarding this information collection are best assured of having their full effect if received within 30-days of the date of this publication.

**FOR FURTHER INFORMATION CONTACT:** To obtain a copy of the data collection plans and instruments, submit comments in writing, or request more information on the proposed project, contact: Vivian Horovitch-Kelley, PRA/OMB Project Clearance Liaison, Office of Management Policy and Compliance (OMPC), National Cancer Institute, 11400 Rockville Pike, Room 707, Rockville, MD 20852 or call non-toll-free number 301–480–0541 or Email your request, including your address to: *Horovitchkellv@mail.nih.gov.* Formal requests for additional plans and instruments must be requested in writing.

*Proposed Collection:* Generic Clearance to Support Programs and Administrative Operations At the National Cancer Institute (NCI), NEW, National Cancer Institute (NCI), National Institutes of Health (NIH).

*Need and Use of Information Collection:* This is a request for a generic submission that would be used for administrative and program-related submissions. Administrative submissions are defined as information collections (ICs) wherein the primary content is used for administrative purposes (e.g., an application) or to monitor, measure, manage or improve a program. These ICs may involve little if any, subsequent analysis and/or the use of descriptive statistics. Some ICs are forms used to source and aggregate contact information, history, preferences, opinions, and/or other data that does not necessitate further inquiry but allow the respondents to maintain contact, indicate preferences, and respond to data calls of information that has not already been collected. Other ICs may be program-related requests for the purpose of program monitoring, performance measurement, and improving or assessing the effectiveness of the program. This submission is the result of a year worth of analysis at the National Cancer Institute (NCI) which has demonstrated that more often than not, the potential and actual Paperwork Reduction Act (PRA) bootlegs that occur are administrative in nature, not research based. Additionally, NCI program staff who have submitted sub-projects that have been reviewed and returned by OMB, have contributed ideas and comments to this request. And finally, input and collaborations have been sought regarding this submission with program staff from different divisions and offices at NCI and PRA Liaisions at a variety of other National Institutes of Health (NIH) Institutes. Along with the analysis, NCI's ongoing education and outreach effort has increased the awareness and the need for a generic submission that covers administrative and program-related information collections. NCI's current scope for administrative generic sub-projects is non-existent and this submission would fill that gap. Subsequently to publishing the 60-day **Federal Register** Notice for this project, the program staff realized that the need was understated and thus increased the requested burden hours from 6,000 hours to 16,667 hours over the three-year information collection period.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 16,667.

ESTIMATED BURDEN HOURS OVER THREE YEARS

| Category of respondents | Number of respondents | Frequency of responses | Average time per response (in hours) | Total burden hours |
|---|---|---|---|---|
| Individuals, Households, Private Sector, State Government, Local Government, Tribal Government, or Federal Government | 20,000 | 1 | 50/60 | 16,667 |

Dated: November 18, 2013.

**Vivian Horovitch-Kelley,**

*NCI Project Clearance Liaison, National Institutes of Health.*

[FR Doc. 2013–28086 Filed 11–21–13; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

### National Institute of Allergy and Infectious Diseases; 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:* National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Mucosal Environment and HIV Prevention.

*Date:* December 17–18, 2013.

*Time:* 8:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* Embassy Suites at the Chevy Chase Pavilion, Chevy Chase Ballroom, 4300 Military Road, NW, Washington, DC 20015.

*Contact Person:* Roberta Binder, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institutes of Health/NIAID, 6700B Rockledge Drive, Room 3130, Bethesda, MD 20892–7616, 301–496–7966, *rbinder@niaid.nih.gov.*

*Name of Committee:* National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Innovation for HIV Vaccine Discovery.

*Date:* December 18, 2013.

*Time:* 10:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Place:* National Institutes of Health, 6700B Rockledge Drive, Bethesda, MD 20817, (Telephone Conference Call).

*Contact Person:* Sujata Vijh, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, NIAID/NIH/DHHS, 6700B Rockledge Drive, MSC 7616, Bethesda, MD 20892, 301–594–0985, *vijhs@niaid.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: November 18, 2013.

**David Clary,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2013–28004 Filed 11–21–13; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF HOMELAND SECURITY

### U.S. Customs and Border Protection

### Agency Information Collection Activities: Customs Declaration

**AGENCY:** U.S. Customs and Border Protection (CBP), Department of Homeland Security

**ACTION:** 60-Day notice and request for comments; Extension of an existing collection of information: 1651–0009.

**SUMMARY:** As part of its continuing effort to reduce paperwork and respondent burden, CBP invites the general public and other Federal agencies to comment on an information collection requirement concerning the Customs Declaration. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13).

**DATES:** Written comments should be received on or before January 21, 2014 to be assured of consideration.

**ADDRESSES:** Direct all written comments to U.S. Customs and Border Protection, Attn: Tracey Denning, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229–1177.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information should be directed to Tracey Denning, U.S. Customs and Border Protection, Regulations and Rulings, Office of International Trade, 90 K Street NE., 10th Floor, Washington, DC 20229–1177, at 202–325–0265.

**SUPPLEMENTARY INFORMATION:** CBP invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Pub. L. 104–13). The comments should address: (a) Whether the 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 estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual costs burden to respondents or record keepers from the collection of information (a total capital/startup costs and operations and maintenance costs). The comments that are submitted will be summarized and included in the CBP request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document CBP is soliciting comments concerning the following information collection:

*Title:* Customs Declaration.

*OMB Number:* 1651–0009.

*Form Number:* CBP Form 6059B.

*Abstract:* CBP Form 6059B, Customs Declaration, is used as a standard report of the identity and residence of each person arriving in the United States. This form is also used to declare imported articles to U.S. Customs and Border Protection (CBP) in accordance with 19 U.S.C. 66 and section 498 of the Tariff Act of 1930, as amended (19 U.S.C. 1498). Section 148.13 of the CBP regulations prescribes the use of the CBP Form 6059B when a written declaration is required of a traveler entering the United States. Generally, written declarations are required from travelers arriving by air or sea. Section 148.12 requires verbal declarations from travelers entering the United States. Generally, verbal declarations are required from travelers arriving by land.

A sample of CBP Form 6059B can be found at: *http://www.cbp.gov/xp/cgov/travel/vacation/sample_declaration_form.xml*

*Current Actions:* This submission is being made to extend the expiration date. In addition, burden hours have been added to this collection to allow for existing requirements for verbal declarations under 19 CFR 148.12. There are no changes to the data CBP collects under the provisions of 19 CFR 148.12, 148.13 or CBP Form 6059B.

*Type of Review:* Extension (with change).

*Affected Public:* Individuals.

*CBP Form 6059B:*

*Estimated Number of Respondents:* 105,606,000.

*Estimated Number of Total Annual Responses:* 105,606,000.

*Estimated Time per Response:* 4 minutes.

*Estimated Total Annual Burden Hours:* 7,075,602.

*Verbal Declarations:*

*Estimated Number of Respondents:* 233,000,000.

*Estimated Number of Total Annual Responses:* 233,000,000.

*Estimated Time per Response:* 10 seconds.

*Estimated Total Annual Burden Hours:* 669,000.

Dated: November 18, 2013.

**Tracey Denning,**

*Agency Clearance Officer, U.S. Customs and Border Protection.*

[FR Doc. 2013–28143 Filed 11–21–13; 8:45 am]

**BILLING CODE 9111–14–P**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

**[Docket No. FR–5687–N–45]**

### 60-Day Notice of Proposed Information Collection: FHA Stakeholder Feedback for the New FHA Single Family Policy Handbook

**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:** Patricia J. McClung, Senior Single Family Housing Advisor, Office of Housing, Department of Housing and Urban Development, 451 7th Street SW., Washington, DC 20410; email Patricia McClung at *Patricia.J.McClung@hud.gov* or telephone 202–402–4378. 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. McClung.

**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 Stakeholder Feedback for the New FHA Single Family Policy Handbook.

*OMB Approval Number:* 2502-New.

*Type of Request:* New.

*Form Number:* N/A.

*Description of the need for the information and proposed use:* FHA is developing a new *FHA Single Family Policy Handbook (SF Handbook).* The handbook is a single, consolidated and authoritative source for FHA Single family Housing Policy. The handbook will make it easier to do business with FHA Single Family by:

- Consolidating policy into one Handbook
- Using simple, more directive language
- Aligning the flow of the handbook to the lender/mortgage process.

Without feedback, FHA's final Handbook would lack critical revisions or changes that would improve its usefulness. In particular, obtaining feedback permits FHA to have a handbook that helps lenders and appraisers quickly find needed information and reduces the need for them to obtain clarification and direction on existing and changing policy.

*Respondents* (i.e. affected public): Business or other for-profit.

*Estimated Number of Respondents:* 4,020.

*Estimated Number of Responses:* 9,200.

*Frequency of Response:* Varies.

*Average Hours per Response:* .5.

*Total Estimated Burdens:* 4,600.

**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 15, 2013.

**Laura M. Marin,**

*Associate General Deputy Assistant Secretary for Housing-Associate Deputy Federal Housing Commissioner.*

[FR Doc. 2013–28066 Filed 11–21–13; 8:45 am]

**BILLING CODE 4210–67–P**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

**[Docket No. FR–5681–N–45]**

### Federal Property Suitable as Facilities To Assist the Homeless

**AGENCY:** Office of the Assistant Secretary for Community Planning and Development, HUD.

**ACTION:** Notice.

**SUMMARY:** This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

**FOR FURTHER INFORMATION CONTACT:** Juanita Perry, Department of Housing and Urban Development, 451 Seventh Street SW., Room 7262, Washington, DC 20410; telephone (202) 402–3970; TTY number for the hearing- and speech-impaired (202) 708–2565, (these telephone numbers are not toll-free), or call the toll-free Title V information line at 800–927–7588.

**SUPPLEMENTARY INFORMATION:** In accordance with the December 12, 1988 court order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503–OG (DDC), HUD publishes a Notice, on a weekly basis, identifying unutilized, underutilized, excess and surplus Federal buildings and real property that HUD has reviewed for suitability for use to assist the homeless. Today's Notice is for the purpose of announcing that no additional properties have been determined suitable or unsuitable this week.

Dated: November 14, 2013.

**Mark Johnston,**

*Deputy Assistant Secretary for Special Needs.*

[FR Doc. 2013–27701 Filed 11–21–13; 8:45 am]

**BILLING CODE 4210–67–P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

**[FWS–HQ–IA–2013–N262; FXIA16710900000P5–123–FF09A30000]**

### Marine Mammals; Receipt of Applications for Permit

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of receipt of applications for permit.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications to conduct certain activities with marine mammals. With some exceptions, Marine Mammal Protection Act (MMPA) prohibits activities with listed species unless Federal authorization is acquired that allows such activities.

**DATES:** We must receive comments or requests for documents on or before December 23, 2013. We must receive requests for marine mammal permit public hearings, in writing, at the address shown in the **ADDRESSES** section by December 23, 2013.

**ADDRESSES:** Brenda Tapia, Division of Management Authority, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Room 212, Arlington, VA 22203; fax (703) 358–2280; or email *DMAFR@fws.gov.*

**FOR FURTHER INFORMATION CONTACT:** Brenda Tapia, (703) 358–2104 (telephone); (703) 358–2280 (fax); *DMAFR@fws.gov* (email).

**SUPPLEMENTARY INFORMATION:**

#### I. Public Comment Procedures

*A. How do I request copies of applications or comment on submitted applications?*

Send your request for copies of applications or comments and materials concerning any of the applications to the contact listed under **ADDRESSES**. Please include the **Federal Register** notice publication date, the PRT-number, and the name of the applicant in your request or submission. We will not consider requests or comments sent to an email or address not listed under **ADDRESSES**. If you provide an email address in your request for copies of applications, we will attempt to respond to your request electronically.

Please make your requests or comments as specific as possible. Please confine your comments to issues for which we seek comments in this notice, and explain the basis for your comments. Include sufficient information with your comments to allow us to authenticate any scientific or commercial data you include.

The comments and recommendations that will be most useful and likely to influence agency decisions are: (1) Those supported by quantitative information or studies; and (2) Those that include citations to, and analyses of, the applicable laws and regulations. We will not consider or include in our administrative record comments we receive after the close of the comment period (see **DATES**) or comments delivered to an address other than those listed above (see **ADDRESSES**).

*B. May I review comments submitted by others?*

Comments, including names and street addresses of respondents, will be available for public review at the street address listed under **ADDRESSES**. The public may review documents and other information applicants have sent in support of the application unless our allowing viewing would violate the Privacy Act or Freedom of Information Act. 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.

#### II. Background

To help us carry out our conservation responsibilities for affected species, and in consideration of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), along with Executive Order 13576, ''Delivering an Efficient, Effective, and Accountable Government,'' and the President's Memorandum for the Heads of Executive Departments and Agencies of January 21, 2009—Transparency and Open Government (74 FR 4685; January 26, 2009), which call on all Federal agencies to promote openness and transparency in Government by disclosing information to the public, we invite public comment on these permit applications before final action is taken. Under the MMPA, you may request a hearing on any MMPA application received. If you request a hearing, give specific reasons why a hearing would be appropriate. The holding of such a hearing is at the discretion of the Service Director.

#### III. Permit Applications

*A. Endangered Marine Mammals and Marine Mammals*

Applicant: BBC Television, Bristol, England; PRT–05202B

The applicant requests a permit to photograph polar bears (*Ursus maritimus*) in the vicinity of Kaktovik/Barter Island, Alaska, from land-based vehicles and boats for commercial and educational purposes. This notification covers activities to be conducted by the applicant for a 1-year period.

Concurrent with publishing this notice in the **Federal Register**, we are forwarding copies of the above applications to the Marine Mammal Commission and the Committee of Scientific Advisors for their review.

**Brenda Tapia,**

*Program Analyst/Data Administrator, Branch of Permits, Division of Management Authority.*

[FR Doc. 2013–27976 Filed 11–21–13; 8:45 am]

**BILLING CODE 4310–55–P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

**[LLNVL01000. L51100000.GN0000. LVEMF1301170 241A.241A; NVN–090444; 13–08807; TAS: 14X5017]**

### Notice of Availability of the Final Environmental Impact Statement for the Proposed Pan Mine Project, White Pine County, NV

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of availability.

**SUMMARY:** In compliance 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) Egan Field Office, Ely, Nevada, has prepared a Final Environmental Impact Statement (EIS) for the proposed Pan Mine Project and by this notice is announcing its availability.

**DATES:** The BLM will not issue a final decision until after December 19, 2013.

**ADDRESSES:** Copies of the Final EIS for the Pan Mine Project are available for public inspection at the BLM Ely District Office and also for review on the Ely District's Web page at: *http://www.blm.gov/nv/st/en/fo/ely_field_office/blm_programs/minerals/mining_projects/pan_mine_project.html.*

**FOR FURTHER INFORMATION CONTACT:** Miles Kreidler, project lead, telephone: 775–289–1893; address: 702 North

Industrial Way, Ely, NV 89301; email: *mkreidler@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:** Midway Gold US, Inc. (Midway) proposes to construct and operate an open-pit gold mining operation in the northern part of the Pancake Mountain Range, approximately 50 miles west of Ely in White Pine County, Nevada. The proposed location is 10 miles south of U.S. Route 50 near Newark Valley. The proposed operations and associated disturbance would be on approximately 3,204 acres of public land managed by the BLM. The proposed power line runs along Highway 50 and south along a proposed access road to the mine site. An updated inventory of lands with wilderness characteristics was completed and no lands with wilderness characteristics were identified in the project area. The estimated project life of the mine is 25 years, which includes 13 years of mining and additional time for associated construction, closure, and post-closure monitoring periods. During operations, the total number of employees would be approximately 150. Midway is currently conducting exploration activities in this area which were analyzed in two environmental assessments (EA): the *Castleworth Ventures, Inc. Pan Exploration Project EA* (May 2004) and the *Midway Gold Pan Project Exploration Amendment EA* (July 2011).

The Final EIS describes and analyzes the proposed project site-specific impacts (including cumulative) on all affected resources. Four alternatives are analyzed: The Proposed Action, the Waste Rock Disposal Site Design Alternative, the Southwest Power Line Alternative, and the No Action Alternative. The Southwest Power Line Alternative was developed to avoid potential impacts to Greater Sage-Grouse from the Proposed Action power line. It is farther away from two active Greater Sage-Grouse leks and impacts less Preliminary Priority Habitat. The Waste Rock Disposal Site Design Alternative would result in a decrease of 79 acres of disturbance compared to the Proposed Action. It would also involve a conventional waste rock disposal design and move waste rock away from more important Greater Sage-Grouse habitat in order to minimize impacts to this important species. Ten other alternatives are considered but eliminated from further analysis. Mitigation measures were considered under each alternative to minimize environmental impacts and to assure the proposed action does not result in unnecessary or undue degradation of public lands.

On April 16, 2012, a Notice of Intent was published in the **Federal Register** inviting scoping comments on the Proposed Action. A legal notice was prepared by the BLM and published in the *Elko Daily Free Press, Ely Daily Times,* and the *Reno Gazette-Journal* informing the public of the BLM's intention to prepare the Pan Mine EIS. Public scoping meetings were held in May 2012 in Ely, Eureka, and Reno, Nevada. A total of 26 comments were received. The comments are incorporated in a Scoping Summary Report and were considered in the preparation of this Final EIS.

Concerns raised during scoping include: Potential impacts to archaeological resources, including the Carbonari sites and the loss of use of the 1913 alternative route of the Lincoln Highway; impacts to population and habitat of Greater Sage-Grouse; impacts to wild horses and their habitat; impacts to air quality through point (equipment) and non-point (waste rock disposal areas) pollution sources; changes to the quantity and quality of surface water and groundwater; potential occurrence of acid drainage from waste rock disposal areas into surface and groundwater; impacts to the fragile desert landscape, vegetation communities, and vegetative food resources for wildlife; short- and long-term impacts on wildlife population dynamics and habitats; impacts to general health of the rangeland resources; release of pollutants and hazardous materials to the environment during operations and following closure; increase in light pollution in the areas and direct visual impacts from mine facilities; positive and negative socioeconomic impacts to the communities of Ely and Eureka, and to White Pine County; and cumulative impacts to wildlife, wild horses, cultural, air, water, and vegetation resources. The two action alternatives were developed to avoid, minimize, and mitigate potential impacts to Greater Sage-Grouse. Mitigation measures have been included to show how impacts on all resources could be minimized.

The BLM prepared the Draft EIS in conjunction with its three cooperating agencies: The Nevada Department of Wildlife, the Eureka County Commissioners, and the White Pine County Commissioners. A Notice of Availability was published in the **Federal Register** on March 22, 2013 (78 FR 17713), and the public was invited to provide written comments on the Draft EIS during the 45-day comment period. Public meetings were conducted during the review period for the Draft EIS.

Comments on the Draft EIS received from the cooperating agencies, the public, and the internal BLM review were considered and incorporated, as appropriate, into the Final EIS. The comments included concerns to affects to the Lincoln Highway, Greater Sage-Grouse and its habitat, migratory birds, pygmy rabbits, air quality, night sky viewing, socioeconomics, and water quantity. There were also comments received in general support for the mine. These public comments resulted in the addition of clarifying text, but did not significantly change the analysis. The agency preferred alternative is a combination of the Southwest Power Line Alternative and the Waste Rock Disposal Site Design Alternative.

Following a 30-day Final EIS availability and review period, a Record of Decision (ROD) will be issued. The decision reached in the ROD is subject to appeal to the Interior Board of Land Appeals. The 30-day appeal period begins with the issuance of the ROD.

**Authority:** 40 CFR part 1501 and 43 part CFR 3809.

**Jill A. Moore,**

*Field Manager, Egan Field Office.*

[FR Doc. 2013–28123 Filed 11–21–13; 8:45 am]

**BILLING CODE 4310–HC–P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

**[NPS–NCR–WHHO–14268; PPNCWHHOA1, PPMPSPD1Z.YM0000]**

### Notice of Meeting, Committee for the Preservation of the White House

**AGENCY:** National Park Service, Interior.

**ACTION:** Notice of meeting.

**SUMMARY:** Notice is hereby given in accordance with the Federal Advisory Committee Act (5 U.S.C. Appendix 1–16) that a meeting of the Committee for the Preservation of the White House will be held at the White House at 12:00 p.m. on Thursday, December 12, 2013.

**DATES:** Thursday, December 12, 2013.

**ADDRESSES:** The White House, 1600 Pennsylvania Avenue NW., Washington, DC 20500.

**FOR FURTHER INFORMATION CONTACT:** Comments may be provided to: John Stanwich, Acting Executive Secretary for the Committee for the Preservation of the White House, 1100 Ohio Drive SW., Washington, DC 20242, at (202) 619–6344. 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.

**SUPPLEMENTARY INFORMATION:** It is expected that the meeting agenda will include policies, goals, and long-range plans. The meeting will be open, but subject to appointment and security clearance requirements. Clearance information, which includes full name, date of birth, Social Security number, city and state of residence, and country of citizenship must be received by December 4, 2013. Due to the present mail delays being experienced, clearance information should be faxed to (202) 619–6353 in order to assure receipt by deadline. Inquiries may be made by calling the Committee for the Preservation of the White House between 9:00 a.m. and 4:00 p.m. weekdays at (202) 619–6344. Written comments may be sent to John Stanwich, Acting Executive Secretary, Committee for the Preservation of the White House, 1100 Ohio Drive SW., Washington, DC, 20242.

Dated: November 18, 2013.

**Alma Ripps,**

*Chief, Office of Policy.*

[FR Doc. 2013–27983 Filed 11–21–13; 8:45 am]

**BILLING CODE 4310–DL–P**

## INTERNATIONAL TRADE COMMISSION

**[Investigation Nos. 701–TA–447 and 731–TA–1116 (Review)]**

### Circular Welded Carbon-Quality Steel Pipe From China

**Determination**

On the basis of the record [1] developed in the subject five-year reviews, the United States International Trade Commission (Commission) determines, pursuant to section 751(c) of the Tariff Act of 1930 (19 U.S.C. 1675(c)), that revocation of the antidumping and countervailing duty orders on circular welded carbon-quality steel pipe from China would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[2]

**Background**

The Commission instituted these reviews on June 3, 2013 (78 FR 33108) and determined on September 6, 2013 that it would conduct expedited reviews (78 FR 59371, September 26, 2013).[3]

The Commission completed and filed its determination in these reviews on November 18, 2013. The views of the Commission are contained in USITC Publication 4435 (November 2013), entitled *Circular Welded Carbon-Quality Steel Pipe from China: Investigation Nos. 701–TA–447 and 731–TA–1116 (Review).*

By order of the Commission.

Issued: November 19, 2013.

**Lisa R. Barton,**

*Acting Secretary to the Commission.*

[FR Doc. 2013–28022 Filed 11–21–13; 8:45 am]

**BILLING CODE 7020–02–P**

[1] The record is defined in sec. 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] Commissioner F. Scott Kieff did not participate in these reviews.

[3] Due to the lapse in appropriations and ensuing cessation of Commission operations, all import injury investigations conducted under authority of Title VII of the Tariff Act of 1930 have been tolled by 16 days pursuant to 19. U.S.C. 1675(c)(5)(C)(ii).

## DEPARTMENT OF JUSTICE

**[OMB Number 1103–NEW]**

### Agency Information Collection Activities; Proposed New Collection; Comments Requested: Drug Endangered Children Tracking System User Survey

**ACTION:** 60-day notice.

The Department of Justice (DOJ) Office of Community Oriented Policing Services (COPS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The revision of a previously approved information collection is published to obtain comments from the public and affected agencies.

The purpose of this notice is to allow for 60 days for public comment until January 21, 2014. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments, especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Danielle Ouellette, Department of Justice Office of Community Oriented Policing Services, 145 N Street NE., Washington, DC 20530.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—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;

—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;

—Enhance the quality, utility, and clarity of the information to be collected; and

—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.

**Overview of This Information Collection**

(1) *Type of Information Collection:* Proposed new collection; comments requested.

(2) *Title of the Form/Collection:* Drug Endangered Children Tracking System User Survey.

(3) *Agency form number, if any, and the applicable component of the Department sponsoring the collection:* None. U.S. Department of Justice Office of Community Oriented Policing Services.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* System users, both law enforcement and child welfare workers, will be asked to provide customer service feedback regarding the Colorado Alliance for Drug Endangered Children Tracking System (DECSYS). Through a cooperative agreement with the COPS Office, the Colorado Alliance for Drug Endangered Children will gather this feedback in order to assess how agencies are using DECSYS, what training is

being provided, challenges, and many other factors.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that 50 respondents annually will complete the form in approximately 10 minutes (.17 hours).

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 8.5 total annual burden hours associated with this collection.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3W–1407B, Washington, DC 20530.

Dated: November 19, 2013.

**Jerri Murray,**

*Department Clearance Officer for PRA, U.S. Department of Justice.*

[FR Doc. 2013–28024 Filed 11–21–13; 8:45 am]

**BILLING CODE 4410–AT–P**

## DEPARTMENT OF JUSTICE

### Bureau of Alcohol, Tobacco, Firearms and Explosives

**[OMB Number 1140–NEW]**

### Agency Information Collection Activities; Proposed Collection; Comments Requested: Request for ATF Background Investigation Information

**ACTION:** 30-Day notice.

The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 78, Number 181, page 57415 on September 18, 2013, allowing for a 60 day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until December 23, 2013. This process is conducted in accordance with 5 CFR 1320.10.

Written comments concerning this information collection should be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attn: DOJ Desk Officer. The best way to ensure your comments are received is to email them to *oira_submission@omb.eop.gov* or fax them to 202–395–7285. All comments should reference the eight digit OMB number or the title of the collection.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—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;

—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;

—Enhance the quality, utility, and clarity of the information to be collected; and

—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.

**Summary of Information Collection**

(1) *Type of Information Collection:* New collection of information.

(2) *Title of the Form/Collection:* Request for ATF Background Investigation Information.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: ATF F 8620.65; Bureau of Alcohol, Tobacco, Firearms and Explosives.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: State, Local, or Tribal Government. Other: Federal Government.

**Need for Collection**

This form is necessary to maintain a record of another agency's official request for an individual's background investigation record. The documented request will assist ATF in ensuring that unauthorized disclosures of information do not occur.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 300 respondents will complete a 5 minute form.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 25 annual total burden hours associated with this collection.

If additional information is required contact: Jerri Murray, Department Clearance Officer, Policy and Planning Staff, Justice Management Division, Department of Justice, Two Constitution Square, 145 N Street NE., Room 3W–1407B, Washington, DC 20530.

Dated: November 19, 2013.

**Jerri Murray,**

*Department Clearance Officer for PRA, U.S. Department of Justice.*

[FR Doc. 2013–28023 Filed 11–21–13; 8:45 am]

**BILLING CODE 4410–FY–P**

## DEPARTMENT OF LABOR

### Office of the Secretary

### Agency Information Collection Activities; Submission for OMB Review; Comment Request; Annual Funding Notice for Defined Benefit Pension Plans

**ACTION:** Notice.

**SUMMARY:** The Department of Labor (DOL) is submitting the Employee Benefits Security Administration (EBSA) sponsored information collection request (ICR) titled, ''Annual Funding Notice for Defined Benefit Pension Plans,'' to the Office of Management and Budget (OMB) for review and approval for continued use, without change, in accordance with the Paperwork Reduction Act of 1995 (PRA), 44 U.S.C. 3501 et seq.

**DATES:** Submit comments on or before December 23, 2013.

**ADDRESSES:** A copy of this ICR with applicable supporting documentation; including a description of the likely respondents, proposed frequency of response, and estimated total burden may be obtained free of charge from the RegInfo.gov Web site at *http://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=201307-1210-002* (this link will only become active on the day following publication of this notice) or by contacting Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or sending an email to *DOL_PRA_PUBLIC@dol.gov.*

Submit comments about this request by mail or courier to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for DOL–EBSA, Office of Management and Budget, Room 10235, 725 17th Street NW., Washington, DC 20503; by Fax: 202–

395–6881 (this is not a toll-free number); or by email: *OIRA_submission@omb.eop.gov.* Commenters are encouraged, but not required, to send a courtesy copy of any comments by mail or courier to the U.S. Department of Labor-OASAM, Office of the Chief Information Officer, Attn: Information Policy and Assessment Program, Room N1301, 200 Constitution Avenue NW., Washington, DC 20210; or by email: *DOL_PRA_PUBLIC@dol.gov.*

**FOR FURTHER INFORMATION CONTACT:** Michel Smyth by telephone at 202–693–4129 (this is not a toll-free number) or by email at *DOL_PRA_PUBLIC@dol.gov.*

**Authority:** 44 U.S.C. 3507(a)(1)(D).

**SUPPLEMENTARY INFORMATION:** Employee Retirement Income Security Act of 1974 (ERISA) section 101(f) sets forth the requirements for plan administrators of most single-employer defined benefit (DB) plans to furnish annual funding notices to the Pension Benefit Guarantee Corporation, plan participants and beneficiaries, and each labor organization representing such participants or beneficiaries. The Moving Ahead for Progress in the 21st Century Act (MAP–21) has amended the ERISA, by adding a requirement for a single-employer DB plan administrator to disclose additional information in the annual funding notice for a plan year beginning after December 31, 2011, and before January 1, 2015, regarding the effect of MAP–21 segment rate stabilization rules on plan liabilities and the plan sponsor's minimum required contributions to the plan. The MAP–21 sets a floor (or ceiling) for the interest rates that a single employer DB plan administrator generally is required to use for calculating contributions. The required interest rates are generally limited to rates that are within a specified range, or corridor, above or below a 25-year average for the rates. The MAP–21 also required the DOL to modify the model annual funding notice required under Pension Protection Act of 2006 section 501(c) to include, prominently, the supplemental information required under new ERISA section 101(f)(2)(D).

On March 8, 2013, the DOL released EBSA Field Assistance Bulletin (FAB) 2013–01 concerning the new disclosure requirements mandated by MAP–21 provisions. The FAB addresses a need for interim guidance pending the adoption of regulations or other guidance under ERISA section 101(f), as amended by the MAP–21. The FAB sets forth technical questions and answers and provides a model supplement that plan administrators may use to discharge their MAP–21 disclosure obligations and provides that, pending further guidance and as a matter of enforcement policy, the DOL will treat a single employer DB plan administrator as satisfying MAP–21 requirements if the plan administrator complies with the guidance in the memorandum and otherwise acts in accordance with a good faith and reasonable interpretation of those requirements.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by the OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. *See* 5 CFR 1320.5(a) and 1320.6. The DOL obtains OMB approval for this information collection under Control Number 1210–0126.

The current approval for this collection is scheduled to expire on December 31, 2013. The DOL seeks to extend PRA authorization for this information collection for three (3) more years, without any change to existing requirements. The DOL notes that existing information collection requirements submitted to the OMB receive a month-to-month extension while they undergo review. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on August 15, 2013 (78 FR 49771).

Interested parties are encouraged to send comments to the OMB, Office of Information and Regulatory Affairs at the address shown in the **ADDRESSES** section within 30 days of publication of this notice in the **Federal Register**. In order to help ensure appropriate consideration, comments should mention OMB Control Number 1210–0126. The OMB is particularly interested in comments that:

- 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;
- 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;
- Enhance the quality, utility, and clarity of the information to be collected; and
- 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.

*Agency:* DOL–EBSA.

*Title of Collection:* Annual Funding Notice for Defined Benefit Pension Plans.

*OMB Control Number:* 1210–0126.

*Affected Public:* Private Sector—businesses or other for-profits and not-for-profit institutions.

*Total Estimated Number of Respondents:* 27,534.

*Total Estimated Number of Responses:* 77,989,123.

*Total Estimated Annual Burden Hours:* 977,000.

*Total Estimated Annual Other Costs Burden:* $26,845,755.

Dated: November 18, 2013.

**Michel Smyth,**

*Departmental Clearance Officer.*

[FR Doc. 2013–28045 Filed 11–21–13; 8:45 am]

**BILLING CODE 4510–29–P**

## LEGAL SERVICES CORPORATION

### Notice of Funding Availability for Disaster Relief Emergency Grant Funds; Request for Applications

**AGENCY:** Legal Services Corporation.

**ACTION:** Notice.

**SUMMARY:** The Legal Services Corporation (LSC) is the national organization charged with administering federal funds provided for civil legal services to low-income Americans.

This Request for Applications (RFA) announces the availability of LSC's disaster relief emergency grant funds and solicits grant applications from current LSC recipients located in a federally-declared disaster area seeking financial assistance to mitigate damage sustained and who have experienced a surge in demand for legal services as the result of a federally-declared disaster.

**DATES:** The RFA will be made available beginning on November 19, 2013. RFAs will be accepted on a rolling basis.

**ADDRESSES:** Office of Program Performance, Legal Services Corporation, 3333 K Street NW., Third Floor, Washington, DC 20007–3522.

**FOR FURTHER INFORMATION CONTACT:** John Eidleman, Office of Program Performance, by email at *disasteremergency@lsc.gov,* by phone at (202) 295–1500, or visit the LSC grants Web site at *www.grants.lsc.gov*.

**SUPPLEMENTARY INFORMATION:** On occasion, LSC makes available special funding to help meet the emergency needs of programs in disaster areas. *See http://grants.lsc.gov/apply-for-funding/other-types-funding/disaster-grants.* When funding is available, only current LSC recipients in federally-declared disaster areas, as identified by the Federal Emergency Management Agency (FEMA), are eligible to apply for such emergency funds. Information on federally-declared disaster areas is available at *http://www.fema.gov/disasters.*

The application guidelines are available at *www.grants.lsc.gov.*

Dated: November 19, 2013.

**Atitaya C. Rok,**

*Staff Attorney.*

[FR Doc. 2013–28068 Filed 11–21–13; 8:45 am]

**BILLING CODE 7050–01–P**

## MILITARY COMPENSATION AND RETIREMENT MODERNIZATION COMMISSION

### Meeting of the Military Compensation and Retirement Modernization Commission

**AGENCY:** Military Compensation and Retirement Modernization Commission.

**ACTION:** Notice of public meetings.

**SUMMARY:** The Military Compensation and Retirement Modernization Commission (MCRMC) was established by the National Defense Authorization Act FY 2013. Pursuant to the Act, the Commission is holding public hearings on the mission of the agency.

**DATES:** The hearings will be held Monday, December 2, 2013 and Tuesday, December 3, 2013.

**ADDRESSES:** The hearings will be held at locations to be determined in the Hampton Roads metro area.

**FOR FURTHER INFORMATION CONTACT:** Christopher Nuneviller, Associate Director, Military Compensation and Retirement Modernization Commission, P.O. Box 13170, Arlington, VA 22209, telephone 703–692–2080, fax 703–697–8330, email *christopher.nuneviller@mcrmc.gov.*

**SUPPLEMENTARY INFORMATION:** The Military Compensation and Retirement Modernization Commission (MCRMC) was established by the National Defense Authorization Act FY 2013, Public Law 112–239, 126 Stat. 1787 (2013). The Commission will conduct public hearings across the United States and on select military installations internationally in order to solicit comments on the modernization of the military compensation and retirement systems. The Commission seeks the views of service members, retirees, their beneficiaries and other interested parties regarding pay, retirement, health benefits and quality of life programs of the Uniformed Services. The Commission will hear from senior commanders of local military commands and their senior enlisted advisors, unit commanders and their family support groups, local medical and education community representatives, and dining facilities, grocery and other quality of life organizations. These meetings sites will be accessible to members of the general public including individuals with disabilities.

**Agenda**

*Date:* Monday, December 2, 2013.

*Time:* Panel and Participants.

12:30 p.m., Local Commanders

7:00 p.m., Town Hall

*Date:* Tuesday, December 3, 2013.

9:00 a.m., Local Unit Commanders

12:30 p.m., Medical Services

3:00 p.m., Quality of Life Matters

The Panel Testimony heard on both Monday, December 2nd and Tuesday, December 3rd will consist of:

a. Brief opening remarks by the Chairman and one or more of the Commissioners,

b. brief opening remarks by each panelist, and

c. a series of questions posed by the Chairman and Commissioners to the panelists.

The Chairman and Commissioners will pose questions to the attendees of the Town Hall the evening of Monday, December 3rd. Attendees will then be given an opportunity to address the Chairman and Commissioners and relay to them their experience and comments.

Due to the deliberative, nascent and formative nature of the Commission's work at this very early stage, the Commissioners are unable to discuss their thoughts, plans or intentions for specific recommendations that will ultimately be made to the President and Congress.

Each public hearing will be transcribed and placed on the Commission's Web site. In addition to public hearings, and due to the essential need for input from the beneficiaries, the Commission is accepting and strongly encourages comments and other submissions on its Web site (*www.mcrmc.gov*).

**Christopher Nuneviller,**

*Associate Director, Administration and Operations.*

[FR Doc. 2013–27985 Filed 11–21–13; 8:45 am]

**BILLING CODE P**

## NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

**[Notice 13–132]**

### Notice of Intent To Grant Exclusive License

**AGENCY:** National Aeronautics and Space Administration.

**ACTION:** Notice of intent to grant exclusive license.

**SUMMARY:** This notice is issued in accordance with 35 U.S.C. 209(e) and 37 CFR 404.7(a)(1)(i). NASA hereby gives notice of its intent to grant an exclusive license in the United States to practice the invention described and claimed in U.S. Patent No. 8,357,884 entitled System of Extraction of Volatiles From Soil Using Microwave Processes, to Space Resources Extraction Technology, Inc., having its principal place of business in Huntsville, Alabama. The patent rights in these inventions as applicable have been assigned to the United States of America as represented by the Administrator of the National Aeronautics and Space Administration. The prospective partially exclusive license will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7.

**DATES:** The prospective exclusive license may be granted unless, within fifteen (15) days from the date of this published notice, NASA receives written objections including evidence and argument that establish that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7. Competing applications completed and received by NASA within fifteen (15) days of the date of this published notice will also be treated as objections to the grant of the contemplated exclusive license.

Objections submitted in response to this notice will not be made available to the public for inspection and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

**ADDRESSES:** Objections relating to the prospective license may be submitted to Mr. James J. McGroary, Chief Patent Counsel/LS01, Marshall Space Flight

Center, Huntsville, AL 35812, (256) 544–0013.

**FOR FURTHER INFORMATION CONTACT:** Mr. Sammy A. Nabors, Technology Transfer Office/ZP30, Marshall Space Flight Center, Huntsville, AL 35812, (256) 544–5226. Information about other NASA inventions available for licensing can be found online at *http://technology.nasa.gov*.

**Sumara M. Thompson-King,**

*Deputy General Counsel.*

[FR Doc. 2013–28011 Filed 11–21–13; 8:45 am]

**BILLING CODE 7510–13–P**

## NATIONAL CREDIT UNION ADMINISTRATION

### Agency Information Collection Activities: Amended Submission to OMB for Reinstatement, With Change, of a Previously Approved Collection

**AGENCY:** National Credit Union Administration (NCUA).

**ACTION:** Technical correction.

**SUMMARY:** NCUA is publishing this technical correction to correct an inadvertent burden calculation which appeared in prior notices published in the **Federal Register** and was also submitted to OMB for its Truth in Savings Act (TISA) information collection (OMB control number 3133–0134). The initial burden estimate is being reduced as described in question 12 of the TISA Supporting Statement, which also reduces the estimated annual burden hours. The erroneous calculation listed the estimated total annual burden hours at 43,456,180,359 hours. The amended submission, which contains the corrected burden hours, lists 9,899,116 estimated total annual burden hours (which combines the *one-time annual burden* of 2,759,929 hours and the *continuing annual burden* of 7,139,187 hours). NCUA calculated the burden hours using total estimated number of credit union members nationwide. This notice is published to notify the public of the correct burden calculations and to inform the public that, on November 7, 2013, NCUA amended its original submission to OMB with the corrected burden calculations shown in this notice below. Amended changes will be reflected at *www.reginfo.gov* after the collection has concluded the approval process.

12. *Burden estimate:* [1]

The estimated number of respondents includes the total number of credit unions based on the NCUA year-end call report data for 2012. The Credit Union National Association, a national trade association, contributed to information regarding privately-insured credit unions. The analysis assumes that all credit unions will collect the TISA information and, therefore, be subject to this rule.

Number of credit unions: 6,859.

Federal credit unions: 4,211.

State chartered, federally-insured credit unions: 2,507.

State chartered, privately-insured credit unions: 141.

Number of credit unions with assets under $10 million: 2,339.

| | Responses subject to requirement | Estimated time per response | Annual reporting burden (hours) |
|---|---|---|---|
| **One-time burden** [2] | | | |
| Notice to existing accountholders [3] | 95,032,999 | 1.5 minutes | 2,375,825 |
| Initial training and education of staff [4] | 13,718 | 16 hours | 219,488 |
| System updates [5] | 6,859 | 8 hours | 54,872 |
| Advertising updates [6] | 6,859 | 16 hours | 109,744 |
| One-Time Annual Burden | | | 2,759,929 |
| **Continuing Annual Burden** | | | |
| New account/requested disclosures [7] | 1,988,244 | 5 minutes | 165,687 |
| Term account renewal notices [8] | 7,112,023 | 1 minute | 118,534 |
| Change-in-term notices [9] | 23,758,250 | 1 minute | 395,971 |
| Periodic Statements [10] | 380,131,996 | 1 minute | 6,335,533 |
| Advertising [11] | 6,859 | 10 hours | 68,590 |
| Continuing Training [12] | 13,718 | 4 hours | 54,872 |
| Continuing Annual Burden | | | 7,139,187 |

[1] In the absence of supplementary information in determining the reporting burden for credit unions, NCUA has adopted the same estimated time per response as the Federal Reserve System. The supporting information associated with Regulation DD (OMB Control No: 7100–0271) is published at 76 FR 29242 (May 20, 2011).

[2] The one-time burden would only apply to a newly chartered credit union. Pre-existing credit unions will only have a continuing annual compliance burden.

[3] The one-time burden was estimated using the estimated total number of credit union members, 95,032,999 million as of December 31, 2012.

[4] This estimate is based on the assumption that at least 2 employees, a manager and teller, would be trained for every credit union. It is also estimated that training will require an average of 16 hours.

[5] Many credit unions use automated technology, i.e. computer software, to aid in their compliance with TISA and the regulations. NCUA estimates that credit unions will need approximately one business day, eight hours, for necessary system maintenance.

[6] Credit unions must monitor their advertising materials to ensure compliance with TISA and Part 707. NCUA estimates it takes two business days, 16 hours, for these compliance reviews.

[7] This estimate is based on the difference between the total number of accounts at year-end 2011 and 2012. The difference is an estimate of the total number of new accounts.

[8] The total number of term share accounts, share certificates, was broken out by the dollar amount proportions of various maturing categories of certificates. Information on the dollar amounts placed in certificates with maturities less than one year, one to three years, and greater than three years is available. The ratio of each dollar volume category was applied to the total number of term share accounts in the less than one year category were assumed to have an annual disclosure requirement. One-half of the number of term share accounts in the one to three year category was assumed to have an annual disclosure requirement. Twenty percent of certificates in the over three years category were assumed to have an annual disclosure requirement.

Continued

By the National Credit Union Administration Board on November 18, 2013.

**Gerard Poliquin,**

*Secretary of the Board.*

[FR Doc. 2013–28038 Filed 11–21–13; 8:45 am]

**BILLING CODE 7535–01–P**

## NATIONAL SCIENCE FOUNDATION

### Agency Information Collection Activities: Comment Request

**AGENCY:** National Science Foundation.

**ACTION:** Submission for OMB Review; Comment Request.

**SUMMARY:** The National Science Foundation (NSF) has submitted the following information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. This is the second notice for public comment; the first was published in the **Federal Register** at 78 FR 57903. NSF is forwarding the proposed renewal submission to the Office of Management and Budget (OMB) for clearance simultaneously with the publication of this second notice. The full submission may be found at: *http://www.reginfo.gov/public/do/PRAMain.*

*Comments:* Comments regarding (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility and clarity of the information to be collected; or (d) ways to 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 should be addressed to: Office of Information and Regulatory Affairs of OMB, Attention: Desk Officer for National Science Foundation, 725—17th Street NW., Room 10235, Washington, DC 20503, and to Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 4201 Wilson Boulevard, Suite 1265, Arlington, Virginia 22230 or send email to *splimpto@nsf.gov*. Comments regarding these information collections are best assured of having their full effect if received within 30 days of this notification. Copies of the submission(s) may be obtained by calling 703–292–7556.

**FOR FURTHER INFORMATION CONTACT:** Suzanne H. Plimpton at (703) 292–7556 or send email to *splimpto@nsf.gov*. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including federal holidays).

NSF may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

**SUPPLEMENTARY INFORMATION:**

*Title of Collection:* Grantee Reporting Requirements for the Industry University Cooperative Research Centers Program (I/UCRC).

*OMB Number:* 3145–0088.

*Type of Request:* Intent to seek approval to renew an information collection.

**Abstract**

*Proposed Project*

The Industry/University Cooperative Research Centers (I/UCRC) Program was initiated in 1973 to develop long-term partnerships among industry, academe and government. The National Science Foundation invests in these partnerships to promote research programs of mutual interest, contribute to the Nation's research infrastructure base and enhance the intellectual capacity of the engineering or science workforce through the integration of research and education. As appropriate, NSF encourages international collaborations that advance these goals within the global context.

The I/UCRC program seeks to achieve this by:

1. Contributing to the nation's research enterprise by developing long-term partnerships among industry, academe, and government;

2. Leveraging NSF funds with industry to support graduate students performing industrially relevant research;

3. Expanding the innovation capacity of our nation's competitive workforce through partnerships between industries and universities; and

4. Encouraging the nation's research enterprise to remain competitive through active engagement with academic and industrial leaders throughout the world.

The centers are catalyzed by a small investment from NSF and they are primarily supported by other private and public sector center members, with NSF taking a supporting role in the development and evolution of the I/UCRC. The I/UCRC program initially offers five-year Phase I) continuing awards. This five-year period of support allows for the development of a strong partnership between the academic researchers and their industrial and government members. After five years, centers that continue to meet the I/UCRC program requirements may request support for a second five-year (Phase II) period. These awards allow centers to continue to grow and diversify their non-NSF memberships during their Phase II period. After ten years, a Phase III award provides a third five-year award for centers that demonstrate their viability, sustainability, and which have had a significant impact on industry research as measured through annual reports, site visits, and adherence to I/UCRC requirements. Centers are expected to be fully supported by industry, other Federal agencies, and state and local government partners after fifteen-years as an I/UCRC.

Centers will be required to provide data to NSF and its authorized representatives (contractors or grantees). These data will be used for NSF internal reports, historical data, and for securing future funding for continued I/UCRC program maintenance and growth. Updates to the IUCRC database of performance indicators will be required annually. Centers will be responsible for submitting the following information after the award expires for their fiscal year of activity. The indicators are both quantitative and descriptive.

- Quantitative information from the most recently completed fiscal year such as:
  - Number and diversity of students, faculty, and industrial numbers

[9] Twenty-five percent of the total number of existing accountholders is assumed to require notification, on an annual basis, of a change-in-terms notice. The estimate is conservative and assumes very stable market interest rates for fixed-rate accounts.

[10] The figure for periodic statements was estimated by assuming that on average, members receive quarterly statements.

[11] While the burden of advertising is difficult to assess, NCUA believes that a minimum of 10 hours per credit union per year is a conservative estimate of the increased advertising compliance burden required due to the Truth in Savings rule.

[12] NCUA estimates that credit unions will need to perform continuous training for new employees and to refresh existing employees on TISA and Part 707. Based on an average of two employees per year per credit union, NCUA has used the four hours of training per employee that it applies to continuing NCUA examiner training as the estimated an annual burden for credit unions.

involved in the center
- Degrees granted to students involved in center activities
- Amounts and sources of income to the center, and
- Lists of patents, licenses, and publications created

- Operating budget and total funding:
  - Total funding
  - NSF I/UCRC funding received
  - Other NSF funding received
  - Additional support broken down by Industry, State, University, Other Federal, Non-Federal and other support
- Capital and in-kind support:
  - Equipment
  - Facilities
  - Personnel
  - Software
  - Other support
- Human resources:
  - Researchers (number of faculty scientists and engineers, number of non-faculty scientists and engineers)
  - Students (number of graduates, number of undergraduates)
  - Administration, number of full and part time professional and clerical staff
  - Information about broadening participation on the above with plans to increase broadening participation, if necessary
- Center director descriptors:
  - Position and rank of director
  - Status of tenure
  - Name and position of the person to whom the center director reports
  - Estimate of the percent of time the director devotes to center administration, other administration, research, teaching, other
- Center outcomes:
  - Students receiving degrees and type degree earned
  - Students hired by industry by type of degree
  - Publications
    - Number with center research
    - Number with Industrial Advisory Board Members
    - Number of presentations
- Intellectual property events:
  - Invention disclosures
  - Patent applications
  - Software copyrights
  - Patents granted and derived or both
  - Licensing agreements
  - Royalties realized

I/UCRCs will also include evaluation conducted by independent evaluators who cannot be from the department(s) with the institution(s) receiving funding for the I/UCRC award. The center evaluator will be responsible for:
- Preparing an annual report of center activities with respect to industrial collaboration
- Conducting a survey of all center participants to probe the participant satisfaction with center activities
- Compiling a set of quantitative indicators determined by NSF to analyze the management and operation of the center
- Participating in I/UCRC center and informational meetings
- Reporting to NSF on the center's status using a checklist provided by NSF to help determine if the center is adhering to the IUCRC policy and guidelines
- Bi-annual reporting to NSF
- Reporting to NSF within a month of each Industrial Advisory Board meeting on the top research highlights, technology transfer, patents, and major discoveries that demonstrate successful investments
- Performing exit interviews to determine why members chose to withdraw from the center
- Participating in continuous quality process improvement by providing information to the NSF I/UCRC program

*Use of the Information:* The data collected will be used for NSF internal reports, historical data, and for securing future funding for continued I/UCRC program maintenance and growth.

*Estimate of Burden:* 150 hours per center (192 sites) for sixty eight centers for a total of 10,200 hours.

*Respondents:* Industry, academic institutions; non-profit institutions; government.

*Estimated Number of Responses per Report:* One from each of the 192 sites.

Dated: November 19, 2013.

**Suzanne H. Plimpton,**

*Reports Clearance Officer, National Science Foundation.*

[FR Doc. 2013–28027 Filed 11–21–13; 8:45 am]

**BILLING CODE 7555–01–P**

## NATIONAL SCIENCE FOUNDATION

### Notice of Permit Applications Received Under the Antarctic Conservation Act of 1978 (Public Law 95–541)

**AGENCY:** National Science Foundation.

**ACTION:** Notice of Permit Applications 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 permit applications received 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 permit applications received.

**DATES:** Interested parties are invited to submit written data, comments, or views with respect to this permit application by December 23, 2013. This application 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:** Adrian Dahood, ACA Permit Officer, at the above address or *ACApermits@nsf.gov* or (703) 292–7149.

**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.

**Application Details**

*Permit Application: 2014–025*

1. *Applicant:* Paul Koch, Department of Earth and Planetary Science, University of California, Santa Cruz

**Activity for Which Permit Is Requested**

*Import to USA; The applicant seeks to collect small samples of fur, bone, and other tissue from mummified seals and penguins found in the McMurdo Dry valleys. Up to 75 mummified remains from each of four species (Weddell seal, leopard seal, southern elephant seal, crabeater seal) and up to 20 mummified Adélie penguin remains would be sampled. Based on previous studies, it is anticipated that all mummified remains will be several thousand years old. Samples would consist of small fragments and/or several hairs. Samples would be sent to the US for analyses including radio carbon dating, stable isotope analysis, and DNA extraction. Data would be used to reconstruct seal population dynamics, seal ecology, and oceanographic conditions.*

**Location**

*Mummified seal remains found exposed on the surface of the McMurdo*

*Dry Valleys ASMA 2, specifically in the coastal region of the Royal Society Range.*

**Dates**

*Dates permit valid* December 20, 2013 to May 20, 2013.

**Nadene G. Kennedy,**

*Polar Coordination Specialist, Division of Polar Programs.*

[FR Doc. 2013–28029 Filed 11–21–13; 8:45 am]

**BILLING CODE 7555–01–P**

## NATIONAL SCIENCE FOUNDATION

### Large Scale Networking (LSN)—Middleware and Grid Interagency Coordination (MAGIC) Team

**AGENCY:** The Networking and Information Technology Research and Development (NITRD) National Coordination Office (NCO). Reference the NITRD Web site at: *http://www.nitrd.gov/.*

**ACTION:** Notice of meetings.

*Contact:* Dr. Grant Miller at *miller@nitrd.gov* or (703) 292–4873.

*Date/Location:* The MAGIC Team meetings are held on the first Wednesday of each month, 2:00–4:00 p.m., at the National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Please note that public seating for these meetings is limited and is available on a first-come, first served basis. WebEx participation is available for each meeting. Please reference the MAGIC Team Web site for updates.

*Magic Web site:* The agendas, minutes, and other meeting materials and information can be found on the MAGIC Web site at: *http://www.nitrd.gov/nitrdgroups/index.php?title=Middleware_And_Grid_Interagency_Coordination_(MAGIC)#title.*

**SUMMARY:** The MAGIC Team, established in 2002, provides a forum for information sharing among Federal agencies and non-Federal participants with interests and responsibility for middleware, Grid, and cloud projects. The MAGIC Team reports to the Large Scale Networking (LSN) Coordinating Group (CG).

*Public Comments:* The government seeks individual input; attendees/participants may provide individual advice only. Members of the public are welcome to submit their comments to *magic-comments@nitrd.gov.* Please note that under the provisions of the Federal Advisory Committee Act (FACA), all public comments and/or presentations will be treated as public documents and will be made available to the public via the MAGIC Team Web site.

Submitted by the National Science Foundation in support of the Networking and Information Technology Research and Development (NITRD) National Coordination Office (NCO) on November 19, 2013.

**Suzanne H. Plimpton,**

*Reports Clearance Officer, National Science Foundation.*

[FR Doc. 2013–28073 Filed 11–21–13; 8:45 am]

**BILLING CODE 7555–01–P**

## NATIONAL SCIENCE FOUNDATION

### Large Scale Networking (LSN)—Joint Engineering Team (JET)

**AGENCY:** The Networking and Information Technology Research and Development (NITRD) National Coordination Office (NCO), NSF. Reference the NITRD Web site at: *http://www.nitrd.gov/.*

**ACTION:** Notice of meetings.

*Contact:* Dr. Grant Miller at *miller@nitrd.gov* or (703) 292–4873.

*Date/Location:* The JET meetings are held on the third Tuesday of each month, 11:00 a.m.–2:00 p.m., at the National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Please note that public seating for these meetings is limited and is available on a first-come, first served basis. WebEx participation is available for each meeting. Please reference the JET Web site for updates.

*Jet Web site:* The agendas, minutes, and other meeting materials and information can be found on the JET Web site at: *http://www.nitrd.gov/nitrdgroups/index.php?title=Joint_Engineering_Team_(JET)#title.*

**SUMMARY:** The JET, established in 1997, provides for information sharing among Federal agencies and non-Federal participants with interest in high performance research networking and networking to support science applications. The JET reports to the Large Scale Networking (LSN) Coordinating Group (CG).

*Public Comments:* The government seeks individual input; attendees/participants may provide individual advice only. Members of the public are welcome to submit their comments to *jet-comments@nitrd.gov.* Please note that under the provisions of the Federal Advisory Committee Act (FACA), all public comments and/or presentations will be treated as public documents and will be made available to the public via the JET Web site.

Submitted by the National Science Foundation in support of the Networking and Information Technology Research and Development (NITRD) National Coordination Office (NCO) on November 19, 2013.

**Suzanne H. Plimpton,**

*Reports Clearance Officer, National Science Foundation.*

[FR Doc. 2013–28072 Filed 11–21–13; 8:45 am]

**BILLING CODE 7555–01–P**

## NUCLEAR REGULATORY COMMISSION

**[NRC–2013–0068]**

### Aging Management of Internal Surfaces, Fire Water Systems, Atmospheric Storage Tanks, and Corrosion Under Insulation

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Interim staff guidance; issuance.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) is issuing the final License Renewal Interim Staff Guidance (LR–ISG), LR–ISG–2012–02, ''Aging Management of Internal Surfaces, Fire Water Systems, Atmospheric Storage Tanks, and Corrosion Under Insulation.'' This LR–ISG provides changes to NRC staff-recommended aging management programs (AMPs), aging management review (AMR) items, and definitions in NUREG–1801, Revision 2, ''Generic Aging Lessons Learned (GALL) Report,'' and the NRC staff's AMP Final Safety Analysis Report Supplement program descriptions, acceptance criteria for AMR items requiring further review, review procedure for AMR items requiring further review, and AMR items contained in NUREG–1800, Revision 2, ''Standard Review Plan for Review of License Renewal Applications for Nuclear Power Plants'' (SRP–LR). These changes address new recommendations related to internal surface aging effects, fire water systems, atmospheric storage tanks, and corrosion under insulation.

**ADDRESSES:** Please refer to Docket ID NRC–2013–0068 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–2013–0068. 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 NRC published Revision 2 of the SRP–LR and the GALL Report in December 2010, and they are available in ADAMS under Accession Nos. ML103490041 and ML103490036, respectively.

• 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.

• NRC's Interim Staff Guidance Web site: LR–ISG documents are also available online under the ''License Renewal'' heading at *http://www.nrc.gov/reading-rm/doc-collections/isg/.*

**FOR FURTHER INFORMATION CONTACT:** Mr. William Holston, Division of License Renewal, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–8573; email: *William.Holston@nrc.gov.*

**SUPPLEMENTARY INFORMATION:**

## Background

The NRC issues LR–ISGs to communicate insights and lessons learned and to address emergent issues not covered in license renewal guidance documents, such as the GALL Report and SRP–LR. In this way, the NRC staff and stakeholders may use the guidance in an LR–ISG document before it is incorporated into a formal license renewal guidance document revision. The NRC staff issues LR–ISGs in accordance with the LR–ISG Process, Revision 2 (ADAMS Accession No. ML100920158), for which a notice of availability was published in the **Federal Register** on June 22, 2010 (75 FR 35510).

The NRC staff has developed LR–ISG–2012–02 to address: (a) Recurring internal corrosion, (b) a representative minimum sample size for periodic inspections in the GALL Report AMP XI.M38, ''Inspection of Internal Surfaces in Miscellaneous Piping and Ducting Components,'' (c) flow blockage of water-based fire protection system piping, (d) revisions to the scope and inspection recommendations of the GALL Report AMP XI.M29, ''Aboveground Metallic Tanks,'' (e) corrosion under insulation, (f) external volumetric examination of internal piping surfaces of underground piping, (g) specific guidance for use of the pressurization option for inspecting elastomers in the GALL Report AMP XI.M38, and (h) key miscellaneous changes to the GALL Report and SRP–LR.

On April 12, 2013, (78 FR 21980) the NRC requested public comments on draft LR–ISG–2012–02 (ADAMS Accession No. ML12291A920). On May 23, 2013, the NRC conducted a public meeting to discuss draft LR–ISG–2012–02. A meeting summary was published on June 20, 2013 (ADAMS Accession No. ML13149A401).

The NRC received comments from the Nuclear Energy Institute by letter dated June 14, 2013 (ADAMS Accession No. ML13168A397). No other comments were submitted. The NRC considered these comments in developing the final LR–ISG. Detailed responses to the comments can be found in Appendix I of the final LR–ISG.

The final LR–ISG–2012–02 is approved for NRC staff and stakeholder use and will be incorporated into NRC's next formal license renewal guidance document revision.

## Backfitting and Issue Finality

Issuance of this final LR–ISG does not constitute backfitting as defined in 10 CFR 50.109 (the Backfit Rule) and is not otherwise inconsistent with the issue finality provisions in 10 CFR part 52, ''Licenses, Certifications, and Approvals for Nuclear Power Plants.'' As discussed in the ''Backfitting Discussion'' section of the final LR–ISG–2012–02, the LR–ISG is directed to holders of operating licenses or combined licenses who are currently in the license renewal process. The LR–ISG is not directed to holders of operating licenses or combined licenses until they apply for license renewal. The LR–ISG is also not directed to licensees who already hold renewed operating or combined licenses.

Dated at Rockville, Maryland, this 14th day of November, 2013.

For the Nuclear Regulatory Commission.

**Melanie A. Galloway,**

*Deputy Director, Division of License Renewal, Office of Nuclear Reactor Regulation.*

[FR Doc. 2013–28069 Filed 11–21–13; 8:45 am]

**BILLING CODE 7590–01–P**

## NUCLEAR REGULATORY COMMISSION

**[Docket No. 40–09083; NRC–2009–0352]**

## Issuance of Materials License for U.S. Army Installation Management Command

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of issuance of materials license.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) has issued a license to the U.S. Army, Installation Management Command, for possession of depleted uranium (DU) from the Davy Crockett weapon spotting round at the U.S. Army's Schofield Barracks and Pohakuloa Training Area installations in Hawaii. The Army informed the NRC in November 2006 that it had discovered DU fragments at the Schofield Barracks. Following that discovery, the Army determined that the Davy Crockett system had been used at other Army installations. The Army has a sufficient amount of DU that, under the Atomic Energy Act and NRC regulations, it is required to have a radioactive materials license. The Army submitted a license application in November 2008 for the DU at the Hawaiian sites. In the future, the Army will request amendments the license to address Davy Crockett DU at the other sites.

**ADDRESSES:** Please refer to Docket ID NRC–2009–0352 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–2009–0352. 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. In addition, for the convenience of the reader, the ADAMS accession numbers are provided in the section of this document entitled, **SUPPLEMENTARY INFORMATION.**

• *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:** Dominick Orlando, Office of Federal and State Materials and Environmental Management Programs, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001, telephone: 301–415–6749, email: *Dominick.Orlando@nrc.gov*.

**SUPPLEMENTARY INFORMATION:** The NRC has issued a license to the U.S. Army, Installation Management Command for possession of depleted uranium from the Davy Crockett weapon spotting round at the U.S. Army's Schofield Barracks and Pohakuloa Training Area installations in Hawaii. Materials License SUC–1593 authorizes possession only of existing depleted uranium from the Davy Crockett weapon and does not allow the U.S. Army to use the depleted uranium for other purposes or add to the existing depleted uranium inventory on the installations. The Army will also be required to conduct its operations in accordance with the conditions listed in Materials License SUC–1593.

This notice also serves as the record of decision for the NRC's decision to approve the U.S. Army, Installation Management Command's license application for the Schofield Barracks and Pohakuloa Training Area and issue Materials License SUC–1593.

The NRC considers the entire publicly available record for a license application to constitute the agency's record of decision. Documents related to the application carry NRC docket ID NRC–2009–0352. These documents for the U.S. Army, Installation Management Command license include the license application (ML090070095), the Safety Evaluation Report (SER) (ML13259A081), and the license (ML13259A062). Note that a complete listing of documents associated with the NRC staff's review of the Army's license application is included in the SER.

The U.S. Army, Installation Management Command's request for a materials license was previously noticed in the **Federal Register** on August 13, 2009 (74 FR 40855), with a notice of an opportunity to request a hearing. On October 26, 2009, NRC staff received both comments on the license application and a request for a hearing. On November 24, 2009, an Atomic Safety and Licensing and Board (ASLBP) was established to preside over the proceeding (74 FR 62830). On January 13, 2010, the ASLBP held oral arguments on standing and contention admissibility in Rockville, Maryland, with the petitioners participating by videoconference from the Hilo Campus of the University of Hawaii on the island of Hawaii. On February 24, 2010, the ASLB denied the request (ML100550704), and the ASLB's decision was appealed by one of the individuals to the Commission (ML100640665). On August 12, 2010, the Commission affirmed the ALSB's decision (ML102240165).

In accordance with 10 CFR 2.390 of the NRC's ''Rules of Practice and Procedure,'' the details with respect to this action, including the SER and accompanying documentation and license, are available electronically at the NRC's Electronic Reading Room at *http://www.nrc.gov/reading-rm/adams.html.* From this site, you can access ADAMS, which provides text and image files of the NRC's public documents.

Dated at Rockville, Maryland, this 12th day of November, 2013.

For the Nuclear Regulatory Commission.

**Andrew Persinko,**

*Deputy Director, Decommissioning and Uranium Licensing Directorate, Division of Waste Management and Environmental Protection, Office of Federal and State Materials and Environmental Management Programs.*

[FR Doc. 2013–28058 Filed 11–21–13; 8:45 am]

**BILLING CODE 7590–01–P**

## NUCLEAR REGULATORY COMMISSION

### Advisory Committee on Reactor Safeguards; Notice of Meeting

In accordance with the purposes of Sections 29 and 182b of the Atomic Energy Act (42 U.S.C. 2039, 2232b), the Advisory Committee on Reactor Safeguards (ACRS) will hold a meeting on December 4–7, 2013, 11545 Rockville Pike, Rockville, Maryland.

**Wednesday, December 4, 2013, Conference Room T2–B1, 11545 Rockville Pike, Rockville, Maryland**

*1:30 p.m.–1:35 p.m.: Opening Remarks by the ACRS Chairman* (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

*1:35 p.m.–3:30 p.m.: Japan Lessons Learned Tier 3 Issue: Expedited Transfer of Spent Fuel to Dry Cask Storage* (Open)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff regarding the Japan Lessons Learned Tier 3 issue of expedited transfer of spent fuel to dry cask storage.

*3:45 p.m.–4:45 p.m.: Draft Report on the Biennial ACRS Review of the NRC Safety Research Program* (Open)—The Committee will continue its discussion of the draft report on the biennial ACRS review of the NRC Safety Research Program.

*4:45 p.m.–6:00 p.m.: Preparation of ACRS Reports* (Open)—The Committee will discuss proposed ACRS reports on matters discussed during this meeting.

**Thursday, December 5, 2013, Conference Room T–2B1, 11545 Rockville Pike, Rockville, Maryland**

*8:30 a.m.–8:35 a.m.: Opening Remarks by the ACRS Chairman* (Open)—The ACRS Chairman will make opening remarks regarding the conduct of the meeting.

*8:35 a.m.–10:30 a.m.: Selected Chapters of the Safety Evaluation Report (SER) With Open Items Associated With the Calvert Cliffs, Unit 3, Combined License Application (COLA) Referencing the U.S. Evolutionary Power Reactor (EPR)* (Open/Closed)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff and UniStar regarding portions of Chapters 2, 3, 9, 13, and 14 of the SER with Open Items for the Calvert Cliffs, Units 3, COLA referencing the U.S. EPR design. [**Note:** A portion of this meeting may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C. 552b(c)(4).]

*10:45 a.m.–12:45 p.m.: Topical Report and Selected Chapters of the Safety Evaluation Reports (SERs) With Open Items Associated with the US Advanced Pressurized Water Reactor (US–APWR) Design Certification and the Comanche Peak Combined License Application (COLA)* (Open/Closed)—The Committee will hear presentations by and hold discussions with representatives of the NRC staff, Mitsubishi Heavy Industries, and Luminant Generation Company

regarding Topical Report MUAP–07001; Chapters 6 and 7 of the SER with Open Items associated with the US–APWR Design Certification; and Chapters 2, 6 and 7 of the SER with Open Items associated with the Comanche Peak COLA.

[**Note:** A portion of this session may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C 552b(c)(4)]

*1:45 p.m.–3:15 p.m.: Future ACRS Activities/Report of the Planning and Procedures Subcommittee* (Open/Closed)—The Committee will discuss the recommendations of the Planning and Procedures Subcommittee regarding items proposed for consideration by the Full Committee during future ACRS Meetings, and matters related to the conduct of ACRS business, including anticipated workload and member assignments. [**Note:** A portion of this meeting may be closed pursuant to 5 U.S.C. 552b (c) (2) and (6) to discuss organizational and personnel matters that relate solely to internal personnel rules and practices of ACRS, and information the release of which would constitute a clearly unwarranted invasion of personal privacy.]

*3:15 p.m.–3:30 p.m.: Reconciliation of ACRS Comments and Recommendations* (Open)—The Committee will discuss the responses from the NRC Executive Director for Operations to comments and recommendations included in recent ACRS reports and letters.

*3:45 p.m.–6:00 p.m.: Preparation of ACRS Reports* (Open/Closed)—The Committee will continue its discussion of proposed ACRS reports on matters discussed during this meeting. [**Note:** A portion of this session may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C 552b(c)(4).]

**Friday, December 6, 2013, Conference Room T–2B1, 11545 Rockville Pike, Rockville, Maryland**

*5:00 p.m.–6:00 p.m.: Preparation of ACRS Reports* (Open/Closed)—The Committee will continue its discussion of proposed ACRS reports on matters discussed during this meeting. [**Note:** A portion of this session may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C 552b(c)(4).]

**Saturday, December 7, 2013 Conference Room T2–B1, 11545 Rockville Pike, Rockville, Maryland**

*8:30 a.m.–11:30 a.m.: Preparation of ACRS Reports* (Open/Closed)—The Committee will continue its discussion of proposed ACRS reports. [**Note:** A portion of this session may be closed in order to discuss and protect information designated as proprietary, pursuant to 5 U.S.C 552b(c)(4).]

*11:30 a.m.–12:00 p.m.: Miscellaneous* (Open)—The Committee will continue its discussion of matters related to the conduct of Committee activities and specific issues that were not completed during previous meetings.

Procedures for the conduct of and participation in ACRS meetings were published in the **Federal Register** on November 8, 2013, (78 FR 67205–67206). In accordance with those procedures, oral or written views may be presented by members of the public, including representatives of the nuclear industry. Persons desiring to make oral statements should notify Quynh Nguyen, Cognizant ACRS Staff (Telephone: 301–415–5844, Email: *Quynh.Nguyen@nrc.gov*), five days before the meeting, if possible, so that appropriate arrangements can be made to allow necessary time during the meeting for such statements. In view of the possibility that the schedule for ACRS meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should check with the Cognizant ACRS staff if such rescheduling would result in major inconvenience.

Thirty-five hard copies of each presentation or handout should be provided 30 minutes before the meeting. In addition, one electronic copy of each presentation should be emailed to the Cognizant ACRS Staff one day before meeting. If an electronic copy cannot be provided within this timeframe, presenters should provide the Cognizant ACRS Staff with a CD containing each presentation at least 30 minutes before the meeting.

In accordance with Subsection 10(d) Public Law 92–463, and 5 U.S.C. 552b(c), certain portions of this meeting may be closed, as specifically noted above. Use of still, motion picture, and television cameras during the meeting may be limited to selected portions of the meeting as determined by the Chairman. Electronic recordings will be permitted only during the open portions of the meeting.

ACRS meeting agenda, meeting transcripts, and letter reports are available through the NRC Public Document Room at *pdr.resource@nrc.gov*, or by calling the PDR at 1–800–397–4209, or from the Publicly Available Records System (PARS) component of NRC's document system (ADAMS) which is accessible from the NRC Web site at *http://www.nrc.gov/reading-rm/adams.html* or *http://www.nrc.gov/reading-rm/doc-collections/ACRS/.*

Video teleconferencing service is available for observing open sessions of ACRS meetings. Those wishing to use this service should contact Mr. Theron Brown, ACRS Audio Visual Technician (301–415–8066), between 7:30 a.m. and 3:45 p.m. (ET), at least 10 days before the meeting to ensure the availability of this service. Individuals or organizations requesting this service will be responsible for telephone line charges and for providing the equipment and facilities that they use to establish the video teleconferencing link. The availability of video teleconferencing services is not guaranteed.

Dated: November 18, 2013.

**Andrew L. Bates,**

*Advisory Committee Management Officer.*

[FR Doc. 2013–28057 Filed 11–21–13; 8:45 am]

**BILLING CODE 7590–01–P**

## NUCLEAR REGULATORY COMMISSION

**[NRC–2013–0255]**

## Appointments to Performance Review Boards for Senior Executive Service

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Appointment to Performance Review Boards for Senior Executive Service.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) has announced the following appointments to the NRC Performance Review Boards.

The following individuals are appointed as members of the NRC Performance Review Board (PRB) responsible for making recommendations to the appointing and awarding authorities on performance appraisal ratings and performance awards for Senior Executives and Senior Level employees:

Mark A. Satorius, Executive Director for Operations
Margaret M. Doane, General Counsel
Darren B. Ash, Deputy Executive Director for Corporate Management, Office of the Executive Director for Operations
Cynthia A. Carpenter, Director, Office of Administration
James E. Dyer, Chief Financial Officer
Catherine Haney, Director, Office of Nuclear Material Safety and Safeguards
Michael R. Johnson, Deputy Executive Director for Reactor and Preparedness

Programs, Office of the Executive Director for Operations
Victor M. McCree, Regional Administrator, Region II
Brian W. Sheron, Director, Office of Nuclear Regulatory Research
Glenn M. Tracy, Director, Office of New Reactors
Annette L. Vietti-Cook, Secretary of the Commission, Office of the Secretary
Michael F. Weber, Deputy Executive Director for Materials, Waste, Research, State, Tribal, and Compliance Programs, Office of the Executive Director for Operations

The following individuals will serve as members of the NRC PRB Panel that was established to review appraisals and make recommendations to the appointing and awarding authorities for NRC PRB members:

Eric J. Leeds, Director, Office of Nuclear Reactor Regulation
Marian L. Zobler, Deputy General Counsel
James T. Wiggins, Director, Office of Nuclear Security and Incident Response

All appointments are made pursuant to Section 4314 of Chapter 43 of Title 5 of the United States Code.

**DATES:** *Effective Date:* November 22, 2013.

**FOR FURTHER INFORMATION CONTACT:** Secretary, Executive Resources Board, U.S. Nuclear Regulatory Commission, Washington, DC 20555, (301) 287–0747.

Dated at Rockville, Maryland, this 14th day of November, 2013.

For the U.S. Nuclear Regulatory Commission.

**Miriam L. Cohen,**

*Secretary, Executive Resources Board.*

[FR Doc. 2013–28059 Filed 11–21–13; 8:45 am]

**BILLING CODE 7590–01–P**

## POSTAL REGULATORY COMMISSION

**[Docket No. R2013–10; Order No. 1842]**

### Market Dominant Price Adjustment

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission is noticing a recently-filed Postal Service notice announcing a proposal to adjust prices for market dominant products. The adjustments are scheduled to take effect January 26, 2014. This notice addresses procedural steps associated with this filing.

**DATES:** *Comment date:* October 16, 2013. The Commission's policy is to accept comments otherwise subject to a filing date that falls during a lapse in appropriations if they are submitted via Filing Online when operations resume. Contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section if additional information on the Commission's acceptance policy is needed.

**ADDRESSES:** Submit comments electronically by accessing the ''Filing Online'' link in the banner at the top of the Commission's Web site (*http://www.prc.gov*) or by directly accessing the Commission's Filing Online system at *https://www.prc.gov/prc-pages/filing-online/login.aspx.* Commenters who cannot submit their views electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section as the source for case-related information for advice on alternatives to electronic filing.

**FOR FURTHER INFORMATION CONTACT:** Stephen L. Sharfman, General Counsel, at 202–789–6820 (case-related information) or *DocketAdmins@prc.gov* (electronic filing assistance).

**SUPPLEMENTARY INFORMATION:** Order No. 1842 was issued September 27, 2013, and included a date for filing comments that occurred during the subsequent suspension of Commission operations. At the time the Commission suspended operations, it posted a notice on its Web site concerning its policy with respect to accepting comments subject to filing dates that occurred during the suspension. That policy allowed commenters to file their submissions upon resumption of Commission operations. The text of Order No. 1842 as issued on September 27, 2013, follows.

### Table of Contents

I. Overview
II. Promotions
III. Summary of Price Changes by Class of Mail
IV. Preferred Mail and Worksharing Discounts
V. MCS Changes
VI. Administrative Actions
VII. Ordering Paragraphs

### I. Overview

*A. Index-Based Price Changes for Market Dominant Classes of Mail*

On September 26, 2013, the Postal Service filed notice, pursuant to 39 U.S.C. 3622 and 39 CFR part 3010, of plans to adjust prices for its market dominant products.[1] The planned adjustments affect both domestic and international market dominant products and are scheduled to take effect January 26, 2014.[2] Concomitant with its filing, the Postal Service renewed its exigent rate request filed in Docket No. R2010–4R that would be added to the rates requested with this Notice.[3]

The Postal Service states that it has inflation-based price adjustment authority of 0.636 percent for Special Services and 1.696 percent for all other mail classes based on the Consumer Price Index for All Urban Consumers, U.S. All Items (the ''CUUR0000SA0'') series (CPI–U). Notice at 3.

The Postal Service also states that it has unused rate authority as indicated in the following table. *Id.*

TABLE 1—AVAILABLE UNUSED PRICE ADJUSTMENT AUTHORITY BY MAIL CLASS

| Market dominant class | Unused authority (%) |
|---|---|
| First-Class Mail | −0.544 |
| Standard Mail | −0.441 |
| Periodicals | −0.556 |
| Package Services | −0.555 |
| Special Services | 3.678 |

*Id.*

The Postal Service asserts that it is authorized to raise prices for each class by the percentages in the following table.

TABLE 2—PRICE ADJUSTMENT AUTHORITY BY CLASS

| Market dominant class | Price adjustment authority (%) |
|---|---|
| First-Class Mail | 1.696 |
| Standard Mail | 1.696 |
| Periodicals | 1.696 |
| Package Services | 1.696 |
| Special Services | 2.636 |

*Id.* at 4.

The following table presents the Postal Service's planned percentage price changes by class.

TABLE 3—2013 PRICE CHANGE PERCENTAGE BY MAIL CLASS

| Market dominant class | Price change (%) |
|---|---|
| First-Class Mail | 1.587 |
| Standard Mail | 1.609 |
| Periodicals | 1.569 |

[1] United States Postal Service Notice of Market-Dominant Price Adjustment, September 26, 2013 (Notice).

[2] The Postal Service represents that it is filing its Notice along with the *Renewed Exigent Request of the United States Postal Service in Response to Commission Order No. 1059* (Exigent Request).

[3] Docket No. R2010–4R, Renewed Exigent Request of the United States Postal Service in Response to Commission Order No. 1059, September 26, 2013.

TABLE 3—2013 PRICE CHANGE PERCENTAGE BY MAIL CLASS—Continued

| Market dominant class | Price change (%) |
|---|---|
| Package Services | 1.565 |
| Special Services | 2.500 |

*Id.* at 5.

Price adjustments for products within classes vary from the average, sometimes substantially. Interested persons are encouraged to review the Notice and workpapers for specific details.

*Unused authority after the proposed price change.* The following table identifies the unused price adjustment authority the Postal Service calculates as available following the proposed price change.

TABLE 4—UNUSED PRICING AUTHORITY AVAILABLE FOLLOWING DOCKET NO. R2013–1 PRICE CHANGES

| Class | Percentage points |
|---|---|
| First-Class Mail: | |
| R2013–1 | −0.544 |
| R2013–10 | 0.109 |
| Total | −0.435 |
| Standard Mail: | |
| R2013–1 | −0.441 |
| R2013–10 | 0.087 |
| Total | −0.354 |
| Periodicals: | |
| R2013–1 | −0.556 |
| R2013–10 | 0.127 |
| Total | −0.429 |
| Package Services: | |
| R2013–1 | −0.555 |
| R2013–10 | 0.131 |
| Total | −0.424 |
| Special Services: | |
| R2013–7 | 3.678 |
| R2013–10 | −1.864 |
| Total | 1.814 |

*Id.* at 6 (notes omitted).

*Classification changes.* The Notice identifies numerous classification changes. *See id.* at 56–57. The Postal Service has included all price and classification changes in a legislative markup of the Mail Classification Schedule. *Id.* Attachment A.

*B. The Postal Service's Filing*

The Notice includes an introductory section followed by four parts. There are four attachments to the Notice. The introductory section includes a certification, in accordance with rule 3010.14(a)(3), that the Postal Service will provide widespread notice of the planned adjustments prior to the planned implementation date. *Id.* at 1. It identifies Mr. Steve Monteith as the Postal Service official who will respond to queries from the Commission. *Id.* at 2.

Part I discusses compliance with the price cap. *Id.* at 2–6. Part II describes several temporary promotions that it is proposing as part of the filing. *Id.* at 6–11. Part III discusses Flats Sequencing System (FSS) pricing and prices by class in detail, including workshare discounts. It also addresses the consistency of prices with the objectives and factors of 39 U.S.C. 3622 and with sections 3626, 3627, and 3629. *Id.* at 11–56. Part IV describes Mail Classification Schedule (MCS) changes. *Id.* at 56–57.

Attachment A presents MCS changes in legislative format and new price schedules. Attachment B presents workshare discounts and related information. Attachment C presents the Postal Service's price cap calculation. The price cap calculation includes, in conformance with rule 3010.22(b), an adjustment to the moving average because less than 12 months have passed since the most recent price change. Attachment D presents the 2014 Mailing Promotions and Incentives Calendar. The Postal Service filed six sets of workpapers:

First-Class Mail Workpapers: USPS–LR–R2013–10/1

Standard Mail Workpapers: USPS–LR–R2013–10/2

Periodicals Workpapers: USPS–LR–R2013–10/3

Package Services Workpapers: USPS–LR–R2013–10/4

Special Services Workpapers: USPS–LR–R2013–10/5

First-Class Mail International Workpapers: USPS–LR–R2013–10/NP1

*Id.* at 4–5.

Each set of workpapers includes a preface with an explanation of its contents. *Id.* at 5. In addition, the preface for the first five workpapers provides an overview, a discussion of adjustments to the billing determinants for the four quarters ending FY 2013, quarter 3, and an explanation of revenue calculations. *Id.*

**II. Promotions**

Similar to the price adjustments proposed in Docket No. R2013–1, the Postal Service seeks approval of eight promotions and one incentive during calendar year 2014.[4] The following table identifies the promotions/incentive and timeframe.

TABLE 5—CALENDAR YEAR 2014 PROMOTION TIMEFRAME

| Promotion/incentive | Timeframe |
|---|---|
| High Density and Saturation Incentive Program | January–December 2014. |
| Branded Color Mobile Technology Promotion | February–March 2014. |
| EDDM Coupon Program | March–December 2014. |
| Premium Advertising Promotion | April–June 2014. |
| Earned Value Reply Mail Promotion | April–June 2014. |
| Mail and Digital Personalization Promotion | May–June 2014. |
| Emerging Technology Promotion: Featuring Near Field Communication | August–September 2014. |
| Color Print in First-Class Mail Transactions Promotion | August–December 2014. |
| Mail Drives Mobile Commerce Promotion | November–December 2014. |

*Id.* at 7–10.

The Postal Service states that it will only seek to preserve the additional cap price adjustment to address customers' concern about not having sufficient time to fully participate in the promotions. *Id.* at 7.

[4] The Postal Service states that it seeks approval for these promotions and price incentives in this

space approved in Docket No. R2013–1 [5] by continuing to offer similar mobile technology promotions and the Earned Value Reply Mail promotion in 2014. Accordingly, it represents that no changes in cap space are justified based on these promotions. *Id.* at 10–11.

## III. Summary of Price Changes by Class of Mail

### *A. FSS Pricing*

The Postal Service explains that it is taking three steps regarding FSS pricing. First, it plans to require FSS preparation for all flat-shaped mail pieces destinating in FSS zones. Second, it is proposing separate FSS pricing for presorted flat-shaped pieces in Standard Mail, Outside County Periodicals, and Bound Printed Matter Flats that destinate in FSS zones. These proposed prices are designed to minimize changes in postage for flats mailers. Third, it is proposing to introduce discounts for mail on FSS scheme pallets entered at the location of the destinating FSS machine (DFSS). *Id.* at 16.

### *B. First-Class Mail*

The following table identifies the Postal Service's planned percentage price changes for its First-Class Mail products.

TABLE 6—FIRST-CLASS MAIL PRICE CHANGES

| First-class mail product | Percent change (%) |
|---|---|
| Single-Piece Letters/Cards ... | 1.141 |
| Presort Letters/Cards ..... | 1.615 |
| Flats ..... | 1.267 |
| Parcels ..... | 6.335 |
| First-Class Mail International | 5.994 |
| Overall ..... | 1.587 |

*Id.* at 17.

*The First-Ounce First-Class Mail price.* The price of a stamp for the first-ounce of single-piece letter mail (including the Forever stamp), increases by one cent under the Postal Service's plan, from 46 cents to 47 cents. *Id.*

*Single-Piece Letters and Cards.* The overall increase of 1.141 percent for single-piece letters and cards reflects continuation of current prices for metered letters and single-piece cards, which is largely responsible for the average increase for single-piece mail being lower than the increase for presorted mail. *Id.* The proposed price increase will increase the per-piece price differential between letters and flats, and between letters and parcels. *Id.* at 18. The new proposed price differential between a single-piece letter and single-piece flats increases from 46 cents to 47 cents. The letter-parcel differential increases from $1.61 to $1.76. *Id.*

*Metered Mail.* In this docket, the Postal Service is introducing a new price for single-piece metered letters. The proposed metered mail category includes single-piece letters with postage affixed by meter, information-based indicia (IBI), permit imprint, or pre-cancelled stamps. Only pieces bearing non-cancelled stamps or postal validation imprint (PVI) indicia [6] would remain in the stamped mail category. *Id.* at 18. The stated purpose is to encourage the adoption of metered mail by small businesses. *Id.* at 19.

*Residual Single-Piece Letters.* In Docket No. R2013–1, the Postal Service introduced a new single-piece price for residual letters presented as part of a presort mailing. *Id.* at 20. In this docket, the Postal Service proposes a new single-piece price structure for residual letters as follows—residuals from uniform 1-ounce presort letter mailings will pay the 1-ounce metered rate of 46 cents; residuals from uniform 2-ounce presort letter mailings will pay the 2-ounce metered rate of 66 cents; and residuals from mixed mailings will pay the Residual rate of 48 cents. *Id.* at 21.

*Presort Letters/Postcards.* The Postal Service states that the overall increase for this product is slightly above the overall average for First-Class Mail. The unit price for the least presorted automation category increases by 1 cent while the other categories increase by 0.5 to 0.6 cents. The price increases for Mixed AADC, AADC, 3-Digit, and 5-Digit automation presort letters are 2.5 percent, 1.3 percent, 1.3 percent, and 1.7 percent, respectively. The Postal Service continues to price AADC and 3-Digit letters and cards at the same level, and the free second-ounce continues for all presort First-Class Mail letters (Non-automation and Automation). *Id.*

*Flats.* The overall increase for Flats is 1.267 percent. *Id.* at 22. Price changes within this product vary. *Id.*

*Parcels.* First-Class Mail Parcels receive a 6.335 percent increase, higher than the overall increase for First-Class Mail. *Id.* The Postal Service states that this above-average increase is expected to improve cost coverage for this product, which it considers low by First-Class Mail standards. *Id.*

*International.* Prices for Outbound Single-Piece First-Class Mail International (FCMI) increase by 2.192 percent, above the First-Class Mail average of 1.587 percent. *Id.* at 22. The Postal Service asserts that the increase is necessary to increase contribution and improve cost coverage for FCMI Flats. *Id.*

### *C. Standard Mail*

The following table presents the Postal Service's planned percentage price changes for Standard Mail products.

TABLE 7—STANDARD MAIL PRICE CHANGES

| Standard mail product | Percent change (%) |
|---|---|
| Letters ..... | 1.614 |
| Flats ..... | 1.809 |
| Parcels ..... | 1.820 |
| High Density and Saturation Letters ..... | 1.322 |
| High Density and Saturation Flats Parcels ..... | 1.412 |
| Carrier Route ..... | 1.666 |
| Every Door Direct Mail—Retail ..... | 5.000 |
| Overall ..... | 1.609 |

*Id.* at 24.

Flats receive an above-average price increase, pursuant to the three-year schedule of above-average CPI increases for Flats proposed by the Postal Service in the 2012 Annual Compliance Report. *Id.* at 24. The Postal Service is also proposing new FSS pricing for Flats, High Density flats, High Density plus flats, and Carrier Route flats. *Id.*

Standard Mail Parcels receive an above-average price increase to continue the Postal Service's previously announced plan to move the product toward full cost coverage while also recognizing that Standard Mail Parcels are underpriced in the marketplace. *Id.* at 25. The proposed prices for AADC and 3-Digit presort letters will continue to be equal in 2014 until the Postal Service is able to determine which preparation standard will be most consistent with the redesigned processing network. *Id.*

The Postal Service is continuing the Simple Samples initiative this year. *Id.* It is also reducing the price of Customized Market Mail and introducing new prices for Every Door Direct Mail—Commercial. It is increasing the price of Every Door Direct Mail Retail to 16.8 cents and retaining the current approved price of 2 cents for a picture permit indicia on Standard Mail. *Id.* at 26–27. It will moderately increase the price of Detached Address Labels (DAL).

[5] Nine million for First-Class Mail and Twenty-four million for Standard Mail.

[6] PVI includes payment indicia printed out by the Automated Postal Center (APC) equipment.

*D. Periodicals*

The following table presents the Postal Service's planned percentage price changes for the Periodicals class.

TABLE 8—PERIODICALS PRICE CHANGES

| Periodicals product | Percent change (%) |
|---|---|
| Outside County Periodicals .. | 1.563 |
| In-County Periodicals ..... | 1.705 |
| Overall ..... | 1.569 |

*Id.* at 28.

The Postal Service states that despite Periodicals' continued failure to cover costs, it recognizes the value of this class to the public. Accordingly, the proposed price change refines price relationships to encourage efficiency and containerization, while limiting the price increases for individual publications. It is also requiring FSS preparation for Periodicals in DFSS zones. The DFSS prices will be the same as the DCSF pound prices. It is introducing FSS prices at the bundle level, sack level, and pallet level at all entry points. To encourage FSS preparation and destination entry, there will be a price of zero for FSS pallets brought to a DFSS. *Id.*

*E. Package Services*

The following table presents the Postal Service's planned percentage price changes for the Package Services class.

TABLE 9—PACKAGE SERVICES PRICE CHANGES

| Package services product | Percent change (%) |
|---|---|
| Alaska Bypass Service ..... | 2.440 |
| Bound Printed Matter Flats .. | 0.314 |
| Bound Printed Matter Parcels ..... | 1.680 |
| Media Mail/Library Mail ..... | 2.061 |
| Inbound Surface Parcel Post* ..... | 2.152 |
| Overall ..... | 1.565 |

* Prices for Inbound Surface Parcel Post (at UPU rates) are determined by the Universal Postal Union and are not under the Postal Service's control. These prices are adjusted by the Postal Operations Council.

*Id.* at 30.

*F. Special Services*

The overall increase for Special Services is 2.500 percent. *Id.* at 32. The Postal Service states that for most of the products, fee increases were designed to be close to 2.509 percent, while maintaining consistency with historical rounding constraints (to simplify transactions for customers). *Id.* The following table, based on price changes identified in the body of the Notice, indicates the differing effects of the Postal Service's Special Services pricing decisions.

TABLE 10—SPECIAL SERVICES PRICE CHANGES

| Special services | Percent change (%) |
|---|---|
| Collect on Delivery ..... | 4.2 |
| Special Handling Prices ..... | 5.5 |
| Stamp Fulfillment Services | 0.0 |
| USPS Tracking (formerly Delivery Confirmation Service) ..... | 10.4 |
| Stamped Cards ..... | 0.0 |
| Address Management Services ..... | 12.5 |
| Credit Card Authentication | 0.0 |
| Customized Postage ..... | 3.175 |
| Money Order ..... | 0.017 |
| International Certificates of Mailing ..... | 5.48 |

*Id.* at 33–35.

## IV. Preferred Mail and Worksharing Discounts

*Preferred mail.* The Notice includes the Postal Service's explanation that it implemented section 3626 pricing requirements in the same manner as in the Docket No. R2013–1 price change, and notes the Commission concluded the Postal Service's interpretation of section 3626 is appropriate. *Id.* at 35. The Postal Service identifies each of the preferred products or components (In-County Periodicals, Nonprofit and Classroom Periodicals, Science of Agriculture Periodicals advertising pounds, Nonprofit Standard Mail, and Library Mail) and describes how the planned adjustments comport with applicable statutory factors. *Id.* at 35–37.

*Consistency with 39 U.S.C. 3627 and 3629.* The Notice observes that neither of these sections is implicated by the price change, as the Postal Service does not seek to alter free rates (section 3627) or change the eligibility requirements for nonprofit rates. *Id.* at 37.

*Workshare discounts.* The Notice includes the Postal Service's justification and explanation, in accordance with rules 3010.14(b)(5) and (6), for workshare discounts that exceed 100 percent of avoided costs or that are substantially below 100 percent for each affected class or individual product. *Id.* at 37–56.

## V. MCS Changes

The Notice, in conformance with rule 3010.14(b)(9), identifies numerous changes to the MCS. Certain substantive changes are identified by the Postal Service. *Id.* at 56–57. Attachment A to the Notice presents the price and classification changes to the Mail Classification Schedule in legislative format. *Id.* at 56. Changes to the MCS may alter the rights and responsibilities of mailers and reviewers are advised to review this material carefully.

## VI. Administrative Actions

The Commission hereby establishes a formal docket, captioned Docket No. R2013–10, Notice of Market Dominant Price Adjustment, to conduct the review of the Postal Service's planned price adjustments mandated in 39 U.S.C. 3622. The Commission has posted the Notice on the Commission's Web site (*http://www.prc.gov*), and has made the Notice available for copying and inspection during the agency's regular business hours of 8:00 a.m. to 4:30 p.m. weekdays, except Federal holidays.

*Public comment period.* The Commission's rules provide a period of 20 days from the date of the Postal Service's filing for public comment. 39 CFR 3010.13(a)(5). Comments by interested persons are due no later than October 16, 2013.[7] Interested persons are encouraged to review the Postal Service's Notice and workpapers in their entirety.

Commission rule 3010.13(b) further provides that public comments are to focus primarily on whether the planned price adjustments comply with the following mandatory requirements under the Postal Accountability and Enhancement Act (PAEA):

(1) Whether the planned rate adjustments measured using the formula established in section 3010.23(b) are at or below the annual limitation established in section 3010.11; and

(2) whether the planned rate adjustments measured using the formula established in section 3010.23(b) are at or below the limitations established in section 3010.28.

Parties are also encouraged to comment on proposed Mail Classification changes, particularly whether these changes have any rate implications.

*Participation and designated filing method.* Interested persons may submit comments electronically via the Commission's Filing Online system, unless a waiver is obtained. Instructions for obtaining an account to file documents online may be found on the Commission's Web site (*http://www.prc.gov*), or by contacting the Commission's Docket Section staff at 202–789–6846.

[7] *See* Notice of Erratum, September 30, 2013.

Persons without access to the Internet or otherwise unable to file documents electronically may request a waiver of the electronic filing requirement by filing a motion for waiver with the Commission. The motion may be filed along with any comments the person may wish to submit in this docket. Persons requesting a waiver may file hardcopy documents with the Commission either by mailing or by hand delivery to the Office of the Secretary, Postal Regulatory Commission, 901 New York Avenue NW., Suite 200, Washington, DC 20268–0001 during regular business hours by the date specified for such filing. Any person needing assistance in requesting a waiver may contact the Docket Section at 202–789–6846. Hardcopy documents filed in this docket will be scanned and posted on the Commission's Web site.

*Appointment of Public Representative.* In conformance with 39 U.S.C. 505, the Commission appoints Kenneth E. Richardson to represent the interests of the general public in this proceeding.

## VII. Ordering Paragraphs

*It is ordered:*

1. The Commission establishes Docket No. R2013–10 to consider planned price adjustments in rates, fees and classifications for market dominant postal products and services identified in the Postal Service's September 26, 2013 Notice.

2. Comments by interested persons on the planned price adjustments are due no later than October 16, 2013.

3. Pursuant to 39 U.S.C. 505, the Commission appoints Kenneth E. Richardson to represent the interests of the general public in this proceeding.

4. The Commission directs the Secretary of the Commission to arrange for prompt publication of this notice in the **Federal Register**.

By the Commission.

**Ruth Ann Abrams,**

*Acting Secretary.*

[FR Doc. 2013–28000 Filed 11–21–13; 8:45 am]

**BILLING CODE 7710–FW–P**

## POSTAL REGULATORY COMMISSION

**[Docket Nos. MC2013–63 and CP2013–83; Order No. 1844]**

## New Postal Product

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission is noticing a recent Postal Service filing concerning the addition of Priority Mail Contract 65 to the competitive product list. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

**DATES:** *Comment date:* October 16, 2013. The Commission's policy is to accept comments otherwise subject to a filing date that falls during a lapse in appropriations if they are submitted via Filing Online when operations resume. Contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section if additional information on the Commission's acceptance policy is needed.

**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:** Order No. 1844 was issued September 30, 2013, and included a date for filing comments that occurred during the subsequent suspension of Commission operations. At the time the Commission suspended operations, it posted a notice on its Web site concerning its policy with respect to accepting comments subject to filing dates that occurred during the suspension. That policy allowed commenters to file their submissions upon resumption of Commission operations. The text of Order No. 1844 as issued on September 30, 2013, follows.

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I. Introduction
II. Notice of Filings
III. Ordering Paragraphs

## I. Introduction

In accordance with 39 U.S.C. 3642 and 39 CFR 3020.30 *et seq.,* the Postal Service filed a request and associated supporting information to add Priority Mail Contract 65 to the competitive product list.[1] It asserts that Priority Mail Contract 65 is a competitive product ''not of general applicability'' within the meaning of 39 U.S.C. 3632(b)(3). Request at 1. The Request has been assigned Docket No. MC2013–63.

The Postal Service contemporaneously filed a redacted contract related to the proposed new product. *Id.* Attachment B. The instant contract has been assigned Docket No. CP2013–83.

*Request.* To support its Request, the Postal Service filed six attachments as follows:

- Attachment A—a redacted copy of Governors' Decision No. 11–6, authorizing the new product;
- Attachment B—a redacted copy of the contract;
- Attachment C—proposed changes to the Mail Classification Schedule competitive product list with the addition underlined;
- Attachment D—a Statement of Supporting Justification as required by 39 CFR 3020.32;
- Attachment E—a certification of compliance with 39 U.S.C. 3633(a); and
- Attachment F—an application for non-public treatment of materials to maintain redacted portions of the contract and related financial information under seal.

In the Statement of Supporting Justification, Dennis R. Nicoski, Manager, Field Sales Strategy and Contracts, asserts that the contract will cover its attributable costs and increase contribution toward the requisite 5.5 percent of the Postal Service's total institutional costs. *Id.* Attachment D at 1. Mr. Nicoski contends that there will be no issue of market dominant products subsidizing competitive products as a result of this contract. *Id.*

*Related contract.* The Postal Service included a redacted version of the related contract with the Request. *Id.* Attachment B. The contract is scheduled to become effective one business day after the Commission issues all necessary regulatory approval. *Id.* at 3. The contract will expire three years from the effective date unless, among other things, either party terminates the agreement upon 30 days' written notice to the other party. *Id.* The Postal Service represents that the contract is consistent with 39 U.S.C. 3633(a).[2]

The Postal Service filed much of the supporting materials, including the related contract, under seal. *Id.* Attachment F. It maintains that the redacted portions of the Governors' Decision, contract, customer-identifying information, and related financial information should remain confidential.

[1] Request of the United States Postal Service to Add Priority Mail Contract 65 to Competitive Product List and Notice of Filing (Under Seal) of Unredacted Governors' Decision, Contract, and Supporting Data, September 27, 2013 (Request).

[2] Although the Request appears to state that the certification only pertains to paragraphs (1) and (3) of 39 U.S.C. 3633(a), the certification itself contains an assertion that the prices are in compliance with 39 U.S.C. 3633(a)(1), (2), and (3). Request at 2; Attachment E.

*Id.* at 3. This information includes the price structure, underlying costs and assumptions, pricing formulas, information relevant to the customer's mailing profile, and cost coverage projections. *Id.* The Postal Service asks the Commission to protect customer-identifying information from public disclosure indefinitely. *Id.* at 7.

**II. Notice of Filings**

The Commission establishes Docket Nos. MC2013–63 and CP2013–83 to consider the Request pertaining to the proposed Priority Mail Contract 65 product and the related contract, respectively.

Interested persons may submit comments on whether the Postal Service's filings in the captioned dockets are consistent with the policies of 39 U.S.C. 3632, 3633, or 3642, 39 CFR 3015.5, and 39 CFR part 3020, subpart B. Comments are due no later than October 7, 2013. The public portions of these filings can be accessed via the Commission's Web site (*http://www.prc.gov*).

The Commission appoints Lyudmila Y. Bzhilyanskaya to serve as Public Representative in these dockets.

**III. Ordering Paragraphs**

*It is ordered:*

1. The Commission establishes Docket Nos. MC2013–63 and CP2013–83 to consider the matters raised in each docket.

2. Pursuant to 39 U.S.C. 505, Lyudmila Y. Bzhilyanskaya is appointed to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in these proceedings.

3. Comments by interested persons in these proceedings are due no later than October 7, 2013.

4. The Secretary shall arrange for publication of this Order in the **Federal Register**.

By the Commission.

**Ruth Ann Abrams,**

*Acting Secretary.*

[FR Doc. 2013–27999 Filed 11–21–13; 8:45 am]

**BILLING CODE 7710–FW–P**

## SECURITIES AND EXCHANGE COMMISSION

**[Release No. 34–70894; File No. SR–CHX–2013–19]**

## Self-Regulatory Organizations; Chicago Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Correct Certain Rule Taxonomy Issues and Postpone Until December 2, 2013 the Operative Date of an Approved Proposed Rule Change

November 18, 2013.

Pursuant to Section 19(b)(1)[1] of the Securities Exchange Act of 1934 (the ''Act'')[2] and Rule 19b–4 thereunder,[3] notice is hereby given that, on November 12, 2013, Chicago Stock Exchange, Inc. (the ''Exchange'' or ''CHX'') 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 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**

CHX proposes to amend Article 1, Rule 1 (Definitions); Article 20, Rule 9 (Cancellation or Adjustment of Bona Fide Error Trades); Article 20, Rule 9A (Error Correction Transactions); and Article 20, Rule 11 (Cancellation or Adjustment of Stock Leg Trades) to correct certain taxonomy issues and to adopt an operative date of December 2, 2013 for all changes that were approved by the Securities and Exchange Commission (the ''SEC'' or the ''Commission'') under 34–70791.

The text of this proposed rule change is available on the Exchange's Web site at (*www.chx.com*) and in 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 CHX included statements concerning the purpose of and basis for the proposed rule changes 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 CHX 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 the Statutory Basis for, the Proposed Rule Change*

1. Purpose

The Exchange proposes to amend Article 1, Rule 1 (Definitions); Article 20, Rule 9 (Cancellation or Adjustment of Bona Fide Error Trades); Article 20, Rule 9A (Error Correction Transactions); and Article 20, Rule 11 (Cancellation or Adjustment of Stock Leg Trades) to correct certain taxonomy issues and to adopt an operative date of December 2, 2013 for all changes that were approved by the Commission under 34–70791.[4] Aside from these proposed amendments, the Exchange does not propose any other changes to the definitions or text approved under 34–70791.

Background

On September 4, 2013, the Exchange filed with the Commission, pursuant to Section 19(b)(1) of the Act[5] and Rule 19b–4 thereunder,[6] a proposed rule change to amend CHX Article 20, Rule 9 to outline and clarify the Exchange's current requirements for the cancellation of trades based on Bona Fide Error; to adopt CHX Article 20, Rule 9A to detail the Exchange's current requirements for Error Correction Transactions; and to adopt CHX Article 20, Rule 11 to amend the Exchange's current requirements for the cancellation of the stock leg trade of a Stock-Option order, to establish new requirements for the adjustment of the stock leg trade of a Stock-Option order, and to allow the stock leg trade of Stock-Future orders to be cancelled or adjusted.[7] The proposed rule change was published for comment in the **Federal Register** on September 18, 2013.[8] The Commission received no comments on the proposal. The

[1] 15 U.S.C. 78s(b)(1).

[2] 15 U.S.C. 78a.

[3] 17 CFR 240.19b–4.

[4] *See* Securities Exchange Act Release No. 70791 (October 31, 2013), 78 FR 66791 (November 6, 2013) (Order Approving a Proposed Rule Change to Adopt Standards for the Cancellation or Adjustment of Bona Fide Error Trades, the Submission of Error Correction Transactions, and the Cancellation or Adjustment of Stock Leg Trades of Stock-Option or Stock-Future Orders).

[5] 15 U.S.C. 78s(b)(1).

[6] 17 CFR 240.19b–4.

[7] The Exchange notes that SR–CHX–2013–16 does not explicitly provide an operative date for the proposed amendments to CHX rules.

[8] *See* Securities Exchange Act Release No. 70381 (September 12, 2013), 78 FR 57431 (September 18, 2013) (SR–CHX–2013–16) (''Notice'').

Commission approved the proposed rule change on October 31, 2013.[9]

Taxonomy Amendments

After SR–CHX–2013–16 was filed on September 4, 2013, the Exchange filed SR–CHX–2013–14 on September 24, 2013,[10] which, among other things, adopted Article 1, Rule 1(hh) to define the term ''Customer'' as ''any person or entity other than a broker or dealer registered with the Commission.'' However, since the Exchange had already proposed to adopt Article 1, Rule 1(hh) to define ''Bona Fide Error'' pursuant to SR–CHX–2013–16, when the Commission approved SR–CHX–2013–16 on October 31, 2013, Article 1, Rule 1(hh) now provided definitions for both ''Customer'' and ''Bona Fide Error.''

Thus, the Exchange now proposes to move the definition of ''Bona Fide Error'' from current Article 1, Rule 1(hh) to proposed Article 1, Rule 1(ii). Correspondingly, the Exchange proposes to amend Article 20, Rule 9(a), Rule 9(b)(2), and Rule 9A(a)(1) to reflect that ''Bona Fide Error'' is defined under proposed Article 1, Rule 1(ii).

Consequently, the Exchange proposes to move the definition of ''Stock-Option'' from current Article 1, Rule 1(ii) to proposed Article 1, Rule 1(jj) and the definition of ''Stock-Future'' from current Article 1, Rule 1(jj) to proposed Article 1, Rule 1(kk). Correspondingly, the Exchange proposes to amend Article 20, Rule 11(a) to reflect that ''Stock-Option'' is defined under proposed Article 1, Rule 1(jj) and ''Stock-Future'' is defined under proposed Article 1, Rule 1(kk).

Proposed Operative Date

The Exchange proposes to suspend the operative date for all rule changes that were approved under 34–70791 to December 2, 2013.[11] The Exchange submits that the proposed December 2, 2013 operative date is reasonable in light of the significant changes that were approved under 34–70791.

As such, the Exchange now proposes to adopt language that provides that certain CHX rules shall be operative as of December 2, 2013. Specifically, directly above proposed Article 1, Rule 1(ii), the Exchange proposes to insert language that provides that paragraphs (ii)–(kk) shall be operative as of December 2, 2013. Also, directly above current Article 20, Rule 9(a), the Exchange proposes to insert language that provides that current Rule 9 shall be operative as of December 2, 2013. In addition, directly above current Article 20, Rule 9A(a), the Exchange proposes to insert language that provides that current Rule 9A shall be operative as of December 2, 2013. Moreover, directly above current Article 20, Rule 11(a), the Exchange proposes to adopt language that provides that current Rule 11 shall be operative as of December 2, 2013.

Moreover, since the changes approved under 34–70791 resulted in the previous version of Article 20, Rule 9 being superseded by current Article 20, Rule 9, the Exchange proposes to reincorporate the previous version of Article 20, Rule 9 verbatim as a separate rule from current Article 20, Rule 9, while inserting language to it stating that the previous version of Article 20, Rule 9 shall be operative through December 1, 2013. The Exchange submits that this sunset provision is necessary to avoid confusion to our Participants and to facilitate a smooth transition into the approved rules.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange, and, in particular, with the requirements of Section 6(b) of the Act.[12] Specifically, the proposal is consistent with Section 6(b)(5) of the Act,[13] which requires exchange rules to promote just and equitable principles of trade, remove impediments to, and perfect the mechanism of, a free and open market and a national market system, and, in general, protect investors and the public interest. The proposal is also consistent with Section 6(b)(1) of the Act,[14] which requires that an exchange be so organized and has the capacity to be able to carry out the purposes of 15 U.S.C. 78a *et seq.* and to comply, and to enforce compliance by its members and persons associated with its members, with the provisions of 15 U.S.C. 78a *et seq.,* the rules and regulations thereunder, and the rules of the exchange.

The Exchange believes that the proposed taxonomy corrections fulfill these requirements because it promotes clarity of CHX rules by ensuring that there is only one definition per citation. Similarly, the reinsertion of previous version of Article 20, Rule 9 also fulfills these requirements because it promotes clarity of CHX rules by providing that the previous version of Rule 9 shall be in the effect through December 1, 2013. Moreover, the proposed operative date of December 2, 2013 for all rule changes approved under 34–70791 fulfill these requirements and, in particular, Section 6(b)(1), because the December 2, 2013 operative date will facilitate the proper implementation of complex functionalities, which will, in turn, allow the Exchange to better enforce compliance by its Participants of the rules approved under 34–70791.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange believes the proposal is consistent with Section 6(b)(8) of the Act[15] in that it does not impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule changes correct non-substantive taxonomy issues and set an operative date for functionality that has already been approved by the Commission.[16] Accordingly, the Exchange does not believe that the proposed rule change will have any effect on competition.

*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 Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[17] and Rule 19b–4(f)(6) thereunder.[18] 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, if consistent with the protection of investors and the public interest, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act and Rule 19b–4(f)(6)(iii) thereunder.

[9] *See supra* note 4.

[10] *See* Securities Exchange Act Release No. 70597 (October 2, 2013), 78 FR 62728 (October 22, 2013) (SR–CHX–2013–14) (''Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Registration, Qualification, Supervision, and Continuing Education of Individuals Associated with Participant Firms'').

[11] *See supra* note 4.

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(5)

[14] 15 U.S.C. 78f(b)(1)

[15] 15 U.S.C. 78(f)(b)(8).

[16] *See supra* note 4.

[17] 15 U.S.C. 78s(b)(3)(A)(iii).

[18] 17 CFR 240.19b–4(f)(6).

A proposed rule change filed under Rule 19b–4(f)(6) [19] normally does not become operative prior to 30 days after 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 has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing.

The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. The proposed taxonomy changes and non-substantive and should make the Exchange's rules easier to understand. The Exchange states that a temporary delay in the operation of SR–CHX–2013–16 will facilitate the proper implementation of complex functionalities, which in turn will allow it to better enforce compliance with the approved rules. Based on that representation, the Commission believes that delayed implementation is consistent with the protection of investors and the public interest. For these reasons, the Commission hereby waives the 30-day operative delay and designates the proposal operative 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 purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings under Section 19(b)(2)(B) [22] of the Act 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 No. SR–CHX–2013–19 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–CHX–2013–19. 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 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 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 No. SR–CHX–2013–19 and should be submitted on or before December 13, 2013.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[23]

**Kevin M. O'Neill,**

*Deputy Secretary.*

[FR Doc. 2013–28026 Filed 11–21–13; 8:45 am]

**BILLING CODE 8011–01–P**

[19] 17 CFR 240.19b–4(f)(6).

[20] 17 CFR 240.19b–4(f)(6)(iii). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to provide the Commission with 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.

[21] 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).

[22] 15 U.S.C. 78s(b)(2)(B).

[23] 17 CFR 200.30–3(a)(12).

## SMALL BUSINESS ADMINISTRATION

### Interagency Task Force on Veterans Small Business Development

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Notice of open Federal Interagency Task Force meeting.

**SUMMARY:** The SBA is issuing this notice to announce the location, date, time, and agenda for its public meeting of the Interagency Task Force on Veterans Small Business Development. The meeting will be open to the public.

**DATES:** Friday, December 6, 2013, from 9:00 a.m. to 12:00 p.m.

**ADDRESSES:** SBA 409 3rd Street NW., Washington, DC 20419.

*Room:* Eisenhower Conference room B, located on the Concourse Level.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C., Appendix 2), SBA announces the meeting of the Interagency Task Force on Veterans Small Business Development. The Task Force is established pursuant to Executive Order 13540 and focused on coordinating the efforts of Federal agencies to improve capital, business development opportunities and pre-established Federal contracting goals for small business concerns owned and controlled by veterans (VOB's) and service-disabled veterans (SDVOSB'S). Moreover, the Task Force shall coordinate administrative and regulatory activities and develop proposals relating to ''three focus areas'': (1) Training, Counseling & Capital; (2) Federal Contracting & Verification; (3) Improved Federal Support.

On November 1, 2011, the Interagency Task Force on Veterans Small Business Development submitted its first report to the President, which included 18 Recommendations. In addition, the Task Force will allow time to obtain public comment from individuals and representatives of Organizations regarding the areas of focus.

**FOR FURTHER INFORMATION CONTACT:** The meeting is open to the public, however, advance notice of attendance is requested. Anyone wishing to attend and/or make a presentation to the Task Force must contact Barbara Carson, by December 2, 2013, by email in order to be placed on the agenda. Comments for the Record should be applicable to the ''three focus areas'' of the Task Force and emailed prior to the meeting for inclusion in the public record, verbal presentations; however, will be limited

to five minutes in the interest of time and to accommodate as many presenters as possible. Written comments should be emailed to Barbara Carson, Designated Federal Officer Office of Veterans Business Development, U.S. Small Business Administration, 409 3rd Street, SW., Washington, DC 20416, at the email address for the Task Force, *vetstaskforce@sba.gov.* Additionally, if you need accommodations because of a disability or require additional information, please contact Barbara Carson, Designated Federal Official for the Task Force at (202) 205–6773; or by email at: *barbara.carson@sba.gov.* For more information, please visit our Web site at *www.sba.gov/vets.*

Dated: November 14, 2013.

**Diana Doukas,**

*SBA Committee Management Officer.*

[FR Doc. 2013–27990 Filed 11–21–13; 8:45 am]

**BILLING CODE P**

## SMALL BUSINESS ADMINISTRATION

### Advisory Committee on Veterans Business Affairs

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Notice of open Federal Advisory Committee meeting.

**SUMMARY:** The SBA is issuing this notice to announce the location, date, time, and agenda for the next meeting of the Advisory Committee on Veterans Business Affairs. The meeting will be open to the public.

**DATES:** December 5, 2013 from 9 a.m. to 3 p.m.

**ADDRESSES:** U.S. Small Business Administration, 409 3rd Street SW., Washington, DC 20416. *Room:* Eisenhower Conference room B, located on the Concourse Level.

**SUPPLEMENTARY INFORMATION:** Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5 U.S.C., Appendix 2), SBA announces the meeting of the Advisory Committee on Veterans Business Affairs. The Advisory Committee on Veterans Business Affairs serves as an independent source of advice and policy recommendation to the Administrator of the U.S. Small Business Administration.

The purpose of this meeting is scheduled as a full committee meeting. It will focus on strategic planning, updates on past and current events, and the ACVBA's objectives for 2014. For information regarding our veterans' resources and partners, please visit our Web site at *www.sba.gov/vets.*

**FOR FURTHER INFORMATION CONTACT:** The meeting is open to the public, however, advance notice of attendance is requested. Anyone wishing to attend and/or make a presentation to the Advisory Committee must contact Barbara Carson, by December 2, 2013, by email in order to be placed on the agenda. Comments for the Record should be emailed prior to the meeting for inclusion in the public record, verbal presentations; however, will be limited to five minutes in the interest of time and to accommodate as many presenters as possible. Written comments should be emailed to Barbara Carson, Deputy Associate Administrator, Office of Veterans Business Development, U.S. Small Business Administration, 409 3rd Street SW., Washington, DC 20416.

Additionally, if you need accommodations because of a disability or require additional information, please contact Barbara Carson, Designated Federal Official for the Advisory Committee on Veterans Business Affairs at (202) 205–6773; or by email at *barbara.carson@sba.gov.* For more information, please visit our Web site at *www.sba.gov/vets.*

Dated: November 14, 2013

**Diana Doukas,**

*SBA Committee Management Officer.*

[FR Doc. 2013–27988 Filed 11–21–13; 8:45 am]

**BILLING CODE P**

## SOCIAL SECURITY ADMINISTRATION

**[Docket No. SSA–2013–0042]**

### Agency Proposed Business Process Vision Under the Rehabilitation Act of 1973

**AGENCY:** Social Security Administration (SSA).

**ACTION:** Notice of availability of proposed business process vision following self-evaluation under Section 504 of the Rehabilitation Act of 1973 and request for comments.

**SUMMARY:** On November 5, 2010, we published a **Federal Register** notice requesting comments regarding our self-evaluation under Section 504 of the Rehabilitation Act of 1973. We requested the public's ideas and suggestions on how we could best perform the self-evaluation. We received a limited number of comments from advocacy groups and individuals.

On August 2, 2011, we published a second **Federal Register** notice announcing the two public forums we held in Falls Church, Virginia, where the public could provide us with comments in person or via telephone. The notice also requested written comments from those who preferred to communicate with us in writing.

On October 24, 2011, we published a third **Federal Register** notice to extend the deadline to provide written comments.

This **Federal Register** notice announces the modifications we propose to make to our business process based on our self-evaluation. A description of our business process vision under Section 504 of the Rehabilitation Act of 1973 is now available at *www.socialsecurity.gov/accessibility/section504.* Our business process vision outlines the actions we are currently taking to implement many of the self-evaluation key findings and recommendations. Specifically, we are developing additional policies in this area to provide clear guidance to all SSA components. We developed and are continuing to develop electronic systems to capture information about the accommodations people tell us they need, and we trained and continue to train our employees about Section 504 and its requirements. Finally, we established a new organization, the Center for Section 504 Compliance, to oversee all of these efforts and manage the business process.

**DATES:** To ensure that your comments are considered, we must receive them no later than December 23, 2013.

**ADDRESSES:** You may submit written comments by any one of three methods—Internet, fax or mail. Do not submit the same comments multiple times, or by more than one method. Regardless of which method you choose, please state that your comments refer to Docket No. SSA–2013–0042, so that we may associate your comments with the correct activity.

*Caution:* You should be careful to include in your comments only information you wish to make publicly available. We strongly urge you not to include in your comments any personal information, such as Social Security numbers or medical information.

- *Internet:* We strongly recommend this method for submitting your comments. Visit the Federal eRulemaking portal at *http://www.regulations.gov.* Use the Search function of the Web page to find docket number SSA–2013–0042, and then submit your comment. Once you submit your comment, the system will issue you a tracking number to confirm your submission. You will not be able to view your comment immediately as we must manually post each comment. It may take up to a week for your comment to be viewable.

• *Fax:* Fax comments to (410) 966–2830.

• *Mail:* Mail your comments to the Office of Regulations and Reports Clearance, Social Security Administration, 3100 West High Rise Building, 6401 Security Boulevard, Baltimore, Maryland 21235–6401.

Comments are available for public viewing on the Federal eRulemaking portal at *http://www.regulations.gov,* or in person, during regular business hours, by arranging with the contact person identified below.

**FOR FURTHER INFORMATION CONTACT:** Benita A. Dallas, Office of Civil Rights and Equal Opportunity, Center for Section 504 Compliance, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235–6401, 410–966–4590. For information on eligibility or filing for benefits, call our national toll-free number, 1–800–772–1213 or TTY 1–800–325–0778, or visit our Internet site, Social Security Online, at *http://www.socialsecurity.gov.*

**SUPPLEMENTARY INFORMATION:**

## Background

Section 504 of the Rehabilitation Act of 1973 prohibits discrimination against individuals with disabilities and requires Federal agencies and organizations that receive Federal financial assistance to provide meaningful access to their programs and activities to individuals with disabilities. In Fiscal Year 2012, SSA paid over 61 million Social Security beneficiaries and Supplemental Insurance Income recipients a combined total of about $810 billion; completed more than 56 million transactions on our National 800 Number; assisted 45 million visitors; received nearly 5 million retirement, survivor, and Medicare applications; received about 3.2 million initial disability claims, and conducted 672,352 hearings.[1]

Sometimes disabled individuals will ask us to provide them with auxiliary aids to communicate or to modify the way we make our services available so that they can have meaningful access to SSA's programs and activities. We refer to these aids and modifications as ''reasonable accommodations.'' Currently, we do not have a streamlined process for providing reasonable accommodations to disabled members of the public, and we have a limited ability to capture, store, and retrieve information on the accommodation a disabled individual needs for meaningful access to our services. We are developing an agency-wide process that will allow us to ensure that our programs, services, and activities are accessible to all of the individuals we serve. Our new business process vision includes issuing policy guidance, providing training to our employees, establishing processes for providing accommodations that are effective, and developing electronic systems that will make it possible for us to capture, review, track, and update requests.

Our business process vision outlines the procedures we will use to receive and process accommodation requests from individuals with disabilities. We plan to identify ''standard accommodations'' that we are able to provide immediately when an individual with a disability requests them, and we plan to develop a process by which we will review and decide requests for ''non-standard accommodations.''

A ''standard accommodation'' is something we will be able to approve at the local level whenever an individual with a disability requests it. A standard accommodation can be an auxiliary aid, or it can be a service we provide to make our programs accessible to a customer who has a certain type of disability, such as a modification of our ordinary interview process. Standard accommodations will not require special handling or approval by a manager. When a disabled individual tells us that he or she needs a standard accommodation, we will document the request and we will retain it in an electronic system to ensure that, if the customer contacts or visits us again, we will know that he or she previously requested this accommodation and may need it again. An example of a ''standard accommodation'' is the UbiDuo communication device, which enables SSA Field Office employees to interact directly and immediately with customers who are deaf or hard of hearing.

When a disabled individual needs an accommodation to have effective communication with us, he or she may request his or her preferred auxiliary aid if it is not one of our ''standard accommodations;'' this is an example of what we mean when we refer to a ''non-standard accommodation.'' We will give primary consideration to the individual's request, unless another effective means of communicating exists. However, we are not required to provide auxiliary aids that would require us to make a fundamental alteration in the nature of an agency program or activity or that would result in an undue financial or administrative burden.

When a disabled individual is unable to access or use an agency program or activity, the individual may request an accommodation he or she believes will provide meaningful access. For the most part, requests for program modifications are ''non-standard accommodations.''

Non-standard accommodation requests are necessarily individualized and will require consideration by a centralized component within SSA to ensure consistent responses. We have, therefore, created a Center for Section 504 Compliance (Center), which will review and process requests for non-standard accommodations. Previously, there was not a single component responsible for overseeing the strategic and tactical aspects of implementing SSA's Section 504 compliance. We believe our new process will meet the changing needs of the American public we serve by providing a central point of contact for reasonable accommodation requests.

## Request for Comments

As we implement our business process, we are asking for your input on how we can continue to provide meaningful access to our programs and services. After reviewing the business process we ask that, in preparing comments, you address questions such as:

1. Are there additional *standard* reasonable accommodations we should consider offering individuals who:
   - Are blind or visually impaired;
   - are deaf or hard of hearing;
   - have cognitive or learning issues;
   - have psychological or emotional issues;
   - have mobility or physical concerns; or
   - have other types of disabilities?

2. How can we best provide an opportunity for persons with disabilities, their family members, and those who work with, or advocate for, persons with disabilities, to tell us that they need an accommodation to have meaningful access? How should we interact with individuals who tell us they need an accommodation? What kind of information should we request? How should we notify individuals of our approval or denial of their request(s)?

3. What are some of the methods we should consider for getting feedback about how the process is working?

Please see the information under **ADDRESSES** earlier in this document for methods to give us your comments. We will not respond to your comments, but we will consider them as we review our

[1] SSA's FY 2012 Performance and Accountability Report.

policies and instructions to determine if we should revise or update them.

Dated: November 15, 2013.

**Carolyn W. Colvin,**

*Acting Commissioner of Social Security.*

[FR Doc. 2013–28036 Filed 11–21–13; 8:45 am]

**BILLING CODE 4191–02–P**

## DEPARTMENT OF STATE

**[Public Notice 8528]**

### 30-Day Notice of Proposed Information Collection: PEPFAR Program Expenditures

**ACTION:** Notice of request for public comment and submission to OMB of proposed collection of information.

**SUMMARY:** The Department of State has submitted the information collection described below to the Office of Management and Budget (OMB) for approval. In accordance with the Paperwork Reduction Act of 1995 we are requesting comments on this collection from all interested individuals and organizations. The purpose of this Notice is to allow 30 days for public comment.

**DATES:** Submit comments directly to the Office of Management and Budget (OMB) up to December 23, 2013.

**ADDRESSES:** Direct comments to the Department of State Desk Officer in the Office of Information and Regulatory Affairs at the Office of Management and Budget (OMB). You may submit comments by the following methods:

- *Email: oira_submission@omb.eop.gov.* You must include the DS form number, information collection title, and the OMB control number in the subject line of your message.
- *Fax:* 202–395–5806. Attention: Desk Officer for Department of State.

**FOR FURTHER INFORMATION CONTACT:** Direct requests for additional information regarding the collection listed in this notice, including requests for copies of the proposed collection instrument and supporting documents, to Kathleen Borgueta at SA–44 Room 700, who may be reached on 202–203–7492 or at *borguetak@state.gov.*

**SUPPLEMENTARY INFORMATION:**

- *Title of Information Collection:* PEPFAR Program Expenditures.
- *OMB Control Number:* 1405–0208.
- *Type of Request:* Revision of a currently approved collection.
- *Originating Office:* Office of the Global AIDS Coordinator (S/GAC).
- *Form Number:* DS–4213.
- *Respondents:* Recipients of US government funds appropriated to carry out the President's Emergency Plan for AIDS Relief (PEPFAR).
- *Estimated Number of Respondents:* 1581.
- *Estimated Number of Responses:* 1581.
- *Average Time per Response:* 24 hours.
- *Total Estimated Burden Time:* 37,944 hours.
- *Frequency:* Annually.
- *Obligation to Respond:* Mandatory.

We are soliciting public comments to permit the Department to:

- Evaluate whether the proposed information collection is necessary for the proper functions of the Department.
- Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used.
- Enhance the quality, utility, and clarity of the information to be collected.
- Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Please note that comments submitted in response to this Notice are public record. Before including any detailed personal information, you should be aware that your comments as submitted, including your personal information, will be available for public review.

*Abstract of proposed collection:* The U.S. President's Emergency Plan for AIDS Relief (PEPFAR) was established through enactment of the United States Leadership Against HIV/AIDS, Tuberculosis, and Malaria Act of 2003 (Pub. L. 108–25), as amended by the Tom Lantos and Henry J. Hyde United States Global Leadership Against HIV/AIDS, Tuberculosis, and Malaria Reauthorization Act of 2008 (Pub. L. 110–293) (HIV/AIDS Leadership Act) to support the global response to HIV/AIDS. In order to improve program monitoring, the Finance and Economics Work Group under PEPFAR proposes to add reporting of expenditures by program area to the current routine reporting of program results for the annual report. Data will be collected from implementing partners in countries with PEPFAR programs using a standard tool (DS–4213) via an electronic interface. These data will then be analyzed to produce mean and range in expenditures by partner per result/achievement for all PEPFAR program areas. These analyses then feed into partner and program reviews at the country level for monitoring and evaluation on an ongoing basis. Summaries of these data provide key information about program costs under PEPFAR on a global level. Applying expenditure results will improve strategic budgeting, identification of efficient means of delivering services, accuracy in defining program targets, and will inform allocation of resources to ensure the program is accountable and using public funds for maximum impact.

*Methodology:* Data will be collected in a standard electronic template available to all partners receiving funds under PEPFAR. To minimize both reporting burden and investment costs into information technologies, a new module capturing expenditure data will be added to an already functional system. This approach will minimize US Government start up costs for the technology and ensure data collection processes are as efficient as possible.

Dated: October 31, 2013.

**Julia Martin,**

*Chief Operations Officer, Office of the Global AIDS Coordinator, Department of State.*

[FR Doc. 2013–28090 Filed 11–21–13; 8:45 am]

**BILLING CODE 4710–02–P**

## DEPARTMENT OF STATE

**[Public Notice 8529]**

### Request for Public Comments on the UN Committee on World Food Security Principles for Responsible Agricultural Investment

**AGENCY:** Department of State.

**ACTION:** Notice; request for public comments.

**SUMMARY:** The Department of State invites the public, including non-governmental and civil society organizations, think tanks, educational institutions, private sector companies, and other interested persons, to submit written comments on the draft UN Committee on World Food Security (CFS) Principles for Responsible Agricultural Investment. Comments received will be shared in full with the CFS for consideration.

**DATES:** All written comments must be received no later than December 22, 2013.

**ADDRESSES:** Comments should be emailed to Amy Diggs (*DiggsAK@state.gov*), Office of Agriculture, Biotechnology, and Textile Trade Affairs, Bureau of Economic and Business Affairs, U.S. Department of State.

**FOR FURTHER INFORMATION CONTACT:** Amy Diggs, telephone (202) 736–4327.

**SUPPLEMENTARY INFORMATION:** The CFS is an intergovernmental platform for all

stakeholders to address food and nutrition security, including the production of and physical and economic access to food. In October 2012, the CFS began a multi-stakeholder process to develop voluntary, non-binding international principles for responsible investment in agriculture along the entire value chain. The United States is a member of the CFS and involved in the negotiation of the principles.

The draft principles document prepared by the CFS Secretariat is available on the CFS Web site (*http://www.fao.org/cfs/cfs-home/resaginv/en/*). We invite comments from the public. Please send them to the email address noted in the **ADDRESSES** section above.

Dated: November 18, 2013.

**Jonathan Shrier,**

*Acting Special Representative, Office of Global Food Security, Department of State.*

[FR Doc. 2013–28097 Filed 11–21–13; 8:45 am]

**BILLING CODE 4710–10–P**

## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

### Generalized System of Preferences (GSP): Deadline Extension and Import Statistics Relating to Competitive Need Limitations

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Notice.

**SUMMARY:** This notice is to inform the public of (1) an extension to December 20, 2013 of the deadline for submission of petitions to waive competitive need limitations (CNLs) under the Generalized System of Preferences (GSP) program, and (2) the availability of import statistics for the first eight months of 2013 relating to CNLs. Although USTR will receive CNL waiver petitions through December 20, 2013, no action will be taken regarding submitted petitions while the GSP program is without authorization.

**FOR FURTHER INFORMATION CONTACT:** Contact Keysha Martinez (202–395–9618 or *kmartinez@ustr.eop.gov*), Director for GSP, Office of the United States Trade Representative.

**SUPPLEMENTARY INFORMATION:**

#### I. Competitive Need Limitations

The GSP program provides for the duty-free importation of designated articles when imported from designated beneficiary developing countries (BDCs). The GSP program is authorized by Title V of the Trade Act of 1974 (19 U.S.C. 2461, *et seq.*), as amended (the ''1974 Act''), and is implemented in accordance with Executive Order 11888 of November 24, 1975, as modified by subsequent Executive Orders and proclamations.

Section 503(c)(2)(A) of the 1974 Act sets out the two CNLs. When the President determines that a BDC has exported to the United States during a calendar year either (1) a quantity of a GSP-eligible article having a value in excess of the applicable amount for that year ($160 million for 2013), or (2) a quantity of a GSP-eligible article having a value equal to or greater than 50 percent of the value of total U.S. imports of the article from all countries (the ''50 percent CNL''), the President must terminate duty-free treatment under the GSP program for that article from that BDC by no later than July 1 of the next calendar year, unless he waives the CNL. Any CNL-related product exclusions resulting from the 2013 GSP Annual Review will be based on full 2013 calendar-year import statistics.

Under section 503(c)(2)(F) of the 1974 Act, the President may waive the 50 percent CNL with respect to an eligible article imported from a BDC, if the value of total imports of that article from all countries during the calendar year did not exceed the applicable *de minimis* amount for that year ($21.5 million for 2013).

#### II. Extension of Deadline for Petitions To Waive CNLs

A notice published in the **Federal Register** on July 29, 2013 (78 FR 45596) announced the launch of the 2013 GSP Annual Review, including, *inter alia,* a November 22, 2013, deadline for receipt of petitions from the public to waive the application of CNLs for specific products from certain countries. That deadline has been extended to 5 p.m. on December 20, 2013. Please see the referenced July 29, 2013 **Federal Register** notice for more information on the procedures for submitting a petition for a CNL waiver.

#### III. Effect of Lapse in GSP Authorization on the GSP Annual Review

Authorization of the GSP program expired July 31, 2013. USTR will receive petitions for CNL waivers, submitted as part of the 2013 GSP Annual Review, even though the GSP program is without authorization, so that the President can be in a position to take action if Congress acts to reauthorize the GSP program. However, as long as the program remains without authorization, no action will be taken regarding any petitions submitted as part of the 2013 GSP Annual Review, including CNL waiver petitions.

#### IV. Interim 2013 Import Statistics

Interim import statistics for the first eight months of 2013 relating to CNLs can be viewed on the USTR Web site at: *http://www.ustr.gov/trade-topics/trade-development/preference-programs/generalized-system-preferences-gsp/current-revie-0.* The interim 2013 import statistics are organized to show, for each article, the Harmonized Tariff Schedule of the United States (HTSUS) subheading and BDC of origin, the value of imports of the article from the specified country for the first eight months of 2013, and the corresponding share of total imports of that article from all countries. The list includes the GSP-eligible articles from BDCs that, based on interim eight-month 2013 data, exceed $105 million dollars, or an amount greater than 42 percent of the total value of U.S. imports of that product and therefore may be on track to exceed the applicable thresholds.

The list published on the USTR Web site includes the relevant eight-month trade statistics for each of these products and is provided as a courtesy for informational purposes only. The list is based on interim 2013 trade data, and may not include all articles that may be affected by a CNL. Regardless of whether or not an article is included on the list referenced in this notice, all determinations and decisions regarding application of the CNLs will be based on full calendar-year 2013 import data for each GSP-eligible article. Each interested party is advised to conduct its own review of 2013 import data with regard to the possible application of CNLs.

Full calendar-year 2013 data for individual tariff subheadings are expected to be available in February 2014 on the *http://dataweb.usitc.gov/* Web site of the U.S. International Trade Commission.

**William D. Jackson,**

*Deputy Assistant U.S. Trade Representative for GSP, Chairman, GSP Subcommittee of the Trade Policy Staff Committee.*

[FR Doc. 2013–27986 Filed 11–21–13; 8:45 am]

**BILLING CODE 3290–F4–P**

## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

**[Docket No. USTR–2013–0038]**

## 2013 Special 301 Out-of-Cycle Review of El Salvador: Identification of Countries Under Section 182 of the Trade Act of 1974: Request for Public Comment

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Request for written submissions from the public.

**SUMMARY:** Section 182 of the Trade Act of 1974 (Trade Act) (19 U.S.C. 2242) requires the United States Trade Representative (USTR) to identify countries that deny adequate and effective protection of intellectual property rights (IPR) or deny fair and equitable market access to U.S. persons who rely on intellectual property protection. (The provisions of Section 182 are commonly referred to as the ''Special 301'' provisions of the Trade Act.) The USTR is required to determine which, if any, of these countries should be identified as Priority Foreign Countries. In addition, USTR has created a ''Priority Watch List'' and ''Watch List'' under Special 301 provisions. Placement of a trading partner on the Priority Watch List or Watch List indicates that particular problems exist in that country with respect to IPR protection, enforcement, or market access for persons relying on intellectual property. Countries placed on the Priority Watch List are the focus of increased bilateral attention concerning the problem areas.

In the 2013 Special 301 Report (*www.ustr.gov*), USTR announced that, in order to monitor progress on specific IPR issues, Out-of-Cycle Reviews would be conducted for El Salvador and Spain. At this time, USTR requests written submissions from the public concerning any act, policy, or practice that is relevant to the decision regarding whether El Salvador should be identified under Section 182 of the Trade Act. Requests for written submissions relating to the review of Spain will be made in a separate notice at a later date.

**DATES:** Submissions from the general public must be received on or before 10:00 a.m. on Friday, December 13, 2013. Foreign governments who choose to make written submissions may do so on or before 10:00 a.m. on Friday, December 20, 2013.

**ADDRESSES:** All comments should be sent electronically to *http://www.regulations.gov,* docket number USTR–2013–0038. Submissions should contain the term ''2013 Special 301 Out-of-Cycle Review of El Salvador'' in the ''Type Comment'' field on *http://www.regulations.gov.*

**FOR FURTHER INFORMATION CONTACT:** Michael Diehl, Director for Intellectual Property and Innovation, Office of the United States Trade Representative, at (202) 395–6126.

**SUPPLEMENTARY INFORMATION:** Pursuant to Section 182 of the Trade Act, USTR must identify those countries that deny adequate and effective protection for intellectual property rights or deny fair and equitable market access to U.S. persons who rely on intellectual property protection. Those countries that have the most onerous or egregious acts, policies, or practices and whose acts, policies, or practices have the greatest adverse impact (actual or potential) on relevant U.S. products are to be identified as Priority Foreign Countries. Acts, policies, or practices that are the basis of a country's designation as a Priority Foreign Country are normally the subject of an investigation under the Section 301 provisions of the Trade Act. USTR may not identify a country as a Priority Foreign Country if that country is entering into good faith negotiations or making significant progress in bilateral or multilateral negotiations to provide adequate and effective protection of intellectual property rights. In addition, USTR has created a ''Priority Watch List'' and a ''Watch List'' under Special 301 provisions. Placement of a trading partner on the Priority Watch List or Watch List indicates that particular problems exist in that country with respect to IPR protection, enforcement, or market access for persons relying on intellectual property. Countries placed on the Priority Watch List are the focus of increased bilateral attention concerning the problem areas.

USTR requests that, where relevant, submissions mention particular regions, provinces, states, or other subdivisions of a country in which an act, policy, or practice deserve special attention. Submissions may report positive or negative developments with respect to these entities.

*Requirements for Comments:* Comments should include a description of the problems experienced by the submitter and the effect of the acts, policies, and practices on U.S. industry. Comments should be as detailed as possible and should provide all necessary information for assessing the effect of the acts, policies, and practices. Any comments that include quantitative loss claims should be accompanied by the methodology used in calculating such estimated losses. Comments must be in English.

To ensure the timely receipt and consideration of comments, USTR strongly encourages interested persons to make on-line submissions, using the *www.regulations.gov* Web site. To submit comments via *www.regulations.gov,* enter docket number USTR–2013–0038 on the home page and click ''Search.'' The site will provide a search-results page listing all documents associated with this docket. Find a reference to this notice and click on the link entitled ''Comment Now!'' (For further information on using the *www.regulations.gov* Web site, please consult the resources provided on the Web site by clicking on ''How to use Regulations.gov'' on the bottom of the home page under ''Help''.)

The *www.regulations.gov* Web site allows users to provide comments by filling in a ''Type Comment'' field, or by attaching a document using an ''Upload File'' field. USTR prefers that comments be provided in an attached document. If a document is attached, please type ''2013 Special 301 Out-of-Cycle Review of El Salvador'' in the ''Type Comment'' field. USTR prefers submissions in Microsoft Word (.doc) or Adobe Acrobat (.pdf) format. If the submission is in another format, please indicate the name of the software application in the ''Type Comment'' field.

For any comments submitted electronically containing business confidential information, the file name of the business confidential version should begin with the characters ''BC''. Any page containing business confidential information must be clearly marked ''BUSINESS CONFIDENTIAL'' on the top of that page. Filers of submissions containing business confidential information must also submit a public version of their comments. The file name of the public version should begin with the character ''P''. The ''BC'' and ''P'' should be followed by the name of the person or entity submitting the comments. Filers submitting comments containing no business confidential information should name their file using the name of the person or entity submitting the comments.

Please do not attach separate cover letters to electronic submissions; rather, include any information that might appear in a cover letter in the comments themselves. Similarly, to the extent possible, please include any exhibits, annexes, or other attachments in the same file as the submission itself, not as separate files.

As noted, USTR strongly urges submitters to file comments through *www.regulations.gov,* if at all possible. Any alternative arrangements must be made with Anita Kyler in advance of transmitting a comment. Ms. Kyler should be contacted at (202) 395–9665.

*Public Inspection of Comments:* Submissions will be placed in the docket and open to public inspection pursuant to 15 CFR 2006.13, except business confidential information exempt from public inspection in accordance with 15 CFR 2006.15. Submissions may be viewed on the *www.regulations.gov* Web site by entering docket number USTR–2013–0038 in the search field on the home page.

**Stanford K. McCoy,**

*Assistant USTR for Intellectual Property and Innovation.*

[FR Doc. 2013–27984 Filed 11–21–13; 8:45 am]

**BILLING CODE 3290–F4–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

### Commercial Space Transportation Advisory Committee—Closed Session

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of Commercial Space Transportation Advisory Committee Special Closed Session.

**SUMMARY:** Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C. App. 2), and 5 U.S.C. 552b(c), notice is hereby given of a special closed session of the Commercial Space Transportation Advisory Committee (COMSTAC). The special closed session will be an administrative session for the Committee members to review the provisions of the COMSTAC Charter; the Federal Advisory Committee Act (FACA); 41 CFR, Parts 101–6 and 102–3; and the Department of Transportation and FAA Orders concerning advisory committee management. The meeting will take place on Wednesday, December 11, 2013, at the National Housing Center, 1201 15th Street NW., Washington, DC 20005, from 2:00 p.m. until 3:00 p.m.

**FOR FURTHER INFORMATION CONTACT:** Larry Scott (AST–3), Office of Commercial Space Transportation (AST), 800 Independence Avenue SW., Room 331, Washington, DC 20591, telephone (202) 267–7982, email *larry.scott@faa.gov.*

Issued in Washington, DC, November 15, 2013.

**George C. Nield,**

*Associate Administrator for Commercial Space Transportation.*

[FR Doc. 2013–28133 Filed 11–21–13; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

### Notice of Final Federal Agency Actions on Proposed Highway in North Carolina

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of Limitations on Claims for Judicial Review of Actions by FHWA and Other Federal Agencies.

**SUMMARY:** This notice announces action taken by the FHWA and other Federal Agencies that is final within the meaning of 23 U.S.C. 139(l)(1). This final agency action relates to a proposed highway project, Bonner Bridge Replacement Project along NC 12, from Rodanthe to Bodie Island in Dare County, North Carolina. The FHWA's Record of Decision (ROD) identifies the Bridge within the Existing NC 12 Easement Alternative as the selected alternative for Phase IIa of the Bonner Bridge Replacement Project.

**DATES:** By this notice, the FHWA is advising the public of final agency actions subject to 23 U.S.C. 139(l)(1). A claim seeking judicial review of the Federal agency actions on the highway project will be barred unless the claim is filed on or before April 21, 2014. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such claim, then that shorter time period still applies.

**FOR FURTHER INFORMATION CONTACT:** For FHWA: Clarence W. Coleman, P. E., Director of Preconstruction and Environment, Federal Highway Administration, North Carolina Division, 310 New Bern Avenue, Suite 410, Raleigh, North Carolina 27601–1418; Telephone: (919) 747–7014; email: *clarence.coleman@dot.gov.* FHWA North Carolina Division Office's normal business hours are 8 a.m. to 5 p.m. (Eastern Time). For the North Carolina Department of Transportation (NCDOT): Richard Hancock, P.E., Environmental Director, Project Development and Environmental Analysis, North Carolina Department of Transportation (NCDOT), 1 South Wilmington Street (Delivery), 1548 Mail Service Center, Raleigh, North Carolina 27699–1548; Telephone (919) 707–6000, *RWHancock@ncdot.gov* NCDOT—Project Development and Environmental Analysis Branch Office's normal business hours are 8 a.m. to 5 p.m. (Eastern Time).

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that FHWA has taken final agency action by issuing a Record of Decision (ROD) for the following highway project in the State of North Carolina: Pea Island Long-Term Improvements for Phase IIa of the Bonner Bridge Replacement Project along Highway NC 12 in Dare County, North Carolina. The project is also known as State Transportation Improvement Program (STIP) Project B–2500A, and is part of the second phase (Phase IIa) of the Parallel Bridge Corridor/Transportation Management Plan (PBC/TMP), which was identified as the selected alternative for Phase I of the Bonner Bridge Replacement Project (STIP No. B–2500) in the Record of Decision (ROD) approved by FHWA on December 20, 2010. The NC 12 PBC/TMP addresses the length of the entire project for STIP No. B–2500, from the Village of Rodanthe to Bodie Island. The TMP is guiding the implementation of future phases of the project through 2060.

Located along the Outer Banks of North Carolina, the selected alternative for Phase IIa proposes to construct a bridge in the existing NC 12 easement approximately 2.1 miles in length to replace the existing surface road and the temporary bridge over the Pea Island inlet. The total approximate length of Phase IIa (including approaches) is 2.4 miles. Pea Island inlet formed as a result of Hurricane Irene in August 2011.

The FHWA's action, related actions by other Federal agencies and the laws under which such actions were taken, are described in the Final Environmental Impact Statement (FEIS)/Final Section 4(f) Evaluation for the project, approved on September 17, 2008; the Revised Final Section 4(f) Evaluation, approved on October 9, 2009; the Environmental Assessment, approved on May 7, 2010; the FHWA ROD approved on December 20, 2010, for Phase I and the PBC/TMP for the remainder of the project; the Phase IIa Environmental Assessment, approved February 12, 2013; the FHWA ROD for Phase IIa approved on October 7, 2013, and other documents in the project file. The above documents are available for review by contacting the FHWA or the NCDOT at the addresses provided above. In addition, these documents can be viewed and downloaded from the project Web site at *http://www.ncdot.gov/projects/*

*bonnerbridgereplace/*. This notice applies to all Federal agency decisions as of the issuance date of this notice and all laws under which such actions were taken, including but not limited to:

1. General: National Environmental Policy Act (NEPA) [42 U.S.C. 4321–4351]; Federal-Aid Highway Act [23 U.S.C. 109 and 23 U.S.C. 128].

2. Air: Clean Air Act [42 U.S.C. 7401–7671(q)].

3. Land: Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303]; Coastal Barrier Resources Act [16 U.S.C. 3501–3510].

4. Wildlife: Endangered Species Act [16 U.S.C. 1531–1544]; Marine Mammal Protection Act [16 U.S.C. 1361–1407]; Anadromous Fish Conservation Act [16 U.S.C. 757(a)–757(g)]; Fish and Wildlife Coordination Act [16 U.S.C. 661–667(d)]; Migratory Bird Treaty Act [16 U.S.C. 703–712]; Magnuson-Stevenson Fishery Conservation and Management Act [16 U.S.C. 1801 et. seq.], National Wildlife Refuge System Administration Act [16 U.S.C. 668dd–ee] as amended, and the Refuge Recreation Act [16 U.S.C. 460k–460k–4].

5. Historic and Cultural Resources: Section 106 of the National Historic Preservation Act of 1966 [16 U.S.C. 470(f)].

6. Social and Economic: Civil Rights Act of 1964 [42 U.S.C. 2000(d)–2000(d)(1)].

7. Wetlands and Water Resources: Clean Water Act (Section 404, Section 401, Section 319) [33 U.S.C. 1251–1377]; Coastal Barrier Resources Act [16 U.S.C. 3501–3510]; Coastal Zone Management Act [16 U.S.C. 1451–1465]; Land and Water Conservation Fund (LWCF) [16 U.S.C. 4601–4604]; Safe Drinking Water Act (SDWA) [42 U.S.C. 300(f)–300(j)(6)]; Rivers and Harbors Act of 1899 [33 U.S.C. 401–406]; Wild and Scenic Rivers Act [16 U.S.C. 1271–1287]; Emergency Wetlands Resources Act [16 U.S.C. 3921, 3931]; TEA–21 Wetlands Mitigation [23 U.S.C. 103(b)(6)(m), 133(b)(11)]; Flood Disaster Protection Act [42 U.S.C. 4001–4128].

8. Hazardous Materials: Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) [42 U.S.C. 9601–9675]; Superfund Amendments and Reauthorization Act of 1986 (SARA; 42 U.S.C. 11011 et seq.); Resource Conservation and Recovery Act (RCRA) [42 U.S.C. 6901–6992(k)].

9. Executive Orders: E.O. 11990 Protection of Wetlands; E.O. 11988 Floodplain Management; E.O. 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low Income Populations; E.O. 11593 Protection and Enhancement of Cultural Resources; E.O. 13007 Indian Sacred Sites; E.O. 13287 Preserve America; E.O. 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species; and E.O. 13186—Responsibilities of Federal Agencies to Protect Migratory Birds.

This notice does not apply to those pending environmental permitting decisions.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

**Authority:** 23 U.S.C. 139(l)(1)

Issued on: November 13, 2013.

**Clarence W. Coleman,**

*Director of Preconstruction and Environment, Raleigh, North Carolina.*

[FR Doc. 2013–27918 Filed 11–21–13; 8:45 am]

**BILLING CODE 4910–RY–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Transit Administration

**[FTA Docket No. 2013–0043]**

### Notice of Request for Revision of a Currently Approved Information Collection

**AGENCY:** Federal Transit Administration, DOT.

**ACTION:** Notice of request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the Federal Transit Administration (FTA) to request the Office of Management and Budget (OMB) to approve the revision of the following information collection: Metropolitan and Statewide and Nonmetropolitan Transportation Planning.

**DATES:** Comments must be submitted before January 21, 2014.

**ADDRESSES:** To ensure that your comments are not entered more than once into the docket, submit comments identified by the docket number by only one of the following methods:

1. *Web site: www.regulations.gov.* Follow the instructions for submitting comments on the U.S. Government electronic docket site. (Note: The U.S. Department of Transportation's (DOT's) electronic docket is no longer accepting electronic comments.) All electronic submissions must be made to the U.S. Government electronic docket site at *www.regulations.gov.* Commenters should follow the directions below for mailed and hand-delivered comments.

2. *Fax:* 202–366–7951.

3. *Mail:* U.S. Department of Transportation, 1200 New Jersey Avenue SE., Docket Operations, M–30, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.

4. *Hand Delivery:* U.S. Department of Transportation, 1200 New Jersey Avenue SE., Docket Operations, M–30, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001 between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

*Instructions:* You must include the agency name and docket number for this notice at the beginning of your comments. Submit two copies of your comments if you submit them by mail. For confirmation that FTA has received your comments, include a self-addressed stamped postcard. Note that all comments received, including any personal information, will be posted and will be available to Internet users, without change, to *www.regulations.gov.* You may review DOT's complete Privacy Act Statement in the **Federal Register** published April 11, 2000, (65 FR 19477), or you may visit *www.regulations.gov.*

*Docket:* For access to the docket to read background documents and comments received, go to *www.regulations.gov* at any time. Background documents and comments received may also be viewed at the U.S. Department of Transportation, 1200 New Jersey Avenue SE., Docket Operations, M–30, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001 between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Mr. Dwayne Weeks, Office of Planning and Environment, (202) 493–0316, or email: *Dwayne.Weeks@dot.gov.*

**SUPPLEMENTARY INFORMATION:** Interested parties are invited to send comments regarding any aspect of this information collection, including: (1) The necessity and utility of the information collection for the proper performance of the functions of the FTA; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the collected information; and (4) ways to minimize the collection burden without reducing the quality of the collected information. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection.

*Title:* Metropolitan and Statewide and Nonmetropolitan Transportation Planning *(OMB Number: 2132–0529)*

*Background:* The FTA and Federal Highway Administration (FHWA) jointly carry out the federal mandate to improve urban and rural transportation. 49 U.S.C. 5303 and 5304 and 23 U.S.C. 134 and 135 authorize the use of federal funds to assist Metropolitan Planning Organizations (MPOs), States, and local public bodies in developing transportation plans and programs to serve the transportation needs of urbanized areas over 50,000 in population and other areas of States outside of urbanized areas. The information collection activities involved in developing the Unified Planning Work Program (UPWP), the Metropolitan Transportation Plan, the Long-Range Statewide Transportation Plan, the Transportation Improvement Program (TIP), and the Statewide Transportation Improvement Program (STIP) are necessary to identify and evaluate the transportation issues and needs in each urbanized area and throughout every State. These products of the transportation planning process are essential elements in the reasonable planning and programming of federally funded transportation investments.

In addition to serving as a management tool for MPOs, the UPWP is used by both FTA and FHWA to monitor the transportation planning activities of MPOs. It also is needed to establish national out year budgets and regional program plans, develop policy on using funds, monitor State and local compliance with technical emphasis areas, respond to Congressional inquiries, prepare Congressional testimony, and ensure efficiency in the use and expenditure of Federal funds by determining that planning proposals are both reasonable and cost-effective. 49 U.S.C. 5303 and 23 U.S.C.134 (j) require the development of TIPs for urbanized areas; STIPs are mandated by 49 U.S.C. 5304 and 23 U.S.C. 135(g) for an entire State. After approval by the Governor and MPO, metropolitan TIPs in attainment areas are to be incorporated directly into the STIP. For nonattainment areas, FTA/FHWA must make a conformity finding on the TIPs before including them in the STIP. The complete STIP is then jointly reviewed and approved or disapproved by FTA and FHWA. These conformity findings and approval actions constitute the determination that States are complying with the requirements of 23 U.S.C. 134 and 135 and 49 U.S.C. 5303 and 5304 as a condition of eligibility for federal-aid funding. Without these documents, approvals and findings, FTA and FHWA cannot provide capital and/or operating assistance.

The FTA and FHWA updated their method for estimating the annual burden hours of the transportation planning programs on respondents. The FTA and FHWA surveyed a sample of MPO annual work programs to identify annual planning compliance burdens associated with the preparation of TIPS, STIPs and plans. The FTA and FHWA are using the information from this sample as the basis to estimate the annual compliance burden for both this request for revision of the currently approved information collection, as well as for a forthcoming Notice of Proposed Rulemaking that FTA and FHWA will issue to implement changes to the metropolitan and statewide and nonmetropolitan transportation planning programs as a result of the Moving Ahead for Progress in the 21st Century Act, Public Law 112–141 (2012).

*Respondents:* State Departments of Transportation and MPOs.

*Estimated Annual Burden on Respondents:* 8017 hours for each of the 472 respondents.

*Estimated Total Annual Burden:* 3,783,814 hours.

*Frequency:* Annual.

**Matthew M. Crouch,**

*Associate Administrator for Administration.*

[FR Doc. 2013–28060 Filed 11–21–13; 8:45 am]

**BILLING CODE 4910–57–P**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

**[Docket No. MARAD–2013 0130]**

### Requested Administrative Waiver of the Coastwise Trade Laws: Vessel ZODIAK; Invitation for Public Comments

**AGENCY:** Maritime Administration, Department of Transportation.

**ACTION:** Notice.

**SUMMARY:** As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

**DATES:** Submit comments on or before December 23, 2013.

**ADDRESSES:** Comments should refer to docket number MARAD–2013–0130. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

**FOR FURTHER INFORMATION CONTACT:** Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov.*

**SUPPLEMENTARY INFORMATION:** As described by the applicant the intended service of the vessel ZODIAK is:

*Intended Commercial Use of Vessel:* ''Shuttle passengers from Kaanapali Beach, Maui, to charter vessel standing off shore.''

*Geographic Region:* ''State of Hawaii''

The complete application is given in DOT docket MARAD–2013–0130 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR Part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR Part 388.

**Privacy Act**

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register**

published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

Dated: November 14, 2013.

By Order of the Maritime Administrator.

**Christine Gurland,**

*Acting Secretary, Maritime Administration.*

[FR Doc. 2013–28137 Filed 11–21–13; 8:45 am]

**BILLING CODE 4910–81–P**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

**[Docket No. MARAD–2013–0129]**

### Requested Administrative Waiver of the Coastwise Trade Laws: Vessel BLUE MOON; Invitation for Public Comments

**AGENCY:** Maritime Administration, Department of Transportation.

**ACTION:** Notice.

**SUMMARY:** As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

**DATES:** Submit comments on or before December 23, 2013.

**ADDRESSES:** Comments should refer to docket number MARAD–2013–0129. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

**FOR FURTHER INFORMATION CONTACT:** Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov.*

**SUPPLEMENTARY INFORMATION:** As described by the applicant the intended service of the vessel BLUE MOON is:

*Intended Commercial Use of Vessel:* ''Bareboat Charter''

*Geographic Region:* ''Maine, Maryland, Florida''

The complete application is given in DOT docket MARAD–2013–0129 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

**Privacy Act**

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

Dated: November 14, 2013.

By Order of the Maritime Administrator.

**Christine Gurland,**

*Acting Secretary, Maritime Administration.*

[FR Doc. 2013–28125 Filed 11–21–13; 8:45 am]

**BILLING CODE 4910–81–P**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

**[Docket No. MARAD–2013–0126]**

### Requested Administrative Waiver of the Coastwise Trade Laws: Vessel KOKUA KAI; Invitation for Public Comments

**AGENCY:** Maritime Administration, Department of Transportation.

**ACTION:** Notice.

**SUMMARY:** As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

**DATES:** Submit comments on or before December 23, 2013.

**ADDRESSES:** Comments should refer to docket number MARAD–2013–0126. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

**FOR FURTHER INFORMATION CONTACT:** Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov.*

**SUPPLEMENTARY INFORMATION:** As described by the applicant the intended service of the vessel KOKUA KAI is:

*Intended Commercial Use Of Vessel:* ''Tour Boat.''

*Geographic Region:* ''Hawaii.''

The complete application is given in DOT docket MARAD–2013–0126 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

**Privacy Act**

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

Dated: November 14, 2013.

By Order of the Maritime Administrator.

**Christine Gurland,**

*Acting Secretary, Maritime Administration.*

[FR Doc. 2013–28127 Filed 11–21–13; 8:45 am]

**BILLING CODE 4910–81–P**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

**[Docket No. MARAD–2013 0128]**

### Requested Administrative Waiver of the Coastwise Trade Laws: Vessel BEE; Invitation for Public Comments

**AGENCY:** Maritime Administration, Department of Transportation.

**ACTION:** Notice.

**SUMMARY:** As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

**DATES:** Submit comments on or before December 23, 2013.

**ADDRESSES:** Comments should refer to docket number MARAD–2013–0128. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov*. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov*.

**FOR FURTHER INFORMATION CONTACT:** Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov*.

**SUPPLEMENTARY INFORMATION:** As described by the applicant the intended service of the vessel BEE is:

*Intended Commercial Use of Vessel:* ''Skippered day cruises on a classic, wooden trawler yacht.''

*Geographic Region:* ''Washington, Oregon.''

The complete application is given in DOT docket MARAD–2013–0128 at *http://www.regulations.gov*. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

**Privacy Act**

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

Dated: November 14, 2013.

By Order of the Maritime Administrator.

**Christine Gurland,**

*Acting Secretary, Maritime Administration.*

[FR Doc. 2013–28122 Filed 11–21–13; 8:45 am]

**BILLING CODE 4910–81–P**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

**[Docket No. MARAD–2013–0127]**

### Requested Administrative Waiver of the Coastwise Trade Laws: Vessel GEMINI; Invitation for Public Comments

**AGENCY:** Maritime Administration, Department of Transportation.

**ACTION:** Notice.

**SUMMARY:** As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

**DATES:** Submit comments on or before December 23, 2013.

**ADDRESSES:** Comments should refer to docket number MARAD–2013–0127. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov*. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov*.

**FOR FURTHER INFORMATION CONTACT:** Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov*.

**SUPPLEMENTARY INFORMATION:** As described by the applicant the intended service of the vessel GEMINI is:

*Intended Commercial Use Of Vessel:* ''S/V Gemini to be used as an Uninspected Passenger Vessel for seasonal (April–November) hourly cruises for pleasure and sailing lessons, primarily in the Hudson River, NY.''

*Geographic Region:* New York, New Jersey.

The complete application is given in DOT docket MARAD–2013–0127 at *http://www.regulations.gov*. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

**Privacy Act**

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

Dated: November 14, 2013.

By Order of the Maritime Administrator.

**Christine Gurland,**

*Acting Secretary, Maritime Administration.*

[FR Doc. 2013–28130 Filed 11–21–13; 8:45 am]

**BILLING CODE 4910–81–P**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

**[Docket No. MARAD–2013–0133]**

### Requested Administrative Waiver of the Coastwise Trade Laws: Vessel GRAND LOUIS; Invitation for Public Comments

**AGENCY:** Maritime Administration, Department of Transportation.

**ACTION:** Notice.

**SUMMARY:** As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

**DATES:** Submit comments on or before December 23, 2013.

**ADDRESSES:** Comments should refer to docket number MARAD–2013–0133. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

**FOR FURTHER INFORMATION CONTACT:** Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov.*

**SUPPLEMENTARY INFORMATION:** As described by the applicant the intended service of the vessel GRAND LOUIS is:

*Intended Commercial Use of Vessel:* ''Private charters for day-sails, whale watch, sunset cruises, Photo shoots.''

*Geographic Region:* ''Hawaii.''

The complete application is given in DOT docket MARAD–2013–0133 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR Part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR Part 388.

**Privacy Act**

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

Dated: November 18, 2013.

By Order of the Maritime Administrator.

**Julie P. Agarwal,**

*Secretary, Maritime Administration.*

[FR Doc. 2013–28145 Filed 11–21–13; 8:45 am]

**BILLING CODE 4910–81–P**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

**[Docket No. MARAD–2013–0132]**

### Requested Administrative Waiver of the Coastwise Trade Laws: Vessel REGARDLESS; Invitation for Public Comments

**AGENCY:** Maritime Administration, Department of Transportation.

**ACTION:** Notice.

**SUMMARY:** As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

**DATES:** Submit comments on or before December 23, 2013.

**ADDRESSES:** Comments should refer to docket number MARAD–2013–0132. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov.* All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov.*

**FOR FURTHER INFORMATION CONTACT:** Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–

366–0903, Email *Linda.Williams@dot.gov.*

**SUPPLEMENTARY INFORMATION:** As described by the applicant the intended service of the vessel REGARDLESS is:

*Intended Commercial Use of Vessel:* ''Passenger vessel.''

*Geographic Region:* ''Hawaii.''

The complete application is given in DOT docket MARAD–2013–0132 at *http://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

**Privacy Act**

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

Dated: November 18, 2013.

By Order of the Maritime Administrator.

**Julie P. Agarwal,**

*Secretary, Maritime Administration.*

[FR Doc. 2013–28147 Filed 11–21–13; 8:45 am]

**BILLING CODE 4910–81–P**

## DEPARTMENT OF TRANSPORTATION

### Maritime Administration

**[Docket No. MARAD–2013–0134]**

### Requested Administrative Waiver of the Coastwise Trade Laws: Vessel LADY ANN; Invitation for Public Comments

**AGENCY:** Maritime Administration, Department of Transportation.

**ACTION:** Notice.

**SUMMARY:** As authorized by 46 U.S.C. 12121, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a brief description of the proposed service, is listed below.

**DATES:** Submit comments on or before December 23, 2013.

**ADDRESSES:** Comments should refer to docket number MARAD–2013–0134. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. You may also send comments electronically via the Internet at *http://www.regulations.gov*. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at *http://www.regulations.gov*.

**FOR FURTHER INFORMATION CONTACT:** Linda Williams, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE., Room W23–453, Washington, DC 20590. Telephone 202–366–0903, Email *Linda.Williams@dot.gov*.

**SUPPLEMENTARY INFORMATION:** As described by the applicant the intended service of the vessel LADY ANN is:

*Intended Commercial Use Of Vessel:* ''Charter cruises.''

*Geographic Region:* ''Florida.''

The complete application is given in DOT docket MARAD–2013–0134 at *http://www.regulations.gov*. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, a waiver will not be granted. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD's regulations at 46 CFR part 388.

**Privacy Act**

Anyone is able to search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (Volume 65, Number 70; Pages 19477–78).

Dated: November 18, 2013.

By Order of the Maritime Administrator.

**Julie P. Agarwal,**

*Secretary, Maritime Administration.*

[FR Doc. 2013–28148 Filed 11–21–13; 8:45 am]

**BILLING CODE 4910–81–P**

## DEPARTMENT OF THE TREASURY

### Fiscal Service

### Bureau of the Fiscal Service; Proposed Collection of Information: Authorization Agreement for Preauthorized Payment (SF 5510)

**AGENCY:** Bureau of the Fiscal Service, U.S. Department of the Treasury.

**ACTION:** Notice and Request for Comments.

**SUMMARY:** The Bureau of the Fiscal Service (''Fiscal Service''), 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 a continuing information collection. By this notice, the Bureau of the Fiscal Service solicits comments concerning the Form 5510, ''Authorization Agreement for Preauthorized Payment''.

**DATES:** Written comments should be received on or before January 21, 2014.

**ADDRESSES:** Direct all written comments to Bureau of the Fiscal Service, 3700 East-West Highway, Records and Information Management Branch, Room 135, Hyattsville, Maryland 20782.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information should be directed to Ian Macoy, Director (acting), Bureau of the Fiscal Service, Settlement Services Division, Room 400B, 401 14th Street SW., Washington, DC 20227 (202) 874–6835.

**SUPPLEMENTARY INFORMATION:** Pursuant to the Paperwork Reduction Act of 1995, (44 U.S.C. 3506(c)(2)(A)), the Fiscal Service solicits comments on the collection of information described below:

*Title:* Authorization Agreement for Preauthorized Payment.

*OMB Number:* 1510–0059.

*Form Number:* SF 5510.

*Abstract:* This form is used to collect information from remitters (individuals and corporations) to authorize electronic fund transfers from accounts maintained at financial institutions to collect monies for government agencies.

*Current Actions:* Extension of currently approved collection.

*Type of Review:* Regular.

*Affected Public:* Business or other for-profit, individuals or households, Federal Government.

*Estimated Number of Respondents:* 100,000.

*Estimated Time per Respondent:* 15 minutes.

*Estimated Total Annual Burden Hours:* 25,000.

*Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the 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 collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (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; and (e) estimates of capital or start-up costs and costs of operation, maintenance and purchase of services to provide information.

Dated: November 14, 2013.

**Kristine Conrath,**

*Assistant Commissioner, Revenue Collections Management.*

[FR Doc. 2013–27796 Filed 11–21–13; 8:45 am]

**BILLING CODE 4810–35–M**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### Proposed Collection; Comment Request for Regulation Project

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, 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)). Currently, the IRS is soliciting comments concerning, Disposition of an Interest in a Nuclear Power Plant.

**DATES:** Written comments should be received on or before January 21, 2014 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Yvette B. Lawrence, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Requests for copies of the regulation should be directed to Martha R. Brinson, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the internet at *Martha.R.Brinson@irs.gov.*

**SUPPLEMENTARY INFORMATION:**

*Title:* Disposition of an Interest in a Nuclear Power Plant.

*OMB Number:* 1545–1378.

*Regulation Project Number:* TD 8580.

*Abstract:* This regulation relates to certain Federal income tax consequences of a disposition of an interest in a nuclear power plant by a taxpayer that has maintained a nuclear decommissioning fund with respect to that plant. The regulation affects taxpayers that transfer or acquire interests in nuclear power plants by providing guidance on the tax consequences of these transfers. In addition, the regulation extends the benefits of Internal Revenue Code section 468A to electing taxpayers with an interest in a nuclear power plant under the jurisdiction of the Rural Electrification Administration.

*Current Actions:* There is no change to this existing regulation.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Business or other for-profit organizations, individuals or households and not-for-profit institutions.

*Estimated Number of Respondents:* 1,500.

*Estimated Time per Respondent:* 2 hours.

*Estimated Total Annual Burden Hours:* 3,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the 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 collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (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; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: October 18, 2013.

**Allan M. Hopkins,**

*IRS Tax Analyst.*

[FR Doc. 2013–28128 Filed 11–21–13; 8:45 am]

**BILLING CODE 4830–01–P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### Proposed Collection; Comment Request for Regulation Project

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, 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)). Currently, the IRS is soliciting comments concerning, Recharacterizing Financing Arrangements Involving Fast-Pay Stock.

**DATES:** Written comments should be received on or before January 21, 2014 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Yvette Lawrence, Internal Revenue

Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the regulation should be directed to Martha R. Brinson, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington DC 20224, or through the Internet, at *Martha.R.Brinson@irs.gov*.

**SUPPLEMENTARY INFORMATION:**

*Title:* Recharacterizing Financing Arrangements Involving Fast-Pay Stock.

*OMB Number:* 1545–1642.

*Regulation Project Number:* T.D. 8853.

*Abstract:* Section 1.7701(l)–3 recharacterizes fast-pay arrangements. Certain participants in such arrangements must file a statement that includes the name of the corporation that issued the fast-pay stock, and (to the extent the filing taxpayer knows or has reason to know) the terms of the fast-pay stock, the date on which it was issued, and the names and taxpayer identification numbers of any shareholders of any class of stock that is not traded on an established securities market.

*Current Actions:* There is no change to this existing regulation.

*Type of review:* Extension of a currently approved collection.

*Affected Public:* Business or other for-profit organizations.

*Estimated Number of Respondents:* 50.

*Estimated Time per Respondent:* 1 hour.

*Estimated Total Annual Burden Hours:* 50.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the 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 collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (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; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: October 18, 2013.

**Allan Hopkins,**

*Tax Analyst.*

[FR Doc. 2013–28134 Filed 11–21–13; 8:45 am]

**BILLING CODE 4830–01–P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### Proposed Collection; Comment Request for Form 3800

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, 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)). Currently, the IRS is soliciting comments concerning Form 3800, General Business Credit.

**DATES:** Written comments should be received on or before January 21, 2014 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Yvette Lawrence, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the form and instructions should be directed to Martha R. Brinson, at Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet, at *Martha.R.Brinson@irs.gov*.

**SUPPLEMENTARY INFORMATION:**

*Title:* General Business Credit.

*OMB Number:* 1545–0895.

*Form Number:* Form 3800.

*Abstract:* Internal Revenue Code section 38 permits taxpayers to reduce their income tax liability by the amount of their general business credit, which is an aggregation of their investment credit, work opportunity credit, welfare-to-work credit, alcohol fuel credit, research credit, low-income housing credit, disabled access credit, enhanced oil recovery credit, etc. Form 3800 is used to figure the correct credit.

*Current Actions:* We have made changes to Form 3800 to administer the provisions from the Small Business Jobs Act (Pub. L. 111–240), sections 2012 and 2013. The form was redesigned to accommodate the eligible small business credits. Part III has been designed to collect information for ESBCs and non-ESBC credits separately.

*Type of Review:* Revisions of a currently approved collection.

*Affected Public:* Business or other for-profit organizations, farms and individuals.

*Estimated Number of Respondents:* 250,000.

*Estimated Time per Respondent:* 33 hours, 38 minutes.

*Estimated Total Annual Burden Hours:* 8,345,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the 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 collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (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; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: October 2, 2013.

**Joseph Durbala,**

*Tax Analyst.*

[FR Doc. 2013–28136 Filed 11–21–13; 8:45 am]

**BILLING CODE 4830–01–P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### Advisory Committee to the Internal Revenue Service; Meeting

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice of meeting.

**SUMMARY:** The Information Reporting Program Advisory Committee (IRPAC) will hold a public meeting on Wednesday, December 11, 2013.

**FOR FURTHER INFORMATION CONTACT:** Ms. Caryl Grant, National Public Liaison, CL:NPL:SRM, Rm. 7559, 1111 Constitution Avenue NW., Washington, DC 20224. Phone: 202–317–6851 (not a toll-free number). Email address: *PublicLiaison@irs.gov*.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988), that a public meeting of the IRPAC will be held on Wednesday, December 11, 2013 from 9:00 a.m. to 12:00 p.m. at Embassy Suites Washington DC, 1250 22nd Street NW., Washington, DC 20037.

Report recommendations on issues that may be discussed include: Cost Basis Reporting; *De minimis* Threshold for Form 1099 Corrections; Employer and Insurer Reporting Under the Patient Protection and Affordable Care Act; Foreign Account Tax Compliance Act; Notice 2013–43; Treatment of Expiring Chapter 3 Documentation; Electronic Transmission of Tax documentation; Presumption Rules for Certain Exempt Recipients; Treatment of Foreign Branches Located in Intergovernmental Agreement Countries; Reason to Know Standards Under Chapters 3 and 4; Coordinated Account System Rules; New Forms W–8, W–9, 1042 and 1042–S; Reporting Obligations With Respect to Foreign Investment Funds; Erroneous 1099–MISC Reporting; Form W–9 and Instructions—Revision; Business Master File (BMF)—additional addresses; Missing TINS for Employer and Insurer Reporting; Minimum Essential Coverage, Premium Tax Credit Educational Materials; Employer Reporting of Purchase Price Discount for Qualifying Dispositions in Employee Stock Purchase Plans; Expand Eligibility to Use the Taxpayer Identification Number (TIN) Matching Program to Improve the Accuracy of Information Reporting; IRC § 6050W and Form 1099–K Reporting; Taxpayer Identification Number (TIN) Truncation; Stripped Tax Credits; Form 1098–T; Form 8300; Withholding and Reporting on Payments for Freight, Shipping and Other Transportation Expenses under IRC § 1441 and § 1442; Revenue Procedure 95–48, and Third-Party Sick Pay Reporting. Last minute agenda changes may preclude advance notice. Due to limited seating and security requirements, please call or email Caryl Grant to confirm your attendance. Ms. Grant can be reached at 202–317–6851 or *PublicLiaison@irs.gov*. Should you wish the IRPAC to consider a written statement, please call 202–317–6851, or write to: Internal Revenue Service, Office of National Public Liaison, CL:NPL:SRM, Room 7559, 1111 Constitution Avenue NW., Washington, DC 20224 or email: *PublicLiaison@irs.gov*.

November 18, 2013.

**John Lipold,**

*Designated Federal Official, Branch Chief, National Public Liaison.*

[FR Doc. 2013–28140 Filed 11–21–13; 8:45 am]

**BILLING CODE 4830–01–P**

## DEPARTMENT OF VETERANS AFFAIRS

### Clinical Science Research and Development Service Cooperative Studies; Scientific Evaluation Committee; Notice of Meeting

The Department of Veterans Affairs gives notice under the Federal Advisory Committee Act, 5 U.S.C. App. 2, that the Clinical Science Research and Development Service Cooperative Studies Scientific Evaluation Committee will hold a meeting on December 12, 2013, at the American Association of Airport Executives, 601 Madison Street, Alexandria, VA. The meeting is scheduled to begin at 8:30 a.m. and end at 3 p.m.

The Committee advises the Chief Research and Development Officer through the Director of the Clinical Science Research and Development Service on the relevance and feasibility of proposed projects and the scientific validity and propriety of technical details, including protection of human subjects.

The session will be open to the public for approximately 30 minutes at the start of the meeting for the discussion of administrative matters and the general status of the program. The remaining portion of the meeting will be closed to the public for the Committee's review, discussion, and evaluation of research and development applications.

During the closed portion of the meeting, discussions and recommendations will deal with qualifications of personnel conducting the studies, staff and consultant critiques of research proposals and similar documents, and the medical records of patients who are study subjects, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. As provided by section 10(d) of Public Law 92–463, as amended, closing portions of this meeting is in accordance with 5 U.S.C. 552b(c)(6) and (c)(9)(B).

No oral comments will be accepted from the public for the open portion of the meeting. Those who plan to attend or wish additional information should contact Dr. Grant Huang, Acting Director, Cooperative Studies Program (10P9CS), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, at (202) 443–5700 or by email at *grant.huang@va.gov*. Written comments may be submitted to Dr. Huang at the same address and email.

Dated: November 19, 2013.

**Jeffrey M. Martin,**

*Program Manager, Regulation Policy and Management, Office of the General Counsel.*

[FR Doc. 2013–28064 Filed 11–21–13; 8:45 am]

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Part II

## Department of the Interior

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Review of Native Species That are Candidates for Listing as Endangered or Threatened; Annual Notice of Findings on Resubmitted Petitions; Annual Description of Progress on Listing Actions; Proposed Rule

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**50 CFR Part 17**

**[Docket No. FWS–HQ–ES–2013–0094; FF09E21000 FXES11190900000 134]**

## Endangered and Threatened Wildlife and Plants; Review of Native Species That are Candidates for Listing as Endangered or Threatened; Annual Notice of Findings on Resubmitted Petitions; Annual Description of Progress on Listing Actions

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of review.

**SUMMARY:** In this Candidate Notice of Review (CNOR), we, the U.S. Fish and Wildlife Service (Service), present an updated list of plant and animal species native to the United States that we regard as candidates for or have proposed for addition to the Lists of Endangered and Threatened Wildlife and Plants under the Endangered Species Act of 1973, as amended. Identification of candidate species can assist environmental planning efforts by providing advance notice of potential listings, allowing landowners and resource managers to alleviate threats and thereby possibly remove the need to list species as endangered or threatened. Even if we subsequently list a candidate species, the early notice provided here could result in more options for species management and recovery by prompting candidate conservation measures to alleviate threats to the species.

The CNOR summarizes the status and threats that we evaluated in order to determine that species qualify as candidates and to assign a listing priority number (LPN) to each species or to determine that species should be removed from candidate status. Additional material that we relied on is available in the Species Assessment and Listing Priority Assignment Forms (species assessment forms) for each candidate species.

Overall, this CNOR recognizes no new candidates, changes the LPN for three candidates, and removes three species from candidate status. Combined with other decisions for individual species that were published separately from this CNOR in the past year, the current number of species that are candidates for listing is 146.

This document also includes our findings on resubmitted petitions and describes our progress in revising the Lists of Endangered and Threatened Wildlife and Plants (Lists) during the period October 1, 2012, through September 30, 2013.

We request additional status information that may be available for the 146 candidate species identified in this CNOR.

**DATES:** We will accept information on any of the species in this Candidate Notice of Review at any time.

**ADDRESSES:** This notice of review is available on the Internet at *http://www.regulations.gov* and *http://www.fws.gov/endangered/what-we-do/cnor.html*. Species assessment forms with information and references on a particular candidate species' range, status, habitat needs, and listing priority assignment are available for review at the appropriate Regional Office listed below in **SUPPLEMENTARY INFORMATION** or at the Branch of Communications and Candidate Conservation, Arlington, VA (see address under **FOR FURTHER INFORMATION CONTACT**), or on our Web site (*http://ecos.fws.gov/tess_public/pub/candidateSpecies.jsp*). Please submit any new information, materials, comments, or questions of a general nature on this notice of review to the Arlington, VA, address listed under **FOR FURTHER INFORMATION CONTACT.** Please submit any new information, materials, comments, or questions pertaining to a particular species to the address of the Endangered Species Coordinator in the appropriate Regional Office listed in **SUPPLEMENTARY INFORMATION**. Species-specific information and materials we receive will be available for public inspection by appointment, during normal business hours, at the appropriate Regional Office listed below under Request for Information in **SUPPLEMENTARY INFORMATION**. General information we receive will be available at the Branch of Communications and Candidate Conservation, Arlington, VA (see address under **FOR FURTHER INFORMATION CONTACT**).

**FOR FURTHER INFORMATION CONTACT:** Chief, Branch of Communications and Candidate Conservation, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, Room 420, Arlington, VA 22203 (telephone 703–358–2171). Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 800–877–8339.

**SUPPLEMENTARY INFORMATION:** We request additional status information that may be available for any of the candidate species identified in this CNOR. We will consider this information to monitor changes in the status or LPN of candidate species and to manage candidates as we prepare listing documents and future revisions to the notice of review. We also request information on additional species to consider including as candidates as we prepare future updates of this notice of review.

### Candidate Notice of Review

*Background*

The Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (ESA), requires that we identify species of wildlife and plants that are endangered or threatened, based on the best available scientific and commercial information. As defined in section 3 of the ESA, an endangered species is any species that is in danger of extinction throughout all or a significant portion of its range, and a threatened species is any species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. Through the Federal rulemaking process, we add species that meet these definitions to the List of Endangered and Threatened Wildlife at 50 CFR 17.11 or the List of Endangered and Threatened Plants at 50 CFR 17.12. As part of this program, we maintain a list of species that we regard as candidates for listing. A candidate species is one for which we have on file sufficient information on biological vulnerability and threats to support a proposal for listing as endangered or threatened, but for which preparation and publication of a proposal is precluded by higher priority listing actions. We may identify a species as a candidate for listing after we have conducted an evaluation of its status on our own initiative, or resulting from a petition we have received. If we have made a positive finding on a petition to list a species, but we have found that listing is warranted but precluded by other higher priority listing actions we will add the species to our list of candidates.

We maintain this list of candidates for a variety of reasons: (1) To notify the public that these species are facing threats to their survival; (2) to provide advance knowledge of potential listings that could affect decisions of environmental planners and developers; (3) to provide information that may stimulate and guide conservation efforts that will remove or reduce threats to these species and possibly make listing unnecessary; to request input from interested parties to help us identify those candidate species that may not require protection under the ESA as well as additional species that may require the ESA's protections; and (4) to request necessary information for setting priorities for preparing listing proposals.

We strongly encourage collaborative conservation efforts for candidate species, and offer technical and financial assistance to facilitate such efforts. For additional information regarding such assistance, please contact the appropriate Regional Office listed under Request for Information or visit our Web site, *http://www.fws.gov/endangered/what-we-do/cca.html*.

*Previous Notices of Review*

We have been publishing candidate notices of review (CNOR) since 1975. The most recent CNOR (prior to this CNOR) was published on November 21, 2012 (77 FR 69994). CNORs published since 1994 are available on our Web site, *http://www.fws.gov/endangered/what-we-do/cnor.html*. For copies of CNORs published prior to 1994, please contact the Branch of Communications and Candidate Conservation (see **FOR FURTHER INFORMATION CONTACT** section above).

On September 21, 1983, we published guidance for assigning an LPN for each candidate species (48 FR 43098). Using this guidance, we assign each candidate an LPN of 1 to 12, depending on the magnitude of threats, immediacy of threats, and taxonomic status; the lower the LPN, the higher the listing priority (that is, a species with an LPN of 1 would have the highest listing priority). Section 4(h)(3) of the ESA (16 U.S.C. 1533(h)(3)) requires the Secretary to establish guidelines for such a priority-ranking guidance system. As explained below, in using this system, we first categorize based on the magnitude of the threat(s), then by the immediacy of the threat(s), and finally by taxonomic status.

Under this priority-ranking system, magnitude of threat can be either ''high'' or ''moderate to low.'' This criterion helps ensure that the species facing the greatest threats to their continued existence receive the highest listing priority. It is important to recognize that all candidate species face threats to their continued existence, so the magnitude of threats is in relative terms. For all candidate species, the threats are of sufficiently high magnitude to put them in danger of extinction, or make them likely to become in danger of extinction in the foreseeable future. But for species with higher magnitude threats, the threats have a greater likelihood of bringing about extinction or are expected to bring about extinction on a shorter timescale (once the threats are imminent) than for species with lower magnitude threats. Because we do not routinely quantify how likely or how soon extinction would be expected to occur absent listing, we must evaluate factors that contribute to the likelihood and time scale for extinction. We therefore consider information such as: (1) The number of populations or extent of range of the species affected by the threat(s), or both; (2) the biological significance of the affected population(s), taking into consideration the life-history characteristics of the species and its current abundance and distribution; (3) whether the threats affect the species in only a portion of its range, and if so, the likelihood of persistence of the species in the unaffected portions; (4) the severity of the effects and the rapidity with which they have caused or are likely to cause mortality to individuals and accompanying declines in population levels; (5) whether the effects are likely to be permanent; and (6) the extent to which any ongoing conservation efforts reduce the severity of the threat.

As used in our priority-ranking system, immediacy of threat is categorized as either ''imminent'' or ''nonimminent,'' and is based on when the threats will begin. If a threat is currently occurring or likely to occur in the very near future, we classify the threat as imminent. Determining the immediacy of threats helps ensure that species facing actual, identifiable threats are given priority for listing proposals over those for which threats are only potential or species that are intrinsically vulnerable to certain types of threats but are not known to be presently facing such threats.

Our priority ranking system has three categories for taxonomic status: Species that are the sole members of a genus; full species (in genera that have more than one species); and subspecies and distinct population segments of vertebrate species (DPS).

The result of the ranking system is that we assign each candidate a listing priority number of 1 to 12. For example, if the threats are of high magnitude, with immediacy classified as imminent, the listable entity is assigned an LPN of 1, 2, or 3 based on its taxonomic status (i.e., a species that is the only member of its genus would be assigned to the LPN 1 category, a full species to LPN 2, and a subspecies or DPS would be assigned to LPN 3). In summary, the LPN ranking system provides a basis for making decisions about the relative priority for preparing a proposed rule to list a given species. No matter which LPN we assign to a species, each species included in this notice of review as a candidate is one for which we have sufficient information to prepare a proposed rule for listing because it is in danger of extinction or likely to become endangered within the foreseeable future throughout all or a significant portion of its range.

For more information on the process and standards used in assigning LPNs, a copy of the 1983 guidance is available on our Web site at: *http://www.fws.gov/endangered/esa-library/pdf/48fr43098-43105.pdf*. For more information on the LPN assigned to a particular species, the species assessment for each candidate contains the LPN chart and a rationale for the determination of the magnitude and immediacy of threat(s) and assignment of the LPN; that information is summarized in this CNOR.

This revised notice of review supersedes all previous animal, plant, and combined candidate notices of review for native species.

*Summary of This CNOR*

Since publication of the previous CNOR on November 21, 2012 (77 FR 69994), we reviewed the available information on candidate species to ensure that a proposed listing is justified for each species, and reevaluated the relative LPN assigned to each species. We also evaluated the need to emergency-list any of these species, particularly species with higher priorities (i.e., species with LPNs of 1, 2, or 3). This review and reevaluation ensures that we focus conservation efforts on those species at greatest risk first. We also evaluated whether the fish, plains topminnow (*Fundulus sciadicus*), warranted candidate status; we are announcing our decision that this species does not meet the definition of a candidate species at this time (See Other Evaluations for Candidate Status).

In addition to reviewing candidate species since publication of the last CNOR, we have worked on findings in response to petitions to list species, and on proposed and final determinations for rules to list species under the ESA. Some of these findings and determinations have been completed and published in the **Federal Register**, while work on others is still under way (see *Preclusion and Expeditious Progress,* below, for details).

Based on our review of the best available scientific and commercial information, with this CNOR, we are identifying no new candidates, we change the LPN for three candidates (see Listing Priority Changes in Candidates, below), and determine that a listing proposal is not warranted for three species and thus remove them from candidate status (see Candidate Removals, below). Combined with the other decisions published separately from this CNOR, a total of 146 species (including 52 plant and 94 animal species) are now candidates awaiting

preparation of rules proposing their listing. These 146 species, along with the 45 species currently proposed for listing (including 1 species proposed for listing due to similarity in appearance), are included in Table 1.

Table 2 lists the changes from the previous CNOR, and includes 93 species identified in the previous CNOR as either proposed for listing or classified as candidates that are no longer in those categories. This includes 81 species for which we published a final listing rule, 8 candidate species for which we published a separate not-warranted finding and removed from candidate status, 1 species for which we published a withdrawal of a proposed listing rule, and the 3 species in this notice of review that we have determined do not meet the definition of an endangered or threatened species and therefore do not warrant listing. We have removed these species from candidate status in this CNOR.

**New Candidates**

We have not identified any new candidate species through this notice of review, but we note that the rattlesnake-master borer moth was identified as candidate on August 14, 2013 (78 FR 49422) as a result of a separate petition finding published in the **Federal Register** in which we described the reasons and data for elevating the species to candidate status.

**Listing Priority Changes in Candidates**

We reviewed the LPN for all candidate species and are changing the number for the following species discussed below.

*Mammals*

Southern Idaho ground squirrel (*Urocitellus endemicus*)—The following summary is based on information contained in our files. No new information was provided in the petition we received on May 11, 2004. The southern Idaho ground squirrel is endemic to four counties in southwest Idaho; its total known range is approximately 292,000 hectares (722,000 acres).

Threats to southern Idaho ground squirrels include: Habitat degradation; direct killing from shooting, trapping, or poisoning; predation; and competition with other ground squirrel species. Habitat degradation appears to be the primary threat. Nonnative annuals such as *Bromus tectorum* (cheatgrass) and *Taeniatherum caput-medusae* (medusahead) now dominate much of this species' range and have altered the fire regime by increasing the frequency of wildfire. Furthermore, nonnative annuals provide inconsistent forage quality for southern Idaho ground squirrels compared to native vegetation. A programmatic Candidate Conservation Agreement with Assurances (CCAA) has been completed for this species and contains conservation measures that minimize ground-disturbing activities, allow for the investigation of methods to restore currently degraded habitat, provide for additional protection to southern Idaho ground squirrels from recreational shooting and other direct killing on enrolled lands, and allow for the translocation of squirrels to or from enrolled lands, if necessary. The acreage enrolled through the CCAA encompasses approximately 9 percent of the known range of the species. While the ongoing conservation efforts have helped to reduce the magnitude of threats, habitat degradation remains the primary threat to the species throughout most of its range. This threat is imminent due to the ongoing and increasing prevalence of nonnative vegetation.

The southern Idaho ground squirrel (formerly *Spermophilus brunneus endemicus*) was considered to be one of two subspecies (northern and southern) of the Idaho ground squirrel. However, based on differences in their geographic distribution, morphology, habitat, and genetic characteristics, the two subspecies are now considered distinct species. Therefore, we changed the LPN for the southern Idaho ground squirrel from a 9 to an 8 to reflect the change in taxonomy from subspecies to species.

*Fishes*

Cumberland arrow darter (*Etheostoma sagitta*)—The following summary is based on information in our files. The Cumberland arrow darter is a brightly colored darter with a total length of approximately 116 millimeters (4.6 inches). It is restricted to the upper Cumberland River basin in southeastern Kentucky and northeastern Tennessee. The Cumberland arrow darter typically inhabits small headwater streams (first to third order) but is sometimes observed in larger streams or small rivers. Its preferred habitat consists of pools or transitional areas between riffles and pools (runs and glides) in moderate- to-high-gradient streams with bedrock, boulder, and cobble substrates. Cumberland arrow darters feed on a variety of aquatic invertebrates, but adults feed predominantly on larval mayflies (order Ephemeroptera), specifically the families Heptageniidae and Baetidae. Rangewide surveys from 2010 to 2012 revealed that the Cumberland arrow darter has been extirpated from portions of its range. During these efforts, the species was observed at 60 of 101 historical streams and 72 of 123 historical sites.

The species' habitat and range have been degraded and limited by water pollution from surface coal mining and gas-exploration activities; removal of riparian vegetation; stream channelization; increased siltation associated with poor mining, logging, and agricultural practices; and deforestation of watersheds. The magnitude of these threats is most severe in the eastern half of the range, where resource extraction activities are more common and public ownership is sparse. The threat magnitude is lower in the western half of the range where resource extraction activities are less severe and a larger proportion of the range is in public ownership. Since the species and its life cycle and habitat requirements are fairly evenly distributed across its range, overall, the magnitude of the threats is moderate. We also consider these threats to be imminent, because the threats are ongoing and will continue for the foreseeable future. Based on new morphological and genetic analyses and published species accounts and lists, the Cumberland arrow darter is now recognized as *E. sagitta,* a full species. The elevation to species rank increases the LPN from a 9 (subspecies) to an 8 (species).

Kentucky arrow darter (*Etheostoma spilotum*)—The following summary is based on information in our files. The Kentucky arrow darter is a rather large (total length of approximately 4.6 inches (116 millimeters)), brightly colored darter that is restricted to the upper Kentucky River basin in eastern Kentucky. The species' preferred habitat consists of pools or transitional areas between riffles and pools (runs and glides) in moderate-to-high-gradient streams with bedrock, boulder, and cobble substrates. In most recent surveys, the Kentucky arrow darter has been observed in streams ranging in size from first to third order, with most individuals occurring in second order streams in watersheds encompassing 7.7 square miles (20 square kilometers) or less. Kentucky arrow darters feed on a variety of aquatic invertebrates, but adults feed predominantly on larval mayflies (order Ephemeroptera), specifically the families Heptageniidae and Baetidae. Rangewide surveys from 2007 to 2009 revealed that the Kentucky arrow darter has disappeared from portions of its range. During these surveys, the species was observed at only 33 of 68 historical streams and 45 of 100 historical sites.

The subspecies' habitat and range have been severely degraded and limited by water pollution from surface coal mining and gas-exploration activities; removal of riparian vegetation; stream channelization; increased siltation associated with poor mining, logging, and agricultural practices; and deforestation of watersheds. The threats are high in magnitude, because they are widespread across the subspecies' range and because these activities, especially mining and gas-exploration, have the potential to alter stream water quality permanently throughout the range by contributing sediment, dissolved metals, and other solids to streams supporting Kentucky arrow darters, resulting in direct mortality or reduced reproductive capacity. The threats are imminent because the effects are manifested immediately and will continue for the foreseeable future.

Based on new morphological and genetic analyses and published species accounts and lists, the Kentucky arrow darter is now recognized as *E. spilotum* Gilbert, a full species. The elevation to species rank increases the LPN from a 3 (subspecies) to a 2 (species).

**Candidate Removals**

As summarized below, we have evaluated the threats to the following species and considered factors that, individually and in combination, currently or potentially could pose a risk to these species and their habitats. After a review of the best available scientific and commercial data, we conclude that listing these species under the Endangered Species Act is not warranted, because these species are not likely to become endangered species within the foreseeable future throughout all or a significant portion of their ranges. Therefore, we no longer consider them to be candidate species for listing. We will continue to monitor the status of these species and to accept additional information and comments concerning this finding. We will reconsider our determination in the event that new information indicates that the threats to the species are of a considerably greater magnitude or imminence than identified through assessments of information contained in our files, as summarized here.

*Flowering Plants*

*Hazardia orcuttii* (Orcutt's hazardia or Orcutt's goldenbush)—The following summary is based on information contained in our files, including a detailed species report. *Hazardia orcuttii,* a flowering evergreen shrub in the Asteraceae (sunflower) family, is associated with coastal sage scrub communities, and transitional areas between coastal sage scrub and chaparral. The species is found along the Pacific coastal area at elevations ranging from under 100 meters (m) (330 feet (ft)) to 200 m (660 ft), but generally under 100 m (328 ft). The known historical distribution spans 270 km (170 mi) from northern coastal San Diego County, California, United States, south to Colonet Mesa, Baja California, Mexico. In the United States, a single native population of *H. orcuttii* occurs on a southwestern mesa above Lux Canyon, in the city of Encinitas. In Mexico, 15 occurrences are known from 30 herbarium records, some of which indicate that the plant is locally common or abundant. *Hazardia orcuttii* is currently listed as threatened under the California Endangered Species Act and as endangered in Mexico.

We made *Hazardia orcuttii* a candidate in 2004. At that time, the primary threat affecting the species was urban development, which primarily affected a portion of the historical U.S. population between 1981 and 1997. Additional disruptions to the remaining native population occurred after that time, including loss of some of the remaining plants due to development, seed collection, and mowing. The extant portion of the single native population in the United States currently occupies approximately 0.63 hectare (ha) (1.5 acres (ac)) of the Manchester Habitat Conservation Area. Both the single native population and four experimental outplantings are found within managed conservation areas. In Mexico, urban development has also affected historical occurrences and still has the potential to affect *H. orcuttii* and its habitat. However, in 2010, *H. orcuttii* was listed as endangered under NOM–059–SEMARNAT–2010, which provides protections to the species from development activities in Mexico.

We identified a number of other potential threats since 2004, such as climate change, predation, and impacts from small population size; however, further investigation of these stressors indicates they are not substantial threats. Climate change models predict increased temperatures and decreased precipitation for the southern California region; however, temperatures are predicted to be within the range used for seed germination, and precipitation forecasts are too uncertain for areas occupied by *H. orcuttii* to determine how this might affect the species. One study suggested that high predation rates for the seedbank had affected the reproductive output of *H. orcuttii;* however, the limited period covered by the study and the unusual weather conditions that occurred during that period likely made the findings with respect to seed production and predation rates unrepresentative. In our 2012 CNOR, we also identified small population size as a potential concern, due to the occurrence of a single population in the United States (77 FR 70041; November 21, 2012); however, we now have a better understanding of the range and geographic distribution of the 15 occurrences in Mexico, such that any loss of populations due to random catastrophic events and potential reduction in fitness due to low genetic variability is not a concern for this species.

The conservation provided for *Hazardia orcuttii* and its habitat in the United States has removed the threat of habitat loss known at the time we made this species a candidate. Furthermore, given the existing protections and the low level of stressors currently affecting the species, we conclude that *H. orcuttii* no longer meets the definition of an endangered or threatened species under section 3 of the Endangered Species Act. We do not have any information to indicate that these stressors are likely to increase in the future; thus, the species is not likely to become an endangered species in the foreseeable future. Therefore, we find that listing of *H. orcuttii* is not warranted, and we have removed it from candidate status.

*Phacelia stellaris* (Brand's Phacelia)—The following summary is based on information contained in our files, including a detailed species report. *Phacelia stellaris,* an annual herb in the Boraginaceae (borage) family, is associated with sparsely vegetated habitats on loamy sand in coastal dunes, coastal strand, coastal scrub, or alluvial floodplains. Based on herbarium records, we conclude that the historical range of *P. stellaris* was from southern California (San Bernardino, Los Angeles, Orange, Riverside, and San Diego Counties) southward along the Pacific coast to near Socorro in northern Baja California, Mexico, at elevations ranging from 0 to 1100 ft (366 m). The current geographic range of *P. stellaris* encompasses 12 occurrences known or presumed to be extant (7 in the United States and 5 in Mexico). Nine occurrences in the United States (in Los Angeles and Orange Counties) and one in Mexico (in the City of Ensenada) have been extirpated by development.

We made *Phacelia stellaris* a candidate in 2004. At that time, one of the primary threats affecting the species was habitat degradation due to trampling from foot and vehicle traffic. Today, four of the seven U.S.

occurrences experience some level of habitat degradation from trampling. However, on August 1, 2013, the U.S. Navy, U.S. Marine Corps, Department of Homeland Security, and California Department of Parks and Recreation entered into a Candidate Conservation Agreement (CCA). This CCA identifies actions that are or will be taken to further minimize effects to the plant and its habitat at the four remaining U.S. occurrences that still experience effects from trampling. Therefore, the amount of *P. stellaris* habitat degradation due to trampling has been reduced since the time the species became a candidate, or will soon be reduced, as all seven U.S. occurrences are either protected from trampling through fencing and other conservation measures, or will soon receive management for habitat effects due to trampling. We do not have information regarding the issue of trampling for occurrences in Mexico; however, based on information from botanists familiar with areas where the plant occurs, it is likely that four of the five occurrences experience some degree of trampling.

The other primary threat affecting U.S. occurrences of *Phacelia stellaris* at the time of listing was nonnative plant invasion. Nonnative plants are known to affect all seven U.S. occurrences of *P. stellaris* to some degree, but this threat is actively managed at four occurrences, including the three most abundant populations. With the signing of the CCA, management to control nonnative plants will continue at the four occurrences and will be initiated at one additional occurrence. Thus, five of the seven extant occurrences in the U.S. are or will be managed for the benefit of *P. stellaris* by removing invasive, nonnative plants. Successful removal of nonnative plants has already resulted in an increased presence of *P. stellaris* at the four currently managed sites. With the active management that is currently occurring at those four sites and the initiation of weed control at a fifth site, the threat to *P. stellaris* in the U.S. from invasive, nonnative plants has been addressed. We have no information as to the degree nonnative plants are encroaching on *P. stellaris* occurrences in Mexico. However, the management of *P. stellaris* in the U.S. will provide for the long-term conservation of the species.

We identified other potential threats since 2004 including flood-control activities and impacts related to small population size; however, further investigation indicates they are not substantial threats. We also analyzed the potential for sea-level rise to affect *P. stellaris,* as four of seven U.S. occurrences are close to tidally influenced areas. Although all coastal occurrences could potentially be affected by sea-level rise, the effects of sea-level rise on *P. stellaris* occurrences cannot be assessed with confidence beyond 2050, as modeling and variables affecting this species are increasingly uncertain after this date. Based on our review of available predictive models and habitat characteristics of *P. stellaris,* we do not anticipate that sea-level rise will affect the occurrences in the United States before 2050. All of the presumably extant occurrences in Mexico are thought to be located along the immediate coastline, although their exact locations relative to the tideline is unknown; therefore, we lack sufficient data to make reliable projections of the impact of sea-level rise on this species in Mexico.

The conservation provided for *Phacelia stellaris* and its habitat has significantly reduced the threat of nonnative plant invasion in the United States. Although it is possible that nonnative plant invasion threatens the occurrences in Mexico, we have no information suggesting that this is in fact the case, and we must make listing determinations based on the best data available, not speculation. Thus, we conclude that nonnative plants no longer pose a significant threat to the species. In addition, although trampling still happens at some occurrences, the effects have been reduced through implementation of conservation measures. The remaining impacts are localized and do not rise to the level of significantly affecting the species and its habitat. We anticipate ongoing protection and management provided by Federal, State, and local landowners at six of the seven U.S. occurrences through implementation of Habitat Conservation Plans, Integrated Natural Resource Management Plans, and the CCA, all of which will continue into the foreseeable future. In addition, we do not have any information to indicate that stressors will increase in the foreseeable future. Given the existing protections and the low level of stressors affecting the species now and in the foreseeable future, we conclude that *P. stellaris* no longer meets the definition of an endangered or threatened species under section 3 of the Endangered Species Act. Therefore, we find that listing of *P. stellaris* is not warranted, and we have removed it from candidate status.

*Solidago plumosa* (Yadkin River goldenrod)—No new information was provided in the petition we received on April 20, 2010. The global distribution of the plant *Solidago plumosa* consists of a single population that occurs in two discrete locations along a 3.2 mile (5.0 kilometer) stretch of the Yadkin River in North Carolina. It is associated with mafic rock outcrops along the river.

We made *Solidago plumosa* a candidate in 2005. At that time, the primary threat affecting the species was encroachment by invasive nonnative vegetation. Historical loss of habitat by construction and operation of hydroelectric projects likely reduced the extent of the species, which exacerbated the effect nonnative vegetation was having on the species. The historical loss of habitat occurred over 75 years ago when the Yadkin and Yadkin-Pee Dee Hydroelectric Projects were constructed. Although the flow regime of the Yadkin River was altered by these projects, the bedrock outcrop habitat is stable and flow regimes are now regulated and predictable and reduce high-velocity flood events that are capable of reaching areas of occupied habitat; thus, any foreseeable adverse impacts to the species have been addressed through the regular operation of the projects. Additionally, the species has adjusted to the available habitat and flow regimes and has been present in the same areas since the projects were constructed and the flow regimes stabilized. Reduction of high-velocity flood events, however, exacerbated the threat from invasive nonnative vegetation by allowing that vegetation to grow and compete with *Solidago plumosa.*

Thus, the availability of suitable habitat and the fate of the single known population of this species are primarily determined by the manner in which nonnative vegetation is managed in the occupied locations. Alcoa Power Generating Inc. (APGI), the operator of one of the hydroelectric projects, owns these locations. At the time the species was made a candidate, APGI was not managing these locations in a manner consistent with the conservation of *Solidago plumosa*—in particular, it was not addressing the main threat from invasive nonnative vegetation. However, in 2013, APGI and the Service signed a Candidate Conservation Agreement (CCA). This agreement addresses threats to the species in its entire range: It identifies specific measures to control invasive-exotic-vegetation encroachment, implements propagation and population expansion, and includes a regular monitoring and reporting protocol. Although the agreement was signed only this year, APGI has been implementing the conservation measures described in the agreement for several years; in particular, APGI has been managing the habitat for *Solidago*

*plumosa* as part of its Shoreline Management Plan, which addresses a variety of issues around its reservoirs. The CCA contains a special subset of actions, some of which are contained in the Shoreline Management Plan, but are specific to *Solidago plumosa* and its habitat. The Shoreline Management Plan also includes a regular monitoring and reporting protocol, and under the plan APGI annually controls invasive-nonnative-vegetation encroachment. Based on the results of APGI's control program over the last three years, we conclude that the program has been highly effective at reducing encroachment of invasive exotic vegetation into the habitat of *Solidago plumosa,* and has significantly reduced this threat.

APGI has also abated some potential threats from recreational use of the river corridor since anglers and boaters can no longer enter the immediate tailrace area because of changed water-discharge conditions and safety signage at the dam powerhouse.

The construction of the Yadkin and Yadkin-Pee Dee Hydroelectric Projects from 1917 to 1928 may have extirpated occurrences of *Solidago plumosa.* Any detrimental effects of the construction and subsequent reservoir inundation took place almost 100 years ago and are no longer directly affecting the species. Those projects may, however, have reduced the range and genetic variability of the species. Therefore, we considered the degree to which the size of the population is so small and geographically concentrated that it is vulnerable to stochastic events or potential reduction in fitness due to low genetic variability. We have no information to indicate that low genetic variability is an issue for this species, and, as discussed above, the primary stochastic event of concern, flooding, is now regulated consistent with the conservation of *Solidago plumosa.* Nonetheless, we note that the Service, the North Carolina Plant Conservation Program, the North Carolina Zoological Park, and APGI plan to augment the population of this species at additional mafic rock outcrops near the base of the dams that are part of the hydroelectric projects. We are not relying on any potential success of this effort in our threats analysis.

Threats to *Solidago plumosa* from the continued operation of these reservoirs and the encroachment of nonnative invasive species have been addressed. Though impacts from trampling are still possible at the sites of some occurrences, the effects have been reduced through implementation of conservation measures in a large part of the extant habitat; any remaining impacts are localized and temporary, and do not rise to the level of significantly affecting the taxon and its habitat. We expect the conservation measures to be implemented and effective into the foreseeable future. Given the existing protections and the low level of stressors affecting the species now and in the foreseeable future, we conclude that *Solidago plumosa* no longer meets the definition of an endangered or threatened species under section 3 of the Endangered Species Act. Therefore, we find that listing of *Solidago plumosa* is no longer warranted, and we have removed it from candidate status.

**Other Evaluations for Candidate Status**

As summarized below, we have evaluated the threats to the plains topminnow (*Fundulus sciadicus*) and considered factors that, individually and in combination, currently or potentially could pose a risk to this species and its habitats. After a review of the best available scientific and commercial data, we conclude that listing this species under the Endangered Species Act is not warranted, because this species is not likely to become endangered within the foreseeable future throughout all or a significant portion of its range. Therefore, we find that proposing a rule to list it is not warranted, and we do not consider it to be a candidate species for listing. We will continue to monitor the status of this species and to accept additional information and comments concerning this finding.

Plains topminnow (*Fundulus sciadicus*)—The following summary is based on information contained in our files. This endemic fish species of the Great Plains occurs in Colorado, Wyoming, South Dakota, Kansas, Missouri, Wyoming, Minnesota, Iowa, Nebraska, and Oklahoma. The species most often inhabits clear water streams, isolated pools, backwater areas, sloughs, and overflow pools of larger streams. The species is still present in most of its historical range, and its current distribution includes eight of the nine States where it was historically recorded.

We conducted a status assessment of the plains topminnow to evaluate whether it warrants listing under the Act and should be made a candidate species. As part of this process, we analyzed several potential stressors that may affect the species. Surface and groundwater use for irrigation, habitat changes, predation, drought, and climate change are some of the factors potentially influencing the species in its current range. We also analyzed the effects of mosquitofish introduction, stocking of game fish, and drought. We determined the stressors facing this species are relatively minor, and do not rise to the level of threats to the species, given the number of different locations where the species occurs, and the fact that the species has shown it can recolonize areas successfully. In addition, groundwater and surface water use is regulated in some portions of its range, and development, predation, and diseases are not currently affecting the species. Population data from across the species' range show that the species is stable in most of its range. In addition, new surveys have identified new populations, and conservation efforts are increasing populations in suitable habitat. Therefore, we find that the plains topminnow does not meet the definition of an endangered species now, and we have no information to indicate that it will become so in the future. Thus, this species does not warrant candidate status at this time. A copy of the full candidate assessment form for the plains topminnow may be accessed at: *http://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=E07X.*

**Petition Findings**

The ESA provides two mechanisms for considering species for listing. One method allows the Secretary, on the Secretary's own initiative, to identify species for listing under the standards of section 4(a)(1). We implement this authority through the candidate program, discussed above. The second method for listing a species provides a mechanism for the public to petition us to add a species to the Lists. The CNOR serves several purposes as part of the petition process: (1) In some instances (in particular, for petitions to list species that the Service has already identified as candidates on its own initiative), it serves as the petition finding; (2) for candidate species for which the Service has made a warranted-but-precluded petition finding, it serves as a ''resubmitted'' petition finding that the ESA requires the Service to make each year; and (3) it documents the Service's compliance with the statutory requirement to monitor the status of species for which listing is warranted but precluded to ascertain if they need emergency listing.

First, the CNOR serves as a petition finding in some instances. Under section 4(b)(3)(A), when we receive a listing petition, we must determine within 90 days, to the maximum extent practicable, whether the petition presents substantial information

indicating that listing may be warranted (a ''90-day finding''). If we make a positive 90-day finding, we must promptly commence a status review of the species under section 4(b)(3)(A); we must then make and publish one of three possible findings within 12 months of the receipt of the petition (a ''12-month finding''):

(1) The petitioned action is not warranted; (2) The petitioned action is warranted (in which case we are required to promptly publish a proposed regulation to implement the petitioned action; once we publish a proposed rule for a species, sections 4(b)(5) and 4(b)(6) of the ESA govern further procedures, regardless of whether we issued the proposal in response to a petition); or (3) The petitioned action is warranted, but (a) the immediate proposal of a regulation and final promulgation of a regulation implementing the petitioned action is precluded by pending proposals to determine whether any species is endangered or threatened, and (b) expeditious progress is being made to add qualified species to the Lists. We refer to this third option as a ''warranted-but-precluded finding.''

We define ''candidate species'' to mean those species for which the Service has on file sufficient information on biological vulnerability and threat(s) to support issuance of a proposed rule to list, but for which issuance of the proposed rule is precluded (61 FR 64481; December 5, 1996). The standard for making a species a candidate through our own initiative is identical to the standard for making a warranted-but-precluded 12-month petition finding on a petition to list, and we add all petitioned species for which we have made a warranted-but-precluded 12-month finding to the candidate list.

Therefore, all candidate species identified through our own initiative already have received the equivalent of substantial 90-day and warranted-but-precluded 12-month findings. Nevertheless, we review the status of the newly petitioned candidate species and through this CNOR publish specific section 4(b)(3) findings (i.e., substantial 90-day and warranted-but-precluded 12-month findings) in response to the petitions to list these candidate species. We publish these findings as part of the first CNOR following receipt of the petition. We have identified the candidate species for which we received petitions by the code ''C*'' in the category column on the left side of Table 1 below.

Second, the CNOR serves as a ''resubmitted'' petition finding. Section 4(b)(3)(C)(i) of the ESA requires that when we make a warranted-but-precluded finding on a petition, we are to treat such a petition as one that is resubmitted on the date of such a finding. Thus, we must make a 12-month petition finding in compliance with section 4(b)(3)(B) of the ESA at least once a year, until we publish a proposal to list the species or make a final not-warranted finding. We make these annual findings for petitioned candidate species through the CNOR.

Third, through undertaking the analysis required to complete the CNOR, the Service determines if any candidate species needs emergency listing. Section 4(b)(3)(C)(iii) of the ESA requires us to ''implement a system to monitor effectively the status of all species'' for which we have made a warranted-but-precluded 12-month finding, and to ''make prompt use of the [emergency listing] authority [under section 4(b)(7)] to prevent a significant risk to the well being of any such species.'' The CNOR plays a crucial role in the monitoring system that we have implemented for all candidate species by providing notice that we are actively seeking information regarding the status of those species. We review all new information on candidate species as it becomes available, prepare an annual species assessment form that reflects monitoring results and other new information, and identify any species for which emergency listing may be appropriate. If we determine that emergency listing is appropriate for any candidate, we will make prompt use of the emergency listing authority under section 4(b)(7). For example, on August 10, 2011, we emergency listed the Miami blue butterfly (76 FR 49542). We have been reviewing and will continue to review, at least annually, the status of every candidate, whether or not we have received a petition to list it. Thus, the CNOR and accompanying species assessment forms constitute the Service's system for monitoring and making annual findings on the status of petitioned species under sections 4(b)(3)(C)(i) and 4(b)(3)(C)(iii) of the ESA.

A number of court decisions have elaborated on the nature and specificity of information that we must consider in making and describing the petition findings in the CNOR. The CNOR published on November 9, 2009 (74 FR 57804), describes these court decisions in further detail. As with previous CNORs, we continue to incorporate information of the nature and specificity required by the courts. For example, we include a description of the reasons why the listing of every petitioned candidate species is both warranted and precluded at this time. We make our determinations of preclusion on a nationwide basis to ensure that the species most in need of listing will be addressed first and also because we allocate our listing budget on a nationwide basis (see below). Regional priorities can also be discerned from Table 1, below, which includes the lead region and the LPN for each species. Our preclusion determinations are further based upon our budget for listing activities for unlisted species only, and we explain the priority system and why the work we have accomplished does preclude action on listing candidate species.

In preparing this CNOR, we reviewed the current status of, and threats to, the 130 candidates for which we have received a petition to list and the 5 listed species and for which we have received a petition to reclassify from threatened to endangered, where we found the petitioned action to be warranted but precluded. We find that the immediate issuance of a proposed rule and timely promulgation of a final rule for each of these species has been, for the preceding months, and continues to be, precluded by higher priority listing actions. Additional information that is the basis for this finding is found in the species assessments and our administrative record for each species.

Our review included updating the status of, and threats to, petitioned candidate or listed species for which we published findings, under section 4(b)(3)(B) of the ESA, in the previous CNOR. We have incorporated new information we gathered since the prior finding and, as a result of this review, we are making continued warranted-but-precluded 12-month findings on the petitions for these species.

The immediate publication of proposed rules to list these species was precluded by our work on higher priority listing actions, listed below, during the period from October 1, 2012, through September 30, 2013. Below we describe the actions that continue to preclude the immediate proposal and final promulgation of a regulation implementing each of the petitioned actions for which we have made a warranted-but-precluded finding, and we describe the expeditious progress we are making to add qualified species to, and remove species from, the Lists. We will continue to monitor the status of all candidate species, including petitioned species, as new information becomes available to determine if a change in status is warranted, including the need to emergency-list a species under section 4(b)(7) of the ESA.

In addition to identifying petitioned candidate species in Table 1 below, we also present brief summaries of why each of these candidates warrants listing. More complete information, including references, is found in the species assessment forms. You may obtain a copy of these forms from the Regional Office having the lead for the species, or from the Fish and Wildlife Service's Internet Web site: *http://ecos.fws.gov/tess_public/pub/candidateSpecies.jsp.* As described above, under section 4 of the ESA, we identify and propose species for listing based on the factors identified in section 4(a)(1), and section 4 also provides a mechanism for the public to petition us to add species to the Lists of Endangered or Threatened Wildlife and Plants under the ESA.

*Preclusion and Expeditious Progress*

To make a finding that a particular action is warranted but precluded, the Service must make two determinations: (1) That the immediate proposal and timely promulgation of a final regulation is precluded by pending listing proposals and (2) that expeditious progress is being made to add qualified species to either of the lists and to remove species from the lists. 16 U.S.C. 1533(b)(3)(B)(iii).

Preclusion

A listing proposal is precluded if the Service does not have sufficient resources available to complete the proposal, because there are competing demands for those resources, and the relative priority of those competing demands is higher. Thus, in any given fiscal year (FY), multiple factors dictate whether it will be possible to undertake work on a listing proposal regulation or whether promulgation of such a proposal is precluded by higher priority listing actions—(1) The amount of resources available for completing the listing function, (2) the estimated cost of completing the proposed listing, and (3) the Service's workload and prioritization of the proposed listing in relation to other actions.

*Available Resources*

The resources available for listing actions are determined through the annual Congressional appropriations process. In FY 1998 and for each fiscal year since then, Congress has placed a statutory cap on funds that may be expended for the Listing Program. This spending cap was designed to prevent the listing function from depleting funds needed for other functions under the ESA (for example, recovery functions, such as removing species from the Lists), or for other Service programs (see House Report 105–163, 105th Congress, 1st Session, July 1, 1997). The funds within the spending cap are available to support work involving the following listing actions: Proposed and final listing rules; 90-day and 12-month findings on petitions to add species to the Lists or to change the status of a species from threatened to endangered; annual ''resubmitted'' petition findings on prior warranted-but-precluded petition findings as required under section 4(b)(3)(C)(i) of the ESA; critical habitat petition findings; proposed and final rules designating critical habitat; and litigation-related, administrative, and program-management functions (including preparing and allocating budgets, responding to Congressional and public inquiries, and conducting public outreach regarding listing and critical habitat).

We cannot spend more for the Listing Program than the amount of funds within the spending cap without violating the Anti-Deficiency Act (see 31 U.S.C. 1341(a)(1)(A)). In addition, since FY 2002, the Service's budget has included a critical habitat subcap to ensure that some funds are available for completing Listing Program actions other than critical habitat designations (''The critical habitat designation subcap will ensure that some funding is available to address other listing activities'' (House Report No. 107–103, 107th Congress, 1st Session. June 19, 2001)). In FY 2002 and each year until FY 2006, the Service had to use virtually the entire critical habitat subcap to address court-mandated designations of critical habitat, and consequently none of the critical habitat subcap funds were available for other listing activities. In some FYs since 2006, we have been able to use some of the critical habitat subcap funds to fund proposed listing determinations for high-priority candidate species. In other FYs, while we were unable to use any of the critical habitat subcap funds to fund proposed listing determinations, we did use some of this money to fund the critical habitat portion of some proposed listing determinations so that the proposed listing determination and proposed critical habitat designation could be combined into one rule, thereby being more efficient in our work. In FY 2013, based on the Service's workload, we were able to use some of the critical habitat subcap funds to fund proposed listing determinations.

For FY 2012 Congress also put in place two additional subcaps within the listing cap: One for listing actions for foreign species and one for petition findings. As with the critical habitat subcap, if the Service does not need to use all of the funds within the subcap, we are able to use the remaining funds for completing proposed or final listing determinations. In FY 2013, based on the Service's workload, we were able to use some of the funds within the foreign species subcap and the petitions subcap to fund proposed listing determinations.

We make our determinations of preclusion on a nationwide basis to ensure that the species most in need of listing will be addressed first and also because we allocate our listing budget on a nationwide basis. Through the listing cap, the three subcaps, and the amount of funds needed to complete court-mandated actions within those subcaps, Congress and the courts have in effect determined the amount of money available for other listing activities nationwide. Therefore, the funds in the listing cap—other than those within the subcaps needed to comply with court orders or court-approved settlement agreements requiring critical habitat actions for already-listed species, listing actions for foreign species, and petition findings—set the framework within which we make our determinations of preclusion and expeditious progress.

For FY 2013, on March 26, 2013, Congress passed a Full Year Continuing Appropriations Act (Pub. L. No. 113–6), which provided funding through the end of the FY 2013; this included a spending cap for the listing program. With the spending cap combined with a five percent reduction due to sequestration, the Service had a total of $20,997,000 for the listing program. In addition, no more than $1,498,000 could be used for listing actions for foreign species, and no more than $1,498,000 could be used to make 90-day or 12-month findings on petitions. The Service thus had $13,453,000 available to work on proposed and final listing determinations for domestic species. In addition, if the Service had funding available within the critical habitat, foreign species, or petition subcaps after those workloads had been completed, it could use those funds to work on listing actions other than critical habitat designations or foreign species.

*Costs of Listing Actions.* The work involved in preparing various listing documents can be extensive, and may include, but is not limited to: Gathering and assessing the best scientific and commercial data available and conducting analyses used as the basis for our decisions; writing and publishing documents; and obtaining, reviewing, and evaluating public

comments and peer review comments on proposed rules and incorporating relevant information into final rules. The number of listing actions that we can undertake in a given year also is influenced by the complexity of those listing actions; that is, more complex actions generally are more costly. The median cost for preparing and publishing a 90-day finding is $39,276; for a 12-month finding, $100,690; for a proposed rule with critical habitat, $345,000; and for a final listing rule with critical habitat, $305,000.

*Prioritizing Listing Actions.* The Service's Listing Program workload is broadly composed of four types of actions, which the Service prioritizes as follows: (1) Compliance with court orders and court-approved settlement agreements requiring that petition findings or listing or critical habitat determinations be completed by a specific date; (2) essential litigation-related, administrative, and listing program-management functions; (3) section 4 (of the Act) listing and critical habitat actions with absolute statutory deadlines; and (4) section 4 listing actions that do not have absolute statutory deadlines. In FY 2010, the Service received many new petitions and a single petition to list 404 species, significantly increasing the number of actions within the second category of our workload—actions that have absolute statutory deadlines. As a result of the petitions to list hundreds of species, we currently have over 450 12-month petition findings yet to be initiated and completed.

An additional way in which we prioritize work in the section 4 program is application of the listing priority guidelines (48 FR 43098; September 21, 1983). Under those guidelines, we assign each candidate an LPN of 1 to 12, depending on the magnitude of threats (high or moderate to low), immediacy of threats (imminent or nonimminent), and taxonomic status of the species (in order of priority: Monotypic genus (a species that is the sole member of a genus), species, or part of a species (subspecies or distinct population segment)). The lower the listing priority number, the higher the listing priority (that is, a species with an LPN of 1 would have the highest listing priority). A species with a higher LPN would generally be precluded from listing by species with lower LPNs, unless work on a proposed rule for the species with the higher LPN can be combined with work on a proposed rule for other high-priority species. In addition to prioritizing species with our 1983 guidance, because of the large number of high-priority species we have had in the recent past, we had further ranked the candidate species with an LPN of 2 by using the following extinction-risk type criteria: International Union for the Conservation of Nature and Natural Resources (IUCN) Red list status/rank, Heritage rank (provided by NatureServe), Heritage threat rank (provided by NatureServe), and species currently with fewer than 50 individuals, or 4 or fewer populations. Those species with the highest IUCN rank (critically endangered), the highest Heritage rank (G1), the highest Heritage threat rank (substantial, imminent threats), and currently with fewer than 50 individuals, or fewer than 4 populations, originally comprised a group of approximately 40 candidate species (''Top 40''). These 40 candidate species had the highest priority to receive funding to work on a proposed listing determination and we used this to formulate our work plan for FYs 2010 and 2011 that was included in the MDL Settlement Agreement (see below), as well as for work on proposed and final listing rules for the remaining candidate species with LPNs of 2 and 3.

Finally, proposed rules for reclassification of threatened species to endangered species are lower priority, because as listed species, they are already afforded the protections of the Act and implementing regulations. However, for efficiency reasons, we may choose to work on a proposed rule to reclassify a species to endangered if we can combine this with work that is subject to a court ordered or court-approved deadline.

Since before Congress first established the spending cap for the Listing Program in 1998, the Listing Program workload has required considerably more resources than the amount of funds Congress has allowed for the Listing Program. It is therefore important that we be as efficient as possible in our listing process. Therefore, as we implement our listing work plan and work on proposed rules for the highest priority species in the next several years, we are preparing multi-species proposals when appropriate, and these may include species with lower priority if they overlap geographically or have the same threats as one of the highest priority species. In addition, we take into consideration the availability of staff resources when we determine which high-priority species will receive funding to minimize the amount of time and resources required to complete each listing action.

*Listing Program Workload.* Each FY we determine, based on the amount of funding Congress has made available within the Listing Program spending cap, specifically which actions we will have the resources to work on in that FY. We then prepare Allocation Tables that identify the actions that we are funding for that FY, and how much we estimate it will cost to complete each action; these Allocation Tables are part of our record for this notice of review and the listing program. Our Allocation Table for FY 2012, which incorporated the Service's approach to prioritizing its workload, was adopted as part of a settlement agreement in a case before the U.S. District Court for the District of Columbia (Endangered Species Act Section 4 Deadline Litigation, No. 10–377 (EGS), MDL Docket No. 2165 (''MDL Litigation''), Document 31–1 (D.D.C. May 10, 2011) (''MDL Settlement Agreement'')). The requirements of paragraphs 1 through 7 of that settlement agreement, combined with the work plan attached to the agreement as Exhibit B, reflected the Service's Allocation Tables for FY 2011 and FY 2012. In addition, paragraphs 2 through 7 of the agreement require the Service to take numerous other actions through FY 2017—in particular, complete either a proposed listing rule or a not-warranted finding for all 251 species designated as ''candidates'' in the 2010 candidate notice of review (''CNOR'') before the end of FY 2016, and complete final listing determinations for those species proposed for listing within the statutory deadline (usually one year from the proposal). Paragraph 10 of that settlement agreement sets forth the Service's conclusion that ''fulfilling the commitments set forth in this Agreement, along with other commitments required by court orders or court-approved settlement agreements already in existence at the signing of this Settlement Agreement (listed in Exhibit A), will require substantially all of the resources in the Listing Program.'' As part of the same lawsuit, the court also approved a separate settlement agreement with the other plaintiff in the case; that settlement agreement requires the Service to complete additional actions in specific fiscal years—including 12-month petition findings for 11 species, 90-day petition findings for 477 species, and proposed listing determinations or not-warranted findings for 39 species.

These settlement agreements have led to a number of results that affect our preclusion analysis. First, the Service has been, and will continue to be, limited in the extent to which it can undertake additional actions within the Listing Program through FY 2017, beyond what is required by the MDL Settlement Agreements. Second,

because the settlement is court approved, two broad categories of actions now fall within the Service's highest priority (compliance with a court order): (1) The actions required to be completed in FY 2013 by the MDL Settlement Agreements; and (2) completion, before the end of FY 2016, of proposed listings or not-warranted findings for most of the candidate species identified in this CNOR (in particular, for those candidate species that were included in the 2010 CNOR). Therefore, each year, one of the Service's highest priorities is to make steady progress towards completing by the end of 2017 proposed and final listing determinations for the 2010 candidate species—based on its LPN prioritization system, preparing multi-species actions when appropriate, and taking into consideration the availability of staff resources.

Based on these prioritization factors, we continue to find that proposals to list the petitioned candidate species included in Table 1 are all precluded by higher priority listing actions including those with court-ordered and court-approved settlement agreements and listing actions with absolute statutory deadlines.

Expeditious Progress

As explained above, a determination that listing is warranted but precluded must also demonstrate that expeditious progress is being made to add and remove qualified species to and from the Lists. As with our ''precluded'' finding, the evaluation of whether progress in adding qualified species to the Lists has been expeditious is a function of the resources available for listing and the competing demands for those funds. (Although we do not discuss it in detail here, we are also making expeditious progress in removing species from the list under the Recovery program in light of the resources available for delisting, which is funded by a separate line item in the budget of the Endangered Species Program. During FY 2013, we completed delisting rules for two species.) As discussed below, given the limited resources available for listing, we find that we made expeditious progress in FY 2013 in the Listing Program.

We provide below tables cataloguing the work of the Service's Listing Program in FY 2013. This work includes all three of the steps necessary for adding species to the Lists: (1) Identifying species that warrant listing; (2) undertaking the evaluation of the best available scientific data about those species and the threats they face, and preparing proposed and final listing rules; and (3) adding species to the Lists by publishing proposed and final listing rules that include a summary of the data on which the rule is based and show the relationship of that data to the rule. After taking into consideration the limited resources available for listing, the competing demands for those funds, and the completed work catalogued in the tables below, we find that we made expeditious progress to add qualified species to the Lists in FY 2013.

First, we made expeditious progress in the third and final step: Listing qualified species. In FY 2013, we resolved the status of 93 species that we determined, or had previously determined, qualified for listing. Moreover, for 81 of those 93 species, the resolution was to add them to the Lists, most with concurrent designations of critical habitat. We also proposed to list an additional 67 qualified species, most with concurrent critical habitat proposals.

Second, we are making expeditious progress in the second step: Working towards adding qualified species to the Lists. In FY 2013, we worked on developing proposed listing rules for four species (most of them with concurrent critical habitat proposals). Although we have not yet completed those actions, we are making expeditious progress towards doing so.

Third, we are making expeditious progress in the first step towards adding qualified species to the Lists: Identifying additional species that qualify for listing. In FY 2013, we completed 90-day petition findings for 7 species and 12-month petition findings for 14 species. In FY 2013, we also worked on evaluating the best available scientific information towards preparing 90-day findings for one additional.

Our accomplishments this year should also be considered in the broader context of our commitment to reduce the candidate list. On May 10, 2011, the Service filed in the MDL Litigation a settlement agreement that put in place an ambitious schedule for completing proposed and final listing determinations at least through FY 2016; the court approved that settlement agreement on September 9, 2011. That agreement required, among other things, that the Service complete proposed listing determinations or not-warranted findings for all 251 species that were on the 2010 candidate list by the end of FY 2016, and final listing determinations any proposed listing rules within the statutory time frame. Paragraph 6 of the agreement provided indicators that the Service is making adequate progress towards meeting that requirement: Completing proposed listing rules or not-warranted findings for at least 130 of the species by the end of FY 2013, at least 160 species by the end of FY 2014, and at least 200 species by the end of FY 2015. The Service has completed proposed listing rules or not-warranted findings for 140 of the 2010 candidate species, as well as final listing rules for 69 of those proposed rules, and is therefore is making adequate progress towards meeting all of the requirements of the MDL settlement agreement. Both by entering into the settlement agreement and by making adequate progress towards making final listing determinations for the 251 species on the 2010 candidate, the Service is making expeditious progress to add qualified species to the lists.

The Service's progress in FY 2013 included completing and publishing the following determinations:

FY 2013 Completed Listing Actions

| Publication date | Title | Actions | FR pages |
|---|---|---|---|
| 10/2/2012 .... | Proposed Threatened Status for Coral Pink Sand Dunes Tiger Beetle and Designation of Critical Habitat. | Proposed Listing Threatened ..... | 77 FR 60207–60235. |
| 10/2/2012 .... | 12-Month Petition Finding, Listing of the Spring Pygmy Sunfish as Threatened, and Designation of Critical Habitat. | Notice of 12-month petition finding, Warranted Proposed Listing Threatened. | 77 FR 60179–60206. |
| 10/3/2012 .... | 12-month Finding for the Lemmon Fleabane; Endangered Status for the Acuña Cactus and the Fickeisen Plains Cactus and Designation of Critical Habitat. | Notice of 12-month petition finding, Not warranted Proposed Listing Endangered. | 77 FR 60509–60579. |
| 10/4/2012 .... | Proposed Endangered Species Status for the Florida Bonneted Bat | Proposed Listing Endangered ..... | 77 FR 60749–60776. |

FY 2013 COMPLETED LISTING ACTIONS—Continued

| Publication date | Title | Actions | FR pages |
|---|---|---|---|
| 10/4/2012 .... | Determination of Endangered Species Status for Coquí Llanero Throughout Its Range and Designation of Critical Habitat. | Final Listing Endangered ..... | 77 FR 60777–60802. |
| 10/4/2012 .... | Endangered Species Status for the Fluted Kidneyshell and Slabside Pearlymussel and Designation of Critical Habitat. | Proposed Listing Endangered ..... | 77 FR 60803–60882. |
| 10/9/2012 .... | 12-Month Finding on Petitions to List the Mexican Gray Wolf as an Endangered Subspecies or Distinct Population Segment with Critical Habitat. | Notice of 12-month petition finding, Not warranted. | 77 FR 61375–61377. |
| 10/10/2012 .. | Determination of Endangered Species Status for the Alabama Pearlshell, Round Ebonyshell, Southern Kidneyshell, and Choctaw Bean, and Threatened Species Status for the Tapered Pigtoe, Narrow Pigtoe, Southern Sandshell, and Fuzzy Pigtoe, and Designation of Critical Habitat. | Final Listing Endangered and Threatened. | 77 FR 61663–61719. |
| 10/11/2012 .. | Endangered Species Status for Cape Sable Thoroughwort, Florida Semaphore Cactus, and Aboriginal Prickly-apple, and Designation of Critical Habitat for Cape Sable Thoroughwort. | Proposed Listing Endangered ..... | 77 FR 61835–61894. |
| 10/11/2012 .. | Listing Taylor's Checkerspot Butterfly and Streaked Horned Lark and Designation of Critical Habitat. | Proposed Listing Endangered and Threatened. | 77 FR 61937–62058. |
| 10/16/2012 .. | Proposed Endangered Status for the Neosho Mucket, Threatened Status for the Rabbitsfoot, and Designation of Critical Habitat for Both Species. | Proposed Listing Endangered and Threatened. | 77 FR 63439–63536. |
| 10/17/2012 .. | Listing 15 Species on Hawaii Island as Endangered and Designating Critical Habitat for 3 Species. | Proposed Listing Endangered ..... | 77 FR 63927–64018. |
| 11/14/2012 .. | 90-Day Finding on a Petition to List the Heller Cave Springtail as Endangered or Threatened. | Notice of 90-day Petition Finding, Substantial. | 77 FR 67784–67789. |
| 11/28/2012 .. | Status Review for a Petition to List the Ashy Storm-petrel as Endangered or Threatened. | Notice Status Review ..... | 77 FR 70987–70988. |
| 12/04/2012 .. | 90-Day Finding on a Petition To List Phoenix dactylifera 'Sphinx' (Sphinx Date Palm). | Notice of 90-day Petition Finding, Not substantial. | 77 FR 71757–71758. |
| 12/04/2012 .. | 90-Day Finding on a Petition to List the Prairie Gray Fox, the Plains Spotted Skunk, and a Distinct Population Segment of the Mearn's Eastern Cottontail in East-central Illinois and Western Indiana as Endangered or Threatened Species. | Notice of 90-day Petition Finding, Not substantial Substantial. | 77 FR 71759–71771. |
| 12/11/2012 .. | Listing the Lesser Prairie-Chicken as a Threatened Species ..... | Proposed Listing Threatened ..... | 77 FR 73827–73888. |
| 12/11/2012 .. | Listing Four Subspecies of Mazama Pocket Gopher and Designation of Critical Habitat. | Proposed Listing Threatened ..... | 77 FR 73769–73825. |
| 1/11/2013 .... | Endangered Status for Gunnison Sage-grouse ..... | Proposed Listing Endangered ..... | 78 FR 2486–2538. |
| 1/25/2013 .... | Endangered Status for the Zuni Bluehead Sucker ..... | Proposed Listing Endangered ..... | 78 FR 5369–5385. |
| 2/4/2013 ..... | Threatened Status for the Distinct Population Segment of the North American Wolverine Occurring in the Contiguous United States. | Proposed Listing Threatened ..... | 78 FR 7863–7890. |
| 3/19/2013 .... | Status Review of the West Coast Distinct Population Segment of the Fisher as Endangered or Threatened. | Notice of Status Review ..... | 78 FR 16828–16829. |
| 3/28/2013 .... | 12-Month Finding on a Petition to List the Rosemont Talussnail as Endangered or Threatened. | Notice of 12-month petition finding, Not warranted. | 78 FR 18936–18938. |
| 4/9/2013 ..... | 90-Day Finding on a Petition to List Two Populations of Black-Backed Woodpecker as Endangered or Threatened. | Notice of 90-day Petition Finding, Substantial. | 78 FR 21086–21097. |
| 4/23/2013 .... | Threatened Status for Eriogonum codium (Umtanum Desert Buckwheat) and Physaria douglasii subsp. tuplashensis (White Bluffs Bladderpod). | Final Listing Threatened ..... | 78 FR 23983–24005. |
| 4/25/2013 .... | Endangered Status for the Sierra Nevada Yellow-legged Frog and the Northern Distinct Population Segment of the Mountain Yellow-legged Frog, and Threatened Status for the Yosemite Toad. | Proposed Listing Endangered and Threatened. | 78 FR 24471–24514. |
| 5/24/2013 .... | Proposed Threatened Status for Leavenworthia exigua var. laciniata (Kentucky Glade Cress). | Proposed Listing Threatened ..... | 78 FR 31498–31511. |
| 5/28/2013 .... | Determination of Endangered Status for 38 Species on Molokai, Lanai, and Maui. | Final Listing Endangered ..... | 78 FR 32013–32065. |
| 6/20/2013 .... | Listing Determination for the New Mexico Meadow Jumping Mouse | Proposed Listing Endangered ..... | 78 FR 37363–37369. |
| 7/9/2013 ..... | Determination of Endangered Species Status for Six West Texas Aquatic Invertebrates. | Final Listing Endangered ..... | 78 FR 41227–41258. |
| 7/10/2013 .... | Threatened Status for the Northern Mexican Gartersnake and Narrow-headed Gartersnake. | Proposed Listing Threatened ..... | 78 FR 41499–41547. |
| 7/26/2013 .... | Endangered Species Status for Diamond Darter ..... | Final Listing Endangered ..... | 78 FR 45074–45095. |
| 8/2/2013 ..... | 12-Month Finding and Candidate Removal for Potentilla basaltica; Proposed Threatened Species Status for Ivesia webberi. | Notice of 12-month petition finding, Not warranted and Candidate Removal; Proposed listing, Threatened. | 78 FR 46889–46897. |
| 8/2/2013 ..... | Endangered Status for Physaria globosa (Short's bladderpod), Helianthus verticillatus (whorled sunflower), and Leavenworthia crassa (fleshy-fruit gladecress). | Proposed listing Endangered ..... | 78 FR 47109–47134. |
| 8/6/2013 ..... | Endangered Species Status for the Sharpnose Shiner and Smalleye Shiner. | Proposed Listing Endangered ..... | 78 FR 47582–47590. |

FY 2013 COMPLETED LISTING ACTIONS—Continued

| Publication date | Title | Actions | FR pages |
|---|---|---|---|
| 8/6/2013 ..... | Threatened Species Status for Graham's Beardtongue (*Penstemon grahamii*) and White River Beardtongue (*Penstemon scariosus* var. *albifluvis*). | Proposed Listing Threatened ..... | 78 FR 47590–47611. |
| 8/13/2013 .... | Determination of Endangered Status for *Sphaeralcea gierischii* (Gierisch Mallow) Throughout Its Range. | Final Listing Endangered ..... | 78 FR 49149–49165. |
| 8/14/2013 .... | 12-Month Finding on a Petition To List the Rattlesnake-Master Borer Moth (*Papaipema eryngii*) as an Endangered or Threatened Species. | Notice of 12-month petition finding Warranted but Precluded. | 78 FR 49422–49440. |
| 8/15/2013 .... | Endangered Status for the Florida Leafwing and Bartram's Scrub-Hairstreak Butterflies. | Proposed Listing Endangered ..... | 78 FR 49878–49901. |
| 8/20/2013 .... | Determination of Endangered Species Status for the Austin Blind Salamander and Threatened Species Status for the Jollyville Plateau Salamander Throughout Their Ranges. | Final Listing Endangered Threatened. | 78 FR 51277–51326. |
| 8/29/2013 .... | Threatened Status for Oregon Spotted Frog ..... | Proposed Listing Threatened ..... | 78 FR 53581–53623. |
| 9/3/2013 ..... | Removing Five Subspecies of Mazama Pocket Gopher From the Candidate List for Endangered and Threatened Species. | Notice of 12-month petition finding Not warranted; removal from candidate list. | 78 FR 54214–54218. |
| 9/10/2013 .... | Determination of Endangered Species Status for Jemez Mountains Salamander (Plethodon neomexicanus) Throughout Its Range. | Final Listing Endangered ..... | 78 FR 55599–55627. |
| 9/11/2013 .... | Determination of Endangered Status for Texas Golden Gladecress and Threatened Status for Neches River Rose-mallow. | Final Listing Endangered and Threatened. | 78 FR 56025–56069. |
| 9/12/2013 .... | Threatened Status for *Arabis georgiana* (Georgia rockcress) ..... | Proposed Listing Threatened ..... | 78 FR 56192–56201. |
| 9/17/2013 .... | Endangered Status for the Neosho Mucket and Threatened Status for the Rabbitsfoot. | Final Listing Endangered and Threatened. | 78 FR 57076–57097. |
| 9/19/2013 .... | Determination of Endangered Species Status for Mount Charleston Blue Butterfly. | Final Listing Endangered ..... | 78 FR 57749–57775. |
| 9/25/2013 .... | Determination of Endangered Species Status for the Grotto Sculpin (*Cottus specus*) Throughout Its Range. | Final Listing Endangered ..... | 78 FR 58938–58955. |
| 9/26/2013 .... | Revised Designation of Critical Habitat for the Contiguous U.S. Distinct Population Segment of the Canada Lynx and Revised Distinct Population Segment Boundary. | Proposed Revision of DPS Boundary (Proposed Listing in New Mexico). | 78 FR 59430–59474. |
| 9/26/2013 .... | Endangered Species Status for the Fluted Kidneyshell and Slabside Pearlymussel. | Final Listing Endangered ..... | 78 FR 59269–59287. |
| 9/30/2013 .... | Proposed Threatened Status for the Rufa Red Knot (*Calidris canutus rufa*). | Proposed Listing Threatened ..... | 78 FR. |
| 10/1/2013 .... | Endangered Species Status for *Echinomastus erectocentrus* var. *acunensis* (Acuña Cactus) and *Pediocactus peeblesianus* var. *fickeiseniae* (Fickeisen Plains Cactus) Throughout Their Ranges. | Final Listing Endangered ..... | 78 FR 60607–60652. |
| 10/2/2013 .... | Threatened Species Status for Spring Pygmy Sunfish ..... | Final Listing Threatened ..... | 78 FR 60766–60783. |
| 10/2/2013 .... | Endangered Species Status for the Florida Bonneted Bat ..... | Final Listing Endangered ..... | 78 FR 61003–61043. |
| 10/2/2013 .... | 12-Month Finding on a Petition to List the Eastern Small-Footed Bat and the Northern Long-Eared Bat as Endangered or Threatened Species; Listing the Northern Long-Eared Bat as an Endangered Species. | Notice of 12-month petition finding, Not warranted Proposed listing, Endangered. | 78 FR 61045–61080. |
| 10/2/2013 .... | Withdrawal of the Proposed Rule To List Coral Pink Sand Dunes Tiger Beetle and Designate Critical Habitat. | Proposed Listing Withdrawal ..... | 78 FR 61081–61112. |
| 10/3/2013 .... | Determination of Endangered Status for the Taylor's Checkerspot Butterfly and Threatened Status for the Streaked Horned Lark. | Final Listing Endangered and Threatened. | 78 FR 61451–61503. |
| 10/3/2013 .... | Proposed Threatened Status for the Western Distinct Population Segment of the Yellow-billed Cuckoo (*Coccyzus americanus*). | Proposed Listing Threatened ..... | 78 FR 61621–61666. |
| 10/3/2013 .... | Proposed Endangered Status for *Brickellia mosieri* (Florida Brickellbush) and *Linum carteri* var. *carteri* (Carter's Small-flowered Flax). | Proposed Listing Endangered ..... | 78 FR 61273–61293. |
| 10/3/2013 .... | 12-Month Finding on a Petition to List Kittlitz's Murrelet as an Endangered or Threatened Species. | Notice of 12-month petition finding, Not warranted Removal from candidate list. | 78 FR 61763–61801. |
| 10/22/2013 .. | 12-Month Finding on a Petition To List Ashy Storm-Petrel as an Endangered or Threatened Species. | Notice of 12-month petition finding, Not warranted. | 78 FR 62523–62529. |
| 10/22/2013 .. | Endangered Status for *Agave eggersiana* and *Gonocalyx concolor,* and Threatened Status for *Varronia rupicola*. | Proposed Listing Endangered and Threatened. | 78 FR 62560–62579. |
| 10/24/2013 .. | Threatened Status for Dakota Skipper and Endangered Status for Poweshiek Skipperling. | Proposed Listing Endangered and Threatened. | 78 FR 63573–63625. |
| 10/24/2013 .. | Determination of Endangered Status for *Chromolaena frustrata* (Cape Sable Thoroughwort), *Consolea corallicola* (Florida Semaphore Cactus), and *Harrisia aboriginum* (Aboriginal Prickly-Apple). | Final Listing Endangered ..... | 78 FR 63795–63821. |
| 10/28/2013 .. | Threatened Status for the Bi-State Distinct Population Segment of Greater Sage-Grouse With Special Rule. | Proposed Listing Threatened ..... | 78 FR 64357–64384. |
| 10/29/2013 .. | Determination of Endangered Species Status for 15 Species on Hawaii Island. | Final Listing Endangered ..... | 78 FR 64637–64690. |
| 10/29/2013 .. | Endangered Status for Vandenberg Monkeyflower ..... | Proposed Listing Endangered ..... | 78 FR 64839–64871. |

Our expeditious progress also included work on listing actions that we funded in previous fiscal years and in FY 2013 but have not yet been completed to date. For these species, we have completed the first step, and have been working on the second step, necessary for adding species to the Lists. These actions are listed below. Actions in the top section of the table are being conducted under a deadline set by a court through a court order or settlement agreement. The action in the lower section of the table is being conducted to meet statutory timelines, that is, timelines required under the Act.

ACTIONS FUNDED IN PREVIOUS FYS AND FY 2013 BUT NOT YET COMPLETED

| Species | Action |
|---|---|
| Actions Subject to Court Order/Settlement Agreement | |
| 2 Texas salamanders (salado and Georgetown). | Final listing. |
| 4 Puget trough species (4 subspecies of pocket gopher (Thomomys mazama ssp.). | Final listing. |
| 3 Sierra amphibians (Yosemite toad, mountain yellow-legged frog—Sierra Nevada DPSs). | Final listing. |
| Lesser prairie chicken | Final listing. |
| Gunnison sage-grouse. | Final listing. |
| Washington ground squirrel. | Proposed listing. |
| Xantus's murrelet ..... | Proposed listing. |
| Yellow-billed loon ..... | Proposed listing. |
| Florida bristle fern ..... | Proposed listing. |
| Actions With Statutory Deadlines | |
| Alexander Archipelago wolf. | 90-day petition finding. |

We also funded work on resubmitted petitions findings for 130 candidate species (species petitioned prior to the last CNOR). In our resubmitted petition finding for the Columbia Basin population of the greater sage-grouse in this notice of review, although we completed a new analysis of the threats facing the species, we did not include new information, as the significance of the Columbia Basin DPS of the greater sage-grouse will require further review and we will update our finding when we resolve the status of the greater sage-grouse at a later date (see 75 FR 13910; March 23, 2010). We also did not include an updated assessment form as part of our resubmitted petition findings for the five candidate species for which we are preparing proposed listing determinations. However, for both the Columbia Basin DPS of the greater sage-grouse and for the other resubmitted petition findings, in the course of preparing proposed listing determinations, we continue to monitor new information about their status so that we can make prompt use of our authority under section 4(b)(7) in the case of an emergency posing a significant risk to the well-being of any of these candidate species; see summaries below regarding publication of these determinations (these species will remain on the candidate list until a proposed listing rule is published). We also funded revised 12-month petition findings for the candidate species that we are removing from candidate status, which are being published as part of this CNOR (see Candidate Removals). Because the majority of these petitioned species were already candidate species prior to our receipt of a petition to list them, we had already assessed their status using funds from our Candidate Conservation Program, so we continue to monitor the status of these species through our Candidate Conservation Program. The cost of updating the species assessment forms and publishing the joint publication of the CNOR and resubmitted petition findings is shared between the Listing Program and the Candidate Conservation Program.

During FY 2013, we also funded work on resubmitted petition findings for uplisting five listed species (three grizzly bear populations, Delta smelt, and *Sclerocactus brevispinus* (Pariette cactus)), for which we had previously received a petition and made a warranted-but-precluded finding.

Another way that we have been expeditious in making progress to add qualified species to the Lists is that we have endeavored to make our listing actions as efficient and timely as possible, given the requirements of the relevant law and regulations, and constraints relating to workload and personnel. We are continually considering ways to streamline processes or achieve economies of scale, such as by batching related actions together. Given our limited budget for implementing section 4 of the ESA, these efforts also contribute towards finding that we are making expeditious progress to add qualified species to the Lists.

Although we have not been able to resolve the listing status of many of the candidates, we continue to contribute to the conservation of these species through several programs in the Service. In particular, the Candidate Conservation Program, which is separately budgeted, focuses on providing technical expertise for developing conservation strategies and agreements to guide voluntary on-the-ground conservation work for candidate and other at-risk species. The main goal of this program is to address the threats facing candidate species. Through this program, we work with our partners (other Federal agencies, State agencies, Tribes, local governments, private landowners, and private conservation organizations) to address the threats to candidate species and other species at-risk. We are currently working with our partners to implement voluntary conservation agreements for more than 110 species covering 3.2 million ac of habitat. In some instances, the sustained implementation of strategically designed conservation efforts culminates in making listing unnecessary for species that are candidates for listing or for which listing has been proposed.

*Findings for Petitioned Candidate Species*

Below are updated summaries for petitioned candidates for which we published findings under section 4(b)(3)(B). We are making continued warranted-but-precluded 12-month findings on the petitions for these species (for our revised 12-month petition findings for species that we are removing from candidate status, see summaries above under Candidate Removals).

Mammals

Pacific sheath-tailed bat, American Samoa DPS (*Emballonura semicaudata semicaudata*)—The following summary is based on information contained in our files. No new information was provided in the petition we received on May 11, 2004. This small insectivorous bat is a member of the Emballonuridae family, an Old World bat family that has an extensive distribution, primarily in the tropics. *Emballonura semicaudata semicaudata* was once common and widespread in Polynesia and Micronesia. The species as a whole (*E. semicaudata*) occurred on several of the Caroline Islands (Palau, Chuuk, and Pohnpei), Samoa (Independent and American), the Mariana Islands (Guam and the Commonwealth of the Northern Mariana Islands (CNMI)), Tonga, Fiji, and Vanuatu. While populations appear to be healthy in some locations, mainly in the Caroline Islands, they have declined substantially in other areas, including Independent and American Samoa, the Mariana Islands, Fiji, and

possibly Tonga. Scientists recognize four subspecies: *E. s. rotensis,* endemic to the Mariana Islands (Guam and the Commonwealth of the Northern Mariana Islands (CNMI)); *E. s. sulcata,* occurring in Chuuk and Pohnpei; *E. s. palauensis,* found in Palau; and *E. s. semicaudata,* occurring in American and Independent Samoa, Tonga, Fiji, and Vanuatu. The candidate assessment form addresses the DPS of *E. s. semicaudata* that occurs in American Samoa.

*Emballonura semicaudata semicaudata* historically occurred in American and Independent Samoa, Tonga, Fiji, and Vanuatu. It is extant in Fiji and Tonga, but may be extirpated from Vanuatu and Independent Samoa. There is some concern that it is also extirpated from American Samoa, the location of this DPS, where surveys are currently ongoing to ascertain its status. The factors that led to the decline of this subspecies and the DPS are poorly understood; however, current threats to this subspecies and the DPS include habitat loss, predation by introduced species, and its small population size and distribution, which make the taxon extremely vulnerable to extinction due to typhoons and similar natural catastrophes. Thus, the threats are high in magnitude. The subspecies may also be susceptible to disturbance in its roosting caves. The LPN for *E. s. semicaudata* is 3, because the magnitude of the threats is high, the threats are ongoing and therefore imminent, and the taxon is a DPS.

Pacific sheath-tailed bat (*Emballonura semicaudata rotensis*), Guam and the Commonwealth of the Northern Mariana Islands (CNMI)—The following summary is based on information contained in our files. No new information was provided in the petition we received on May 11, 2004. This small insectivorous bat, *Emballonura semicaudata rotensis,* is a member of the Emballonuridae family, an Old World bat family that has an extensive distribution, primarily in the tropics. The Pacific sheath-tailed bat was once common and widespread in Polynesia and Micronesia. *Emballonura s. rotensis* is historically known from the Mariana Islands and formerly occurred on Guam and in the CNMI on the islands of Rota, Aguiguan, Tinian (known from prehistoric records only), Saipan, and possibly Anatahan and Maug. Currently, *E. semicaudata rotensis* appears to be extirpated from all but one island in the Mariana archipelago. The single remaining population of this subspecies occurs on Aguiguan, CNMI.

Threats to this subspecies have not changed over the past year. The primary threats to *Emballonura s. rotensis* are ongoing habitat loss and degradation as a result of feral goat (*Capra hircus*) activity on the island of Aguiguan and the taxon's small population size and limited distribution. Predation by nonnative species and human disturbance are also potential threats to the subspecies. The subspecies is believed to be near the point where stochastic events, such as typhoons, are increasingly likely to affect its continued survival. The disappearance of the remaining population on Aguiguan would result in the extinction of the subspecies. Thus, the threats are high in magnitude. The LPN for *E. s. rotensis* remains at 3 because the magnitude of the threats is high, the threats are ongoing and therefore imminent, and the taxon is a subspecies.

New England cottontail (*Sylvilagus transitionalis*)—The following summary is based on information contained in our files and information received in response to our document published on June 30, 2004, when we announced our 90-day petition finding and initiation of a status review (69 FR 39395). We received the petition on August 30, 2000.

The New England cottontail (NEC) is a medium-to-large-sized cottontail rabbit that may reach 1,000 grams in weight, and is one of two species within the genus Sylvilagus occurring in New England. The NEC is considered a habitat specialist, as it is dependent upon early successional habitats typically described as thickets. The species is the only endemic cottontail in New England. Historically, the NEC occurred in seven States and ranged from southeastern New York (east of the Hudson River) north through the Champlain Valley, southern Vermont, the southern half of New Hampshire, and southern Maine, and south throughout Massachusetts, Connecticut, and Rhode Island. The range of the NEC has declined substantially, and occurrences have become increasingly separated. The species' distribution is fragmented into five apparently isolated metapopulations. The area occupied by the cottontail has contracted from approximately 90,000 square kilometers ($km^2$) (34,750 square miles ($mi^2$)) to 12,180 $km^2$ (4,700 $mi^2$). Surveys indicate that the long-term decline in NEC continues. For example, surveys for the species in 2009 documented the presence of NEC in 7 of the 23 New Hampshire locations that were known to be occupied in 2002 and 2003. Similarly, surveys in Maine did not detect the species in 9 of the 19 towns where the species was present, in an extensive survey that spanned the years 2000 to 2004. Similar surveys were conducted during the winter of 2010 to 2011 in Rhode Island. Rangewide, it is estimated that less than one-third of the occupied sites occur on lands in conservation status, and fewer than 10 percent are being managed for early successional forest species.

The primary threat to the NEC is loss of habitat through succession and alteration. Isolation of occupied patches by areas of unsuitable habitat and high predation rates is resulting in local extirpation of NECs from small patches. The range of the NEC has contracted by 75 percent or more since 1960, and current land use trends in the region indicate that the rate of change, about 2-percent range loss per year, will continue. Additional threats include competition for food and habitat with introduced eastern cottontails and large numbers of native white-tailed deer; and mortality from predation. The magnitude of the threats continues to be high because they occur rangewide and have an effect on the survival of the species across its range. The threats are imminent because they are ongoing. Thus, we retained a listing priority number of 2 for this species. Conservation measures that address the threats to the species are being developed.

Fisher, West Coast DPS (*Martes pennanti*)—We continue to find that listing this species is warranted but precluded as of the date of publication of this notice of review. However, we are working on a proposed listing rule that we expect to publish prior to making the next annual resubmitted petition 12-month finding. In the course of preparing the proposed listing rule, we are continuing to monitor new information about this species' status so that we can make prompt use of our authority under section 4(b)(7) in the case of an emergency posing a significant risk to the species.

Gunnison's prairie dog (*Cynomys gunnisoni*)—We continue to find that listing this species is warranted but precluded as of the date of publication of this notice of review. However, we are working on a revised 12-month finding and proposed listing determination that we expect to publish prior to making the next annual resubmitted petition 12-month finding. In the course of preparing the revised finding and proposed listing determination, we are continuing to monitor new information about this species' status so that we can make prompt use of our authority under section 4(b)(7) in the case of an emergency posing a significant risk to the species.

Southern Idaho ground squirrel (*Urocitellus endemicus*)—See above in ''Listing Priority Changes in Candidates.'' The above summary is based on information contained in our files.

Washington ground squirrel (*Urocitellus washingtoni*)—We continue to find that listing this species is warranted but precluded as of the date of publication of this notice of review. However, we are working on a proposed listing rule that we expect to publish prior to making the next annual resubmitted petition 12-month finding. In the course of preparing the proposed listing rule, we are continuing to monitor new information about this species' status so that we can make prompt use of our authority under Section 4(b)(7) in the case of an emergency posing a significant risk to the species.

Red tree vole, north Oregon coast DPS (*Arborimus longicaudus*)—The following summary is based on information contained in our files and in our initial warranted-but-precluded finding, published in the **Federal Register** on October 13, 2011 (76 FR 63720). Red tree voles are small, mouse-sized rodents that live in conifer forests and spend almost all of their time in the tree canopy. They are one of the few animals that can persist on a diet of conifer needles, which is their principal food. Red tree voles are endemic to the humid, coniferous forests of western Oregon (generally west of the crest of the Cascade Range) and northwestern California (north of the Klamath River). The north Oregon coast DPS of the red tree vole comprises that portion of the Oregon Coast Range from the Columbia River south to the Siuslaw River. Red tree voles demonstrate strong selection for nesting in older conifer forests, which are now relatively rare across the DPS; they avoid nesting in younger forests.

Although data are not available to rigorously assess population trends, information from retrospective surveys indicates red tree voles have declined in the DPS and no longer occur, or are now scarce, in areas where they were once relatively abundant. Older forests that provide habitat for red tree voles are limited and highly fragmented, while ongoing forest practices in much of the DPS maintain the remaining patches of older forest in a highly fragmented and isolated condition. Modeling indicates only 11 percent of the DPS currently contains tree vole habitat, largely restricted to the 22 percent of the DPS that is under Federal ownership.

Existing regulatory mechanisms on State and private lands are inadequate to prevent continued harvest of forest stands at a scale and extent that would be meaningful for conserving red tree voles. Biological characteristics of red tree voles, such as small home ranges, limited dispersal distances, and low reproductive potential, limit their ability to respond to and persist in areas of extensive habitat loss and alteration. These biological characteristics also make it difficult for the tree voles to recolonize isolated habitat patches. Due to its reduced distribution, the red tree vole is now vulnerable to random environmental disturbances that may remove or further isolate large blocks of already limited habitat, and to extirpation within the DPS from such factors as lack of genetic variability, inbreeding depression, and demographic stochasticity. Although the entire population is experiencing threats, the impact is less pronounced on Federal lands, where much of the red tree vole habitat remains. Hence, the magnitude of threats is moderate to low. The threats are imminent because they are currently occurring within the DPS. Therefore, we have retained an LPN of 9 for this species.

Pacific walrus (*Odobenus rosmarus divergens*)—The following information is based on information in our files and our warranted-but-precluded 12-month petition finding published on February 10, 2011 (76 FR 7634). The Pacific walrus is an ice-dependent species found across the continental shelf waters of the northern Bering and Chukchi Seas. Unlike seals, which can remain in the water for extended periods, walrus must haul out onto ice or land periodically. Pacific walrus is a traditional and important source of food and products to native Alaskans, especially those living on Saint Lawrence Island, and to native Russians.

Annually, walrus migrate up to 1,500 km (932 mi) between winter breeding areas in the sub-Arctic (northern Bering Sea) and summer foraging areas in the Arctic. Historically, the females and calves remained on pack ice over the continental shelf of the Chukchi Sea throughout the summer, using it as a platform for resting after making shallow foraging dives for invertebrates on the sea floor. Sea ice also provides isolation from disturbance and terrestrial predators such as polar bears. Since 1979, the extent of summer Arctic sea ice has declined. The five lowest records of minimum sea ice extent occurred from 2007 to 2012. Based on the best scientific information available, we anticipate that sea ice will retreat northward off the Chukchi continental shelf for 1 to 5 months every year in the foreseeable future.

When the ice melts beyond the limits of the continental shelf (and the ability of the walrus to obtain food), thousands of walrus congregate at coastal haulouts. Although coastal haulouts have historically provided a place to rest, the aggregation of so many animals, in particular females and calves, at this time of year has increased in the last 5 years. Not only are the number of animals more concentrated at coastal haulouts than on widely dispersed sea ice, but also the probability of disturbance from humans and terrestrial animals is much higher. Disturbances at coastal haulouts can cause stampedes, leading to mortalities and injuries. In addition, there is also concern that the concentration of animals will cause local prey depletion, leading to longer foraging trips, increased energy costs, and potential effects on female condition and calf survival. We expect these effects to lead to a population decline.

We recognize that Pacific walrus face additional stressors from ocean warming, ocean acidification, disease, oil and gas exploration and development, increased shipping, commercial fishing, and subsistence harvest, but none rise to the level of a threat except subsistence harvest. We found that subsistence harvest will rise to the level of a threat if the population declines but harvest levels remain the same. Because the threat of sea ice loss is not having significant population-level effects currently, but is projected to, we determined that the magnitude of this threat is moderate, not high. Because both the loss of sea ice habitat and the ongoing practice of subsistence harvest are presently occurring, these threats are imminent. Thus, we assigned an LPN of 9 to this subspecies.

Birds

Spotless crake, American Samoa DPS (*Porzana tabuensis*)—The following summary is based on information contained in our files. No new information was provided in the petition we received on May 11, 2004. The spotless crake is a small, dark, cryptic bird found in wetlands and rank scrublands or forests in the Philippines, Australia, Fiji, Tonga, Society Islands, Marquesas, Independent Samoa, and American Samoa (Ofu, Tau). The genus *Porzana* is widespread in the Pacific, where it is represented by numerous island-endemic and flightless species (many of which are extinct as a result of anthropogenic disturbances), as well as several more cosmopolitan species,

including *P. tabuensis.* No subspecies of *P. tabuensis* are recognized.

The American Samoa population is the only population of spotless crakes under U.S. jurisdiction. The available information indicates that distinct populations of the spotless crake, a species not noted for long-distance dispersal, are definable. The population of spotless crakes in American Samoa is discrete in relation to the remainder of the species as a whole, which is distributed in widely separated locations. Although the spotless crake (and other rails) have dispersed widely in the Pacific, flight in island rails has atrophied or been completely lost over evolutionary time, causing populations to become isolated (and vulnerable to terrestrial predators such as rats). The population of this species in American Samoa is therefore distinct based on geographic and distributional isolation from spotless crake populations on other islands in the oceanic Pacific, the Philippines, and Australia. The American Samoa population of the spotless crake links the Central and Eastern Pacific portions of the species' range. The loss of this population would result in an increase of roughly 500 miles (805 kilometers) in the distance between the central and eastern Polynesian portions of the spotless crake's range, and could result in the isolation of the Marquesas and Society Islands populations by further limiting the potential for even rare genetic exchange. Based on the discreteness and significance of the American Samoa population of the spotless crake, we consider this population to be a distinct vertebrate population segment.

Threats to this population have not changed over the past year. The population in American Samoa is threatened by small population size, limited distribution, predation by nonnative and native animals, continued development of wetland habitat, and natural catastrophes such as hurricanes. The co-occurrence of a known predator of ground-nesting birds, the Norway rat (*Rattus norvegicus*), and native predators, the Pacific boa (*Candoia bibroni*) and the Purple Swamphen (*Porphyrio porphyrio*), along with the extremely restricted observed distribution and low numbers, indicates that the magnitude of the threats to the American Samoa DPS of the spotless crake continues to be high because the threats significantly affect the species' likelihood of survival. The threats are ongoing and therefore imminent. Based on this assessment of existing information about the imminence and high magnitude of these threats, we have retained an LPN of 3 for this DPS.

Friendly ground-dove, American Samoa DPS (*Gallicolumba stairi*)—The following summary is based on information contained in our files. No new information was provided in the petition we received on May 11, 2004. The genus *Gallicolumba* is distributed throughout the Pacific and Southeast Asia. The genus is represented in the oceanic Pacific by six species: Three are endemic to Micronesian islands or archipelagos, two are endemic to island groups in French Polynesia, and *G. stairi* is endemic to Samoa, Tonga, and Fiji. Some authors recognize two subspecies of the friendly ground-dove, one, slightly smaller, in the Samoan archipelago (*G. s. stairi*), and one in Tonga and Fiji (*G. s. vitiensis*), but because morphological differences between the two are minimal, we are not recognizing separate subspecies at this time.

In American Samoa, the friendly ground-dove has been found on the islands of Ofu and Olosega (Manua Group). Threats to this subspecies have not changed over the past year. Predation by nonnative species and natural catastrophes such as hurricanes are the primary threats to the subspecies. Of these, predation by nonnative species is thought to be occurring now and likely has been occurring for several decades. This predation may be an important impediment to population growth. Predation by introduced species has played a significant role in reducing, limiting, and extirpating populations of island birds, especially ground-nesters like the friendly ground-dove, in the Pacific and other locations worldwide. Nonnative predators known or thought to occur in the range of the friendly ground-dove in American Samoa include feral cats (*Felis catus*), Polynesian rats (*Rattus exulans*), black rats (*R. rattus*), and Norway rats (*R. norvegicus*).

In January 2004 and February of 2005, hurricanes virtually destroyed the habitat of *G Gallicolumba stairi* in the area on Olosega Island where the species had been most frequently recorded. Although this species has evolved on islands subject to severe storms, this example illustrates the potential for natural disturbance to exacerbate the effect of anthropogenic disturbance on small populations. Consistent monitoring using a variety of methods over the last 5 years yielded few observations and no change in the relative abundance of this taxon in American Samoa. The total population size remains poorly known, but is unlikely to number more than a few hundred pairs. The distribution of the friendly ground-dove is limited to steep, forested slopes with an open understory and a substrate of fine scree or exposed earth; this habitat is not common in American Samoa. The threats are ongoing and therefore imminent, and the magnitude is moderate because relative abundance has remained unchanged for several years. Thus, we have retained an LPN of 9 for this DPS.

Yellow-billed loon (*Gavia adamsii*)—We continue to find that listing this species is warranted but precluded as of the date of publication of this notice of review. However, we are working on a proposed listing rule that we expect to publish prior to making the next annual resubmitted petition 12-month finding. In the course of preparing the proposed listing rule, we are continuing to monitor new information about this species' status so that we can make prompt use of our authority under Section 4(b)(7) in the case of an emergency posing a significant risk to the species.

Xantus's murrelet (*Synthliboramphus hypoleucus*)—We continue to find that listing this species is warranted but precluded as of the date of publication of this notice of review. However, we are working on a proposed listing rule that we expect to publish prior to making the next annual resubmitted petition 12-month finding. In the course of preparing the proposed listing rule, we are continuing to monitor new information about this species' status so that we can make prompt use of our authority under Section 4(b)(7) in the case of an emergency posing a significant risk to the species.

Red-crowned parrot (*Amazona viridigenalis*)—The following summary is based in part on information contained in the Notice of 12-month finding (FR 76 62016), but largely on communication with the U.S. Fish and Wildlife Service (Service), Gulf Coast Prairie Landscape Conservation Cooperative, Texas Parks and Wildlife Department, The Nature Conservancy, Rio Grande Joint Venture, World Birding Center, and Rio Grande Birding Festival biologists.

Currently, there are no changes to the range and/or distribution of the red-crowned parrot. The red-crowned parrot is non-migratory, and occurs in fragmented isolated habitat in the Mexican states of Veracruz, San Luis Potosi, Nuevo Leon, Tamaulipas, and northeast Queretaro and in Texas, in Mission, McAllen, Pharr, and Edinburg (Hidalgo County) and in Brownsville, Los Fresnos, San Benito, and Harlingen (Cameron County). Feral populations may also exist in southern California, Puerto Rico, Hawaii, and Florida and

escaped birds have been reported in central Texas. The species is nomadic during the winter (non-breeding) season when large flocks range widely to forage, moving tens of kilometers during a single flight in Mexico. As of 2004, half of the native population is believed to be found in the United States. The species within Texas is thought to move between urban areas in search for food and other available resources.

Two projects, one in Weslaco and one in Harlingen, Texas, were initiated in 2011 to provide nest boxes in palms for the red-crowned parrot. As of March 2013, these nest sites had not been used although red-crowned parrots had been actively traveling within the area throughout the prior spring, summer, and fall months. Annual monitoring of red-crowned parrot populations in the Lower Rio Grande Valley (LRGV), Texas, has not been undertaken except to record anecdotal observations of the bird and its' behavior, abundance, nesting, or threats. Monitoring efforts for the red-crowned parrot in Mexico are unknown.

The primary threats to red-crowned parrots within Mexico and Texas remain habitat destruction and modification from logging, deforestation, conversion of suitable habitat, and urbanization. The species is also collected for the pet trade; multiple laws and regulations have been passed to control illegal trade, but they are not adequately enforced. In addition, existing regulations do not adequately address the habitat threats to the species. Thus, the inadequacy of existing regulations and their enforcement continue to threaten the red-crowned parrot. However, at least two city ordinances have been put in place in South Texas prohibiting malicious acts (injury, mortality) to birds and their habitat. Disease and predation still do not threaten the species. Pesticide exposure is not known to affect the red-crowned parrot. Conservation efforts include a project that was initiated by the Service and the Rio Grande Joint Venture in the LRGV to understand and compare how birds are using revegetated tracts of land that were previously affected by flooding. The project is in its infancy, and research sites are only currently being identified. Threats to the red-crowned parrot are extensive and currently affecting populations and are expected to continue to occur in the future. Therefore, threats to the red-crowned parrot are high magnitude and imminent. As a result, we assigned an LPN of 2 for the red-crowned parrot.

Sprague's pipit (*Anthus spragueii*)—The following summary is based on information contained in our files and in the petition we received on October 15, 2008. The Sprague's pipit is a small grassland bird characterized by its high flight display and otherwise very secretive behavior. Sprague's pipits are strongly tied to native prairie (land that has never been plowed) throughout their life cycle. Its current breeding range includes portions of Montana, North Dakota, South Dakota, and Canada. The Sprague's pipit's wintering range includes south-central and southeast Arizona, southern New Mexico, Texas, southern Oklahoma, southern Arkansas, northwest Mississippi, southern Louisiana, and northern Mexico; the vast majority of the U.S. winter sightings have been in Texas. During migration, the species has been sighted outside of the areas linking its breeding and wintering sites, including Michigan, western Ontario, Ohio, Massachusetts, and Gulf and Atlantic States from Mississippi east and north to South Carolina. Sprague's pipits also have been sighted in California during fall migration.

Threats to this species include: Habitat loss and conversion, habitat fragmentation on the breeding grounds, energy development, roads, and inadequacy of existing regulatory mechanisms. Due to prairie habitat loss and fragmentation, only 15 to 18 percent of the historical breeding habitat in the United States remains in patches of sufficient size for males to establish territories. The Breeding Bird Survey and Christmas Bird Count both show a 40-year decline of 73 to 79 percent (3.23 to 4.1 percent annually), although the population seems to have stabilized in recent years. We anticipate that prairie habitat will continue to be converted and fragmented. Most of the breeding range, including those areas where grassland habitat still remains, has been identified as a prime area for wind energy development, and an oil and gas boom is occurring in the central part of the breeding range in the United States and Canada. On the wintering range, conversion of grassland to agriculture and other uses appears to be accelerating. While habitat loss has occurred and will likely to continue to occur, as noted above, approximately 15 to18 percent of the breeding range remains in suitable habitat cover and in large enough patch sizes to support nesting, and population decline seems to have slowed in recent years. Thus, the threats are moderate in magnitude. The threats are imminent because the species is currently facing them in many locations. Therefore, we have assigned the Sprague's pipit an LPN of 8.

Greater sage-grouse (*Centrocercus urophasianus*)—The following summary is based on information in our files and in the petition we received on January 30, 2002. Currently, greater sage-grouse occur in 11 States (Washington, Oregon, California, Nevada, Idaho, Montana, Wyoming, Colorado, Utah, South Dakota, and North Dakota), and 2 Canadian provinces (Alberta and Saskatchewan), occupying approximately 56 percent of their historical range. Greater sage-grouse depend on a variety of shrub-steppe habitats throughout their life cycle, and are obligate users of several species of sagebrush.

The primary threat to greater sage-grouse is ongoing fragmentation and loss of shrub-steppe habitats through a variety of mechanisms. Most importantly, increasing fire cycles and invasive plants (and the interaction between them) in more westerly parts of the range, along with energy development and related infrastructure in more easterly areas, are negatively affecting species. In addition, direct loss of habitat and fragmentation is occurring due to agriculture, urbanization, and infrastructure such as roads and power lines built in support of several activities. We also have determined that currently existing regulatory mechanisms are inadequate to protect the species from these ongoing threats. However, many of these habitat impacts are being actively addressed through conservation actions taken by local working groups, and State and Federal agencies. Notably, the National Resource Conservation Service has committed significant financial and technical resources to address threats to this species on private lands through their Sage-grouse Initiative. These efforts, when fully implemented, will potentially provide important conservation benefits to the greater sage-grouse and its habitats. We consider the threats to the greater sage-grouse to be of moderate magnitude, because the threats are not occurring with uniform intensity or distribution across the wide range of the species at this time, and substantial habitat still remains to support the species in many areas. The threats are imminent because the species is currently facing them in many portions of its range. Therefore, we assigned the greater sage-grouse an LPN of 8.

Greater sage-grouse, Columbia Basin DPS (*Centrocercus urophasianus*)—The following summary is based on information in our files and a petition, dated May 14, 1999, requesting the listing of the Washington population of the western sage-grouse (*C. u. phaios*). On May 7, 2001, we concluded that listing the Columbia Basin DPS of the

western sage-grouse was warranted, but precluded by higher priority listing actions (66 FR 22984); this population was historically found in northern Oregon and central Washington. Following our May 7, 2001, finding, the Service received additional petitions requesting listing actions for various other greater sage-grouse populations, including one for the nominal western subspecies, dated January 24, 2002, and three for the entire species, dated June 18, 2002, and March 19 and December 22, 2003. The Service subsequently found that the petition for the western subspecies did not present substantial information (68 FR 6500; February 7, 2003), and that listing the greater sage-grouse was not warranted (70 FR 2244; January 12, 2005). These latter findings were remanded to the Service for further consideration. In response, we initiated a new rangewide status review for the entire species (73 FR 10218; February 26, 2008). On March 5, 2010, we found that listing of the greater sage-grouse was warranted but precluded by higher priority listing actions (75 FR 13909; March 23, 2010), and it was added to the list of candidates. We also found that the western subspecies of the greater sage-grouse, the taxonomic entity we relied on in our DPS analysis for the Columbia Basin population, was no longer considered a valid subspecies. In light of our conclusions regarding the taxonomic invalidity of the western sage-grouse subspecies, the significance of the Columbia Basin DPS to the greater sage-grouse will require further review. The Service intends to complete an analysis to determine if this population continues to warrant recognition as a DPS in accordance with our Policy Regarding the Recognition of Distinct Vertebrate Population Segments (61 FR 4722; February 7, 1996) at the time we make a listing decision on the status of the greater sage-grouse. Until that time, the Columbia Basin DPS will remain a candidate for listing.

Band-rumped storm-petrel, Hawaii DPS (*Oceanodroma castro*)—The following summary is based on information contained in our files and the petition we received on May 8, 1989. No new information was provided in the second petition received on May 11, 2004. The band-rumped storm-petrel is a small seabird that is found in several areas of the subtropical Pacific and Atlantic Oceans. In the Pacific, there are three widely separated breeding populations—one in Japan, one in Hawaii, and one in the Galapagos. Populations in Japan and the Galapagos are comparatively large and number in the thousands, while the Hawaiian birds represent a small, remnant population of possibly only a few hundred pairs. Band-rumped storm-petrels are most commonly found in close proximity to breeding islands. The three populations in the Pacific are separated by long distances across the ocean where birds are not found. Extensive at-sea surveys of the Pacific have revealed a broad gap in distribution of the band-rumped storm-petrel to the east and west of the Hawaiian Islands, indicating that the distribution of birds in the central Pacific around Hawaii is disjunct from other nesting areas. The available information indicates that distinct populations of band-rumped storm-petrels are definable and that the Hawaiian population is distinct based on geographic and distributional isolation from other band-rumped storm-petrel populations in Japan, the Galapagos, and the Atlantic Ocean. Loss of the Hawaiian population would cause a significant gap in the distribution of the band-rumped storm-petrel in the Pacific, and could result in the complete isolation of the Galapagos and Japan populations without even occasional genetic exchange. Therefore, the population is both discrete and significant, and constitutes a DPS.

The band-rumped storm-petrel probably was common on all of the main Hawaiian Islands when Polynesians arrived about 1,500 years ago, based on storm-petrel bones found in middens on the island of Hawaii and in excavation sites on Oahu and Molokai, Hawaii. Nesting colonies of this species in the Hawaiian Islands currently are restricted to remote cliffs on Kauai and Lehua Island and high-elevation lava fields on Hawaii. Vocalizations of the species were heard in Haleakala Crater on Maui as recently as 2006; however, no nesting sites have been located on the island to date. The significant reduction in numbers and range of the band-rumped storm-petrel is due primarily to predation by nonnative species introduced by humans, including the domestic cat (*Felis catus*), small Indian mongoose (*Herpestes auropunctatus*), common barn owl (*Tyto alba*), black rat (*Rattus rattus*), Polynesian rat (*R. exulans*), and Norway rat (*R. norvegicus*). These nonnative predators occur throughout the main Hawaiian Islands, with the exception of the mongoose, which is not established on Kauai. Attraction of fledglings to artificial lights, which disrupt their night-time navigation, resulting in collisions with buildings and other objects, and collisions with artificial structures such as communication towers and utility lines, are also threats. Erosion of nest sites caused by the actions of nonnative ungulates is a potential threat in some locations. Efforts are under way in some areas to reduce light pollution and mitigate the threat of collisions, as well as to control some of the nonnative predators in the Hawaiian Islands; however, the threats are ongoing and are therefore imminent. They are of a high magnitude because they can severely affect the survival of this DPS leading to a relatively high likelihood of extinction. Therefore, we have retained an LPN of 3 for this DPS.

Elfin-woods warbler (*Dendroica angelae*)—The following summary is based on information contained in our files. No new information was provided in the petition we received on May 11, 2004. *Dendroica angelae,* or elfin-woods warbler, is a small songbird endemic to Puerto Rico . The elfin-woods warbler was at first thought to occur only in high elevations at dwarf or elfin forests, but it has since been found at lower elevations including shade coffee plantations and secondary forests, indicating that it migrates between elevations. The species has been documented from four locations: the Luquillo Mountains (El Yunque National Forest), the Sierra de Cayey, and the Commonwealth forests of Maricao and Toro Negro. However, it has not been recorded again in Toro Negro and Cayey, following the passing of Hurricane Hugo in 1989. In 2003 and 2004, surveys were conducted for the elfin-woods warbler in forests where the species was not previously recorded (the Carite Commonwealth Forest, Guilarte Forest, and Bosque del Pueblo) as well as in forests where it had been recorded (Toro Negro Forest, Maricao Forest, and the El Yunque National Forest). These surveys only reported sightings at Maricao Commonwealth Forest (778 individuals) and El Yunque National Forest (196 individuals).

The elfin-woods warbler is currently threatened by habitat modification. Elfin-woods warblers have been historically common in the elfin woodland of El Yunque National Forest and the Podocarpus forest type of Maricao Commonwealth Forest. Removal and replacement of this forest vegetation with infrastructure (e.g., telecommunication towers and recreational facilities) may have affected the species. Although this loss of habitat has been permanent and restoration would take a few decades, the present regulatory process, at both the Commonwealth and Federal levels, have curtailed this threat. Unrestricted development within the El Yunque

buffer zone needs to be addressed to determine the impact on the migratory behavior of the species. Conversion of elfin-woods warbler habitat (e.g., mature secondary forests, young secondary forests, and shade-coffee plantations) along the periphery of the Maricao Commonwealth Forest to marginal habitat (e.g., pastures, dry slope forests, residential rural forests, gallery forests, and sun coffee plantations,) has affected potential dispersal corridors for the elfin-woods warbler, reduceding the dispersal and expansion capability of the species. These threats are not imminent because most of the range of the species is within protected lands. The magnitude of threat to the elfin-woods warbler is low to moderate because there is no indication that the two populations of the elfin-woods warbler are declining in numbers. The species can thrive in disturbed and plantation habitats, although abundance of the species on these habitats is lower than in primary habitats. Moreover, elfin-woods warblers appear to recover well, and in a relatively short time, from damaging effects of hurricanes to the forest structure. Therefore, we assign a listing priority number of 11 to the elfin-woods warbler.

Reptiles

Eastern massasauga rattlesnake (*Sistrurus catenatus*)—The following summary is based on information contained in our files. The Service received a petition containing no new information on May 11, 2004. The species has been a candidate since May 11, 2005. Until 2011, the eastern massasauga was considered one of three recognized subspecies of massasauga. Based on recent information, we recognized the eastern massasauga rattlesnake as a distinct species beginning in 2011. It is a small, thick-bodied rattlesnake that occupies shallow wetlands and adjacent upland habitat in portions of Illinois, Indiana, Iowa, Michigan, Minnesota, New York, Ohio, Pennsylvania, Wisconsin, and Ontario.

Although the current range of eastern massasauga rattlesnake resembles the species' historical range, the geographic distribution has been restricted by the loss of the species from much of the area within the boundaries of that range. Approximately 40 percent of the counties that were historically occupied by eastern massasauga rattlesnake no longer support the species. The eastern massasauga rattlesnake is currently listed as endangered in every State and province in which it occurs, except for Michigan, where it is designated as a species of special concern. Each State and Canadian province across the range of the eastern massasauga rattlesnake has lost more than 30 percent, and for the majority more than 50 percent, of its historical populations. Furthermore, less than 35 percent of the remaining populations are considered secure. Approximately 59 percent of the remaining eastern massasauga rattlesnake populations occur wholly or in part on public land, and Statewide or site-specific Candidate Conservation Agreements (CCAs) or Candidate Conservation Agreements with Assurances (CCAAs) have been developed for many of these areas: (1) A CCA with the Lake County Forest Preserve District in Illinois (2004); (2) CCA with the Forest Preserve District of Cook County in Illinois (2005); (3) CCAA with the Ohio Department of Natural Resources Division of Natural Areas and Preserves for Rome State Nature Preserve in Ashtabula County (2006); and (4) CCAA with the Wisconsin Department of Natural Resources for the Lower Chippewa River Bottoms (2011).

Due to these conservation agreements, the magnitude of threats is moderate at this time. Thus, we do not believe emergency listing is warranted. However, a recently completed extinction-risk model, along with information provided by species experts indicates that some populations are likely to suffer additional losses in abundance and genetic diversity and others will likely be extirpated unless threats are removed in the near future. Declines have continued or may be accelerating in several states. Thus we are monitoring the status of this species to determine if a change in listing priority is warranted. Threats of habitat modification, habitat succession, incompatible land management practices, illegal collection for the pet trade, and human persecution are ongoing and imminent threats to many remaining populations, particularly those inhabiting private lands. Based on imminent threats of moderate magnitude, we assigned this species an LPN of 8.

Black pine snake (*Pituophis melanoleucus lodingi*)—The following summary is based on information contained in our files. No new information was provided in the petition we received on May 11, 2004. There are historical records for the black pine snake from one parish in Louisiana, 14 counties in Mississippi, and 3 counties in Alabama west of the Mobile River Delta. Black pine snake surveys and trapping indicate that this species has been extirpated from Louisiana and from 3 counties in Mississippi. Moreover, the distribution of remaining populations has become highly restricted due to the destruction and fragmentation of the remaining longleaf pine habitat within the range of the subspecies. Most of the known Mississippi populations are concentrated on the DeSoto National Forest. In Alabama, populations occurring on properties managed by State and other governmental agencies as gopher tortoise mitigation banks or wildlife sanctuaries represent the best opportunities for long-term survival of the subspecies there. Other factors affecting the black pine snake include vehicular mortality and low reproductive rates, which magnify the threats from destruction and fragmentation of longleaf pine habitat and increase the likelihood of local extinctions. Due to the imminent threats of high magnitude caused by the past destruction of most of the longleaf pine habitat of the black pine snake, and the continuing persistent degradation of what remains, we assigned an LPN of 3 to this subspecies.

Louisiana pine snake (*Pituophis ruthveni*)—The following summary is based on information contained in our files and the petition we received on July 20, 2000, and updated through April 30, 2011. The Louisiana pine snake historically occurred in the fire-maintained longleaf pine ecosystem within west-central Louisiana and extreme east-central Texas. Most of the historical longleaf pine habitat of the Louisiana pine snake has been destroyed or degraded due to logging, fire suppression, roadways, short rotation silviculture, and grazing. The loss, degradation, and fragmentation of the longleaf pine ecosystem have resulted in extant Louisiana pine snake populations that are isolated and small.

The Louisiana pine snake is currently restricted to seven disjunct populations; five of the populations occur on Federal lands, and two occur mainly on private industrial timberlands. Currently occupied habitat in Louisiana and Texas is estimated to be approximately 163,000 ac. All remnant Louisiana pine snake habitats require active management to remain suitable. A Candidate Conservation Agreement (CCA) was completed in 2003 to maintain and enhance occupied and potential habitat on public lands, and to protect known Louisiana pine snake populations. This proactive habitat management has likely slowed or reversed the rate of Louisiana pine snake habitat degradation on many portions of federal lands. The 2003 CCA is being updated and should be completed in 2013. The 2013 Updated

CCA will directly link the specific conservation actions performed by the Cooperators to the specific threats affecting the species. Because all extant populations are currently isolated and fragmented by habitat loss in the matrix between populations, there is little potential for dispersal among remnant populations or for the natural re-colonization of vacant habitat patches.

While the extent of Louisiana pine snake habitat loss has been great in the past and much of the remaining habitat has been degraded, habitat loss does not represent an imminent threat, primarily because the rate of habitat loss has declined on public lands. However, all populations require active habitat management, and the lack of adequate habitat remains a threat for several populations. The potential threats to a large percentage of extant Louisiana pine snake populations, coupled with the likely permanence of these effects and the species' low fecundity and low population sizes (based on capture rates and occurrence data), lead us to conclude that the threats have significant effect on the survival of the species and therefore remain high in magnitude. The threats are not imminent, because the rate of habitat loss appears to be declining due to proactive habitat management and susceptibility to stochastic environmental factors from small populations is not imminently threatening this species. Thus, based on nonimminent, high-magnitude threats, we assign a listing priority number of 5 to this species.

Tucson shovel-nosed snake (*Chionactis occipitalis klauberi*)—The Tucson shovel-nosed snake is a small, burrowing snake in the Colubridae family that occupied a roughly 35-mile-wide swath running along the Phoenix-Tucson corridor in northeastern Pima, southwestern Pinal, and eastern Maricopa Counties, Arizona. No systematic surveys have been conducted to assess the status of the subspecies throughout its range, but it has apparently disappeared from some areas.

Threats to the Tucson shovel-nosed snake include urban and rural development; road construction, use, and maintenance; construction of solar-power facilities and transmission corridors; agriculture; wildfires; and lack of adequate management and regulation. Comprehensive plans encompassing the entire range of the snake encourage large growth areas in the next 20 years and beyond. These plans also call for an increase in roads and transportation corridors, which have been documented to affect the snake through direct mortality. Additionally, demand for and development of solar-energy facilities and transmission corridors throughout the State will likely increase. Wildfires due to infestations of nonnative grasses in the snake's habitat, dominated by native plants not adapted to survive wildfires, are likely to increase in frequency and magnitude in the future as these invasive grasses continue to spread rapidly. Regulations are not in place to minimize or mitigate these threats to the Tucson shovel-nosed snake and its habitat, and, therefore, they are likely to put the snake at risk of local extirpation or extinction. These threats, particularly those that lead to a loss of habitat, are likely to reduce the population of the Tucson shovel-nosed snake across its entire range. Given the limited geographic distribution of this snake and the fact that its entire range lies within the path of development in the foreseeable future, these threats are of high magnitude. Because development, wildfires, and spread of nonnative grasses are ongoing, and are likely to increase in the future, the threats are imminent. Accordingly, we have retained an LPN of 3 for the Tucson shovel-nosed snake.

Desert tortoise, Sonoran (*Gopherus morafkai*)—The following summary is based on information in our files. Sonoran desert tortoises are most closely associated with Sonoran and Mojave Desert scrub vegetation types, but may also be found in other habitat types within their distribution and elevation range. They occur most commonly on rocky, steep slopes and bajadas in paloverde-mixed cacti associations. Washes and valley bottoms may be used in dispersal and, in some areas, as all or part of home ranges. Most Sonoran desert tortoises in Arizona occur between 904 and 4,198 feet (275 and 1280 meters) in elevation. The Sonoran desert tortoise is distributed south and east of the Colorado River in Arizona in all counties except for Navajo, Apache, Coconino, and Greenlee Counties, south to the Rio Yaqui in southern Sonora, Mexico.

The major threats to the Sonoran desert tortoise include nonnative plant species invasions and altered fire regimes, urban and agricultural development, and factors associated with human population growth which collectively and cumulatively affect core tortoise population areas and create barriers to dispersal and genetic exchange. Threats to the Sonoran desert tortoise differ geographically in type and scope, and are highly synergistic in their effects. However, in their totality, these threats are high in magnitude because of the large amount of habitat that is likely to be affected and the irreversible nature of the effect of these threats in sensitive habitats that are slow to rebound. While some threats are ongoing, the more significant ones are not. Thus, overall, the threats are nonimminent. Recent phylogenetic research confirmed what has been suspected for decades within the scientific community that the Sonoran desert tortoise is a distinct species. In 2012 we changed the LPN from a 6 to a 5, reflecting that this entity is now a full species and no longer a DPS. We maintain the LPN of 5 for the Sonoran desert tortoise.

Gopher tortoise, eastern population (*Gopherus polyphemus*)—The following summary is based on information in our files. The gopher tortoise is a large, terrestrial, herbivorous turtle that reaches a total length up to 15 in (38 cm), and typically inhabits the sandhills, pine/scrub oak uplands, and pine flatwoods associated with the longleaf pine (*Pinus palustris*) ecosystem. A fossorial animal, the gopher tortoise is usually found in areas with well-drained, deep, sandy soils; an open tree canopy; and a diverse, abundant, herbaceous groundcover. The gopher tortoise ranges from extreme southern South Carolina south through peninsular Florida, and west through southern Georgia, Florida, southern Alabama, and Mississippi, into extreme southeastern Louisiana. The eastern population of the gopher tortoise in South Carolina, Florida, Georgia, and Alabama (east of the Mobile and Tombigbee Rivers) is a candidate species; the gopher tortoise is federally listed as threatened in the western portion of its range, which includes Alabama (west of the Mobile and Tombigbee Rivers), Mississippi, and Louisiana.

The primary threat to the gopher tortoise is habitat fragmentation, destruction, and modification (either deliberately or from inattention), including conversion of longleaf pine forests to other silvicultural or agricultural habitats, urbanization, shrub/hardwood encroachment (mainly from fire exclusion or insufficient fire management), and establishment and spread of invasive species. Other threats include disease, predation (mainly on nests and young tortoises), and inadequate regulatory mechanisms, specifically those needed to protect and enhance relocated tortoise populations in perpetuity. The magnitude of threats to the eastern range of the gopher tortoise is moderate to low, as populations extend over a broad geographic area and conservation

measures are in place in some areas. However, because the species is currently being affected by a number of threats, including destruction and modification of its habitat, disease, predation, exotics, and inadequate regulatory mechanisms, the threat is imminent. Thus, we have assigned a listing priority number of 8 for this species.

Sonoyta mud turtle (*Kinosternon sonoriense longifemorale*)—The following summary is based on information contained in our files. No new information was provided in the petition we received on May 11, 2004. The Sonoyta mud turtle occurs in a spring and pond at Quitobaquito Springs on Organ Pipe Cactus National Monument in Arizona, and in the Rio Sonoyta and Quitovac Spring of Sonora, Mexico. Loss and degradation of stream habitat from water diversion and groundwater pumping, along with its very limited distribution, are the primary threats to the Sonoyta mud turtle. Sonoyta mud turtles are highly aquatic and depend on permanent water for survival. The area of southwest Arizona and northern Sonora where the Sonoyta mud turtle occurs is one of the driest regions in the Southwest. While currently there is sufficient water for the turtles, due to continued drought and irrigated agriculture in the region, we expect surface water in the Rio Sonoyta and Quitobaquito Springs to further dwindle in the foreseeable future and negatively affect this species. National Park Service staff continue to implement actions to stabilize the water levels in the pond at Quitobaquito Springs. However, surface water use in the Rio Sonoyta, in Sonora Mexico, will have a significant impact on the survival of this subspecies. We retained an LPN of 6 for Sonoyta mud turtle due to high-magnitude, nonimminent threats.

Amphibians

Columbia spotted frog, Great Basin DPS (*Rana luteiventris*)—The following summary is based on information contained in our files and the petition received on May 1, 1989. Extensive surveys and monitoring since 1993 have revealed that Columbia spotted frog populations within the Great Basin DPS are more widespread and common than previously known. While some sites and watersheds are no longer occupied, Columbia spotted frogs are widely distributed throughout southwestern Idaho and northeastern Nevada, with isolated and disjunct populations in southeastern Oregon and central Nevada. Most populations, however, are small and fragmented, which makes them susceptible to extinction processes.

Historical and to some extent current management of Columbia spotted frog habitat, including water development, improper grazing, mining activities, beaver management, and nonnative species have degraded and fragmented habitat and continue to do so. Emerging viral and fungal diseases such as Ranavirus and chytridiomycosis, as well as parasites, are not currently known to be a threat to Columbia spotted frog populations within the Great Basin DPS. Effects of climate change and stochastic events such as drought and wildfire can have detrimental effects to small isolated populations and exacerbate existing threats. A 10-year Conservation Agreement and Strategy for populations of Columbia spotted frogs in Nevada was signed in September 2003. The goals of this conservation agreement are to reduce threats to Columbia spotted frogs and their habitat to the extent necessary to prevent populations from becoming extirpated throughout all or a portion of their historical range and to maintain, enhance, and restore a sufficient number of populations of Columbia spotted frogs and their habitat to ensure their continued existence throughout their historical range in Nevada. This Conservation Agreement and Strategy is currently being revised. Additionally, a Candidate Conservation Agreement with Assurances was completed in 2006 for the Owyhee subpopulation at Sam Noble Springs, Idaho. Several habitat enhancement projects that have benefitted populations of Columbia spotted frogs have been conducted throughout the DPS's range.

Because the DPS is widely distributed and there are management actions in place working to reduce the scope of threats to the DPS, we conclude that the threats are moderate. The threats are imminent, because development and poor management of its habitat are already present. Based on imminent threats of moderate magnitude, we assigned an LPN of 9 to this DPS of the Columbia spotted frog.

Relict leopard frog (*Lithobates onca*)—The following summary is based on information contained in our files. Natural relict leopard frog populations occur in two general areas in Nevada: Near the Overton Arm area of Lake Mead and Black Canyon below Lake Mead. These two areas include a small fraction of the historical distribution of the species. Its historical range included springs, streams, and wetlands within the Virgin River drainage downstream from the vicinity of Hurricane, Utah; along the Muddy River in Nevada; and along the Colorado River in Nevada and Arizona, from its confluence with the Virgin River downstream to Black Canyon below Lake Mead.

Factors contributing to the decline of the species include alteration, loss, and degradation of aquatic habitat due to water developments and impoundments, and scouring and erosion; changes in plant communities that result in dense growth and the prevalence of vegetation; introduced predators; climate change; and stochastic events. The presence of chytrid fungus in relict leopard frogs at Lower Blue Point Spring is a concern and warrants further evaluation of the threat of disease to the relict leopard frog. The size of natural and translocated populations is small and, therefore, these populations are vulnerable to stochastic events, such as floods and wildfire. Climate change that results in reduced spring flow, habitat loss, and increased prevalence of wildfire would adversely affect relict leopard frog populations.

In 2005, the National Park Service, in cooperation with the Fish and Wildlife Service and other Federal, State, and local partners, developed a conservation agreement and strategy, which is intended to improve the status of the species through prescribed management actions and protection. Conservation actions identified in the agreement and strategy include captive rearing of tadpoles for translocation and refugium populations, habitat and natural history studies, habitat enhancement, population and habitat monitoring, and translocation. New sites within the historical range of the species have been successfully established with captive-reared frogs. Conservation is proceeding under the agreement and strategy; however, additional time is needed to determine whether or not the agreement and strategy will be effective in eliminating or reducing the threats to the point that the relict leopard frog can be removed from candidate status. In consideration of these conservation efforts and the overall threat level to the species, we determined the magnitude of existing threats is moderate to low. Potential water development and other habitat effects, presence of introduced predators, chytrid fungus, limited distribution, small population size, and climate change are ongoing, and thus, imminent threats. Therefore, we continue to assign a listing priority number (LPN) of 8 to this species.

Striped newt (*Notophthalmus perstriatus*)—The following summary is based on information contained in our files. The striped newt (*Notophthalmus perstriatus*) is a small salamander that

inhabits ephemeral ponds surrounded by upland habitats of high pine, scrubby flatwoods, and scrub. Longleaf pine-turkey oak stands with intact ground cover containing wiregrass are the preferred upland habitat for striped newts, followed by scrub, then flatwoods. Life-history stages of the striped newt are complex, and include the use of both aquatic and terrestrial habitats throughout its life cycle. Striped newts are opportunistic feeders that prey on a variety of items such as frog eggs, worms, snails, fairy shrimp, spiders, and insects (adult and larvae) that are of appropriate size. They occur in appropriate habitats from the Atlantic Coastal Plain of southeastern Georgia to the north-central peninsula of Florida, and through the Florida panhandle into portions of southwest Georgia. There is a 125-km (78-mi) separation between the western and eastern portions of the striped newt's range.

The historical range of the striped newt was likely similar to the current range. However, loss of native longleaf habitat, fire suppression, and the natural patchy distribution of upland habitats used by striped newts have resulted in fragmentation of existing populations. Other threats to the species include disease, drought, and inadequate regulatory mechanisms. Overall, we conclude that the magnitude of the threats to be moderate and the threats are ongoing, and therefore imminent. Therefore, we assigned a listing priority number of 8 to the newt.

Berry Cave salamander (*Gyrinophilus gulolineatus*)—The following summary is based on information in our files. The Berry Cave salamander is recorded from Berry Cave in Roane County; from Mud Flats, Aycock Spring, Christian, Meades Quarry, Meades River, and Fifth Caves in Knox County; from Blythe Ferry Cave in Meigs County; and from an unknown cave in Athens, McMinn County, Tennessee. In May of 2012, the species was also discovered in an additional cave, The Lost Puddle Cave, in Knox County. These cave systems are all located within the Upper Tennessee River and Clinch River drainages. A total of 113 caves in Middle and East Tennessee were surveyed from the time period of April 2004 through June 2007, resulting in observations of 63 Berry Cave salamanders. These surveys concluded that Berry Cave salamander populations are robust at Berry and Mudflats Caves where population declines had been previously reported and documented two new populations of Berry Cave salamanders at Aycock Spring and Christian Caves. Three Berry Cave salamanders were spotted during the May, 2012, survey in The Lost Puddle and local cavers also reported sighting one individual in August 2012. Surveys for new populations are planned along the Valley and Ridge Province between Knoxville and Chattanooga.

Ongoing threats to this species are in the form of lye leaching in the Meades Quarry Cave as a result of past quarrying activities, a proposed roadway with potential to affect the recharge area for the Meades Quarry Cave system, urban development in Knox County, water quality impacts despite existing State and Federal laws, and hybridization between spring salamanders and Berry Cave salamanders in Meades Quarry Cave. These threats, coupled with confined distribution of the species and apparent low population densities, are all factors that leave the Berry Cave salamander vulnerable to extirpation. We have determined that the Berry Cave salamander faces imminent threats of moderate magnitude. Based on moderate-magnitude, imminent threats, we continue to assign this species a listing priority number of 8.

Black Warrior waterdog (*Necturus alabamensis*)—The following summary is based on information contained in our files. No new information was provided in the petition we received on May 11, 2004. The Black Warrior waterdog is a salamander that inhabits streams above the Fall Line within the Black Warrior River Basin in Alabama. There is very little specific locality information available on the historical distribution of the Black Warrior waterdog, since little attention was given to this species between its description in 1937 and the 1980s. At that time, there were a total of only 11 known historical records from 4 Alabama counties. Two of these sites have now been inundated by impoundments. Extensive survey work was conducted in the 1990s to look for additional populations. As a result of that work, the species was documented at 14 sites in 5 counties.

Water-quality degradation is the biggest threat to the continued existence of the Black Warrior waterdog. Most streams that have been surveyed for the waterdog showed evidence of pollution, and many lacked biological diversity. Sources of point and nonpoint pollution in the Black Warrior River Basin have been numerous and widespread. Pollution is generated from inadequately treated effluent from industrial plants, sanitary landfills, sewage treatment plants, poultry operations, and cattle feedlots. Surface mining represents another threat to the biological integrity of waterdog habitat. Runoff from old, abandoned coal mines generates pollution through acidification, increased mineralization, and sediment loading. The North River, Locust Fork, and Mulberry Fork, all streams that this species inhabits, are on the Environmental Protection Agency's list of impaired waters. An additional threat to the Black Warrior waterdog is the creation of large impoundments that have flooded thousands of square hectares of its habitat. These impoundments are likely marginal or unsuitable habitat for the salamander. Suitable habitat for the Black Warrior waterdog is limited and available data indicate extant populations are small and their viability is questionable. This situation is pervasive and problematic; water quality issues are persistent and regulatory mechanisms are not ameliorating these threats. The most current survey information indicates that all populations except one may have decreased below detectable limits. Therefore, the overall magnitude of the threat is high. Water quality degradation in the Black Warrior basin is ongoing; therefore, the threats are imminent and the LPN of this species remains 2.

Fishes

Headwater chub (*Gila nigra*)—The following summary is based on information contained in our files since 2006 and in the 12-month finding published in the **Federal Register** on May 3, 2006 (71 FR 26007). The headwater chub is a moderate-sized cyprinid fish. The range of the headwater chub has been reduced by approximately 60 percent. Twenty-two streams (125 mi (200 km) of stream) are thought to be occupied out of 25 streams (312 mi (500 km) of stream) formerly occupied in the Gila River Basin in Arizona and New Mexico. We have removed Dinner Creek, a tributary to Spring Creek, from the list of occupied streams. Based on new survey data, Dinner Creek is ephemeral and only usable by headwater chub from Spring Creek when water is present. All remaining populations are rare, fragmented and isolated, and face threats from a combination of factors.

Headwater chubs face threats from introduced, nonnative fish that prey on them and compete with them for food. Habitat destruction and modification have occurred and continue to occur as a result of dewatering, impoundment, channelization, and channel changes caused by alteration of riparian vegetation and watershed degradation from mining, grazing, roads, water pollution, urban and suburban development, groundwater pumping, and other human actions. Existing regulatory mechanisms do not appear to

be adequate for addressing the impact of nonnative fish and also have not removed or eliminated the threats that continue to be posed through habitat degradation. The fragmented nature and rarity of existing populations makes them vulnerable to other natural or manmade factors, such as drought and wildfire. Climate change is predicted to worsen these threats through increased aridity of the region, thus reducing stream flows and warming aquatic habitats, which makes the habitat more suitable to nonnative species.

The Arizona Game and Fish Department's Arizona Statewide Conservation Agreement for Roundtail chub (*G. robusta*), Headwater chub, Flannelmouth sucker (*Catostomus latipinnis*), Little Colorado River sucker (*Catostomus* spp.), Bluehead sucker (*C. discobolus*), and Zuni Bluehead sucker (*C. discobolus yarrowi*) was finalized in 2006. The New Mexico Department of Game and Fish has listed the headwater chub as endangered and in 2006 finalized a recovery plan for the species: Colorado River Basin Chubs (Roundtail chub, Gila chub (*G. intermedia*), and Headwater chub) Recovery Plan. Arizona's agreement and New Mexico's recovery plan both recommend preservation and enhancement of extant populations and restoration of historical headwater-chub populations. The recovery and conservation actions prescribed by Arizona's and New Mexico's plans, which we predict will reduce and remove threats to this species, will require further discussions and authorizations as they are being implemented. The recently completed Arizona Game and Fish Department Sportfish Stocking Program's Conservation and Mitigation Program contains significant conservation actions for the headwater chub that will be implemented over the next 10 years. Several surveys of existing populations have been completed under this program, increasing our information on the status of the species in those areas.

Existing information indicates that existing populations are stable and persisting in the long term; 10 of the 22 extant stream populations are currently considered stable based on abundance and evidence of recruitment. Therefore, although threats are ongoing, the threats are moderate in magnitude. We retain an LPN of 8 for the headwater chub.

Least chub (*Iotichthys phlegethontis*)—The following summary is based on information contained in our files and in the petition received on June 25, 2007. The least chub is a small, colorful fish species in Utah that prefers warm water habitats. Least chub use flooded, warmer, vegetated marsh areas to spawn in the spring, and retreat to spring heads to overwinter as the water recedes in the late summer and fall. Historically, many least chub occurrences were reported across the State of Utah, but the current distribution of the species is highly reduced from its historical range. Currently, only six known wild populations remain, with one considered functionally extirpated. In addition to the wild populations, least chub occur in eight introduced genetic refuge populations.

The species faces threats from the effects of livestock grazing, as impacts are still observed at most least chub sites, despite efforts to protect least chub habitat with grazing management plans and grazing exclosures at several locations. Least chub habitat also is affected by current and future groundwater withdrawals, especially when combined with the threat of drought. The cumulative effects of drought, current and future groundwater withdrawal, and climate change put the remaining least chub populations at further risk. Existing regulatory mechanisms are currently inadequate to regulate groundwater withdrawals and ameliorate their effects on least chub habitat. Nonnative species, particularly mosquitofish, also are a continuing threat to least chub. Several significant efforts to remove mosquitofish from least chub habitats have proven unsuccessful. One least chub population is functionally extirpated due to mosquitofish, and nonnative fish are present at two of the five remaining viable, extant population sites.

In 1998, several State and Federal agencies, including the Service and the Utah Division of Wildlife Resources, developed a Least Chub Conservation Agreement and Strategy and formed the Least Chub Conservation Team. Its objectives are to eliminate or significantly reduce threats to the least chub and its habitat, and to ensure the continued existence of the species by restoring and maintaining a minimum number of least chub populations throughout its historical range. Recent State-led least chub conservation actions have included restoration of habitat affected by grazing, reintroduction and range expansion, nonnative removal, population monitoring, and working cooperatively with landowners to conserve water and aquatic habitat. This group also has recently begun a structured-decision-making modeling process that will provide additional guidance for conservation activities.

Overall, grazing, groundwater withdrawal, and predation by nonnative species are moderate magnitude threats, as the number and degree of the threats vary among populations; for some populations the threats are of high magnitude, while in others they are of low magnitude or nonexistent, such that when considering the overall species' range, the threats are of moderate magnitude on average. The threats are imminent because the species is currently facing a combination of the threats throughout many portions of its range. Therefore, we have assigned the least chub an LPN of 7.

Roundtail chub (*Gila robusta*), Lower Colorado River DPS—The following summary is based on information contained in our files and the 12-month finding published in the **Federal Register** on July 7, 2009 (74 FR 32352). The roundtail chub is a moderate-to-large cyprinid fish. The range of the roundtail chub has been reduced by approximately 68 to 82 percent. Forty-seven streams or sections of larger rivers are currently occupied, representing approximately 18 to 32 percent of the species' former range, or 800 km (500 mi) to 1,350 km (840 mi) of 3,050 km (1,895 mi) of formerly occupied streams in the Gila River Basin in Arizona and New Mexico. Most of the remaining populations are rare, fragmented and isolated, and all face threats from a combination of factors.

Roundtail chub face threats from introduced nonnative fish that prey on them and compete with them for food. Habitat destruction and modification have occurred and continue to occur as a result of dewatering, impoundment, channelization, and channel changes caused by alteration of riparian vegetation and watershed degradation from mining, grazing, roads, water pollution, urban and suburban development, groundwater pumping, and other human actions. Existing regulatory mechanisms do not appear to be adequate for addressing the impact of nonnative fish, and also have not removed or eliminated the threats that continue to be posed through habitat destruction or modification. The fragmented nature and rarity of existing populations make roundtail chub vulnerable to other natural or manmade factors, such as drought and wildfire. Climate change is predicted to worsen these threats through increased aridity of the region, thus reducing stream flows and warming aquatic habitats, which makes the habitat more suitable to nonnative species.

The Arizona Game and Fish Department's Arizona Statewide Conservation Agreement for Roundtail chub, Headwater chub (*G. nigra*), Flannelmouth sucker (*Catostomus*

*latipinnis*), Little Colorado River sucker (*Catostomus* spp.), Bluehead sucker (*C. discobolus*), and Zuni Bluehead sucker (*C. discobolus yarrowi*) was finalized in 2006. The New Mexico Department of Game and Fish lists the roundtail chub as endangered and in 2006 finalized a recovery plan for the species: Colorado River Basin Chubs (Roundtail chub, Gila chub (*G. intermedia*), and Headwater chub) Recovery Plan. Both the Arizona Agreement and the New Mexico Recovery Plan recommend preservation and enhancement of extant populations and restoration of historical roundtail chub populations. The recovery and conservation actions prescribed by the Arizona and New Mexico plans, which we predict will reduce and remove threats to this species, will require further discussions and authorizations as they are being implemented. The recently completed Arizona Game and Fish Department Sportfish Stocking Program's Conservation and Mitigation Program contains significant conservation actions for the roundtail chub that will be implemented over the next 10 years.

Although threats are ongoing, existing information indicates long-term persistence and stability of most existing populations. To better reflect status in the Salt and Verde Rivers, for this assessment we divided these rivers into five separate reaches that better reflected the status of roundtail chub in those systems. Currently, 13 of the 38 extant populations are considered stable, based on abundance and evidence of recruitment. Two new conservation populations (Gap Creek and Blue River) were initially stocked in 2012, raising the number of introduced stream populations to four. Based on our assessment, threats (primarily nonnative species and habitat loss from land uses) remain imminent, because they are ongoing, and are of moderate magnitude because there is evidence of long-term persistence and stability of the existing populations. Thus, we have retained an LPN of 9 for this distinct population segment of the roundtail chub.

Arkansas darter (*Etheostoma cragini*)—The following summary is based on information contained in our files. No new information was provided in the petition we received on May 11, 2004. This fish species occurs in Arkansas, Colorado, Kansas, Missouri, and Oklahoma. The species is found most often in sand- or pebble-bottomed pools of small, spring-fed streams and marshes, with cool water and broadleaved aquatic vegetation. Its current distribution is indicative of a species that once was widely dispersed throughout its range, but has been relegated to isolated areas separated by unsuitable habitat that prevents dispersal.

Factors influencing the current distribution include: Surface and groundwater irrigation resulting in decreased flows or stream dewatering; the dewatering of long reaches of riverine habitat necessary for species movement when surface flows do occur; conversion of prairie to cropland, which influences groundwater recharge and spring flows; water quality degradation from a variety of sources; and the construction of dams, which act as barriers preventing emigration upstream and downstream through the reservoir pool. A currently occurring drought in the western portions of the species' range is also a threat. If these conditions become protracted, this threat is likely to affect many of these isolated populations. However, at present, the magnitude of threats facing this species is still moderate to low, given the number of different locations where the species occurs and the fact that no single threat or combination of threats affects more than a portion of the widespread population occurrences. The immediacy of threats varies across the species range; groundwater pumping is an ongoing concern in the western portion of the species range, although it has declined in some portions. In the eastern portion of the range it is not an imminent threat but could become more pervasive in the future. Development, spills, and runoff are not currently affecting the species rangewide. Overall, the threats are nonimment. Thus, we are retaining an LPN of 11 for the Arkansas darter.

Pearl darter (*Percina aurora*)—The following summary is based on information contained in our files. Little is known about the specific habitat requirements or natural history of the Pearl darter. Pearl darters have been collected from a variety of river/or tream attributes, mainly over gravel substrate. This species is historically known only from localized sites within the Pascagoula and Pearl River drainages in Mississippi and Louisiana. Currently, the Pearl darter is considered extirpated from the Pearl River drainage and rare in the Pascagoula River drainage. Since 1983, the range of the Pearl darter has decreased by 55 percent.

The Pearl darter is vulnerable to nonpoint source pollution caused by urbanization and other land use activities; gravel mining and resultant changes in river geomorphology, especially head cutting; and the possibility of water quantity decline from the proposed Department of Energy Strategic Petroleum Reserve project and a proposed dam on the Bouie River. Additional threats are posed by the apparent lack of adequate State and Federal water quality regulations due to the continuing degradation of water quality within the species' habitat. The Pearl darter's localized distribution and apparent low population numbers may indicate a species with lower genetic diversity which would also make this species more vulnerable to catastrophic events. Threats affecting the Pearl darter are localized in nature, affecting portions of the population within the drainage, thus, we conclude that the threats to this species are moderate to low in magnitude. In addition, the threats are imminent since the identified threats are currently impacting this species in some portions of its range. Therefore, we have assigned a listing priority number of 8 for this species.

Arctic grayling, Upper Missouri River DPS (*Thymallus arcticus*)—The following summary is based on information contained in our files. This fish species has a broad, nearly circumpolar distribution, occurring in a variety of cold-water habitats, including small streams, large rivers, lakes, and even bogs. We determined in our September 8, 2010, status review (75 FR 54708) that the upper Missouri River population of arctic grayling in Montana and Wyoming represents a DPS, because it is discrete due to geographic separation and genetic differences, and it is significant to the taxon as a whole. The historical range of Arctic grayling in the upper Missouri River basin has declined dramatically in the past century. The five remaining indigenous populations are isolated from one another by dams or other factors.

All populations face potential threats from competition with and predation by nonnative trout, and most populations face threats resulting from the alteration of their habitats, such as habitat fragmentation from dams or irrigation diversion structures, stream dewatering, high summer water temperatures, loss of riparian habitats, and entrainment in irrigation ditches. Severe drought likely also affects all populations by reducing water availability and reducing the extent of thermally suitable habitat. Projected climate changes will likely influence the severity and scope of these threats in the future. As applied, existing regulatory mechanisms do not appear to be adequate to address the primary threats to arctic grayling. In addition, four of five populations are at risk from random environmental fluctuations and genetic drift due to their low abundance and isolation. The

magnitude of these threats is high because one or more of these threats occurs in each known population in the Missouri River basin. The threats are imminent because they are currently occurring and are expected to continue in the foreseeable future. Therefore, we have assigned the upper Missouri River DPS of arctic grayling an LPN of 3.

Sicklefin redhorse (*Moxostoma* sp.)—We continue to find that listing this species is warranted but precluded as of the date of publication of this notice of review. However, we are working on a proposed listing rule that we expect to publish prior to making the next annual resubmitted petition 12-month finding. In the course of preparing the proposed listing rule, we are continuing to monitor new information about this species' status so that we can make prompt use of our authority under Section 4(b)(7) in the case of an emergency posing a significant risk to the species.

Rio Grande cutthroat trout (*Oncorhynchus clarki virginalis*)—We continue to find that listing this species is warranted but precluded as of the date of publication of this notice of review. However, we are working on a proposed listing rule that we expect to publish prior to making the next annual resubmitted petition 12-month finding. In the course of preparing the proposed listing rule, we are continuing to monitor new information about this species' status so that we can make prompt use of our authority under Section 4(b)(7) in the case of an emergency posing a significant risk to the species.

Clams

Texas fatmucket (*Lampsilis bracteata*)—The following summary is based on information contained in our files. The Texas fatmucket is a large, elongated freshwater mussel that is endemic to central Texas. This species historically occurred throughout the Colorado and Guadalupe-San Antonio River basins but is now known to occur only in nine streams within these basins in very limited numbers. All existing populations are represented by only one or two individuals and are not likely to be stable or recruiting.

The Texas fatmucket is primarily threatened by habitat destruction and modification from impoundments, which scour river beds, thereby removing mussel habitat; decrease water quality; modify stream flows; and prevent fish host migration and distribution of freshwater mussels. This species is also threatened by sedimentation, dewatering, sand and gravel mining, and chemical contaminants. Additionally, these threats may be exacerbated by the current and projected effects of climate change, population fragmentation and isolation, and the anticipated threat of nonnative species. Threats to the Texas fatmucket and its habitat are not being adequately addressed through existing regulatory mechanisms. Because of the limited distribution of this endemic species and its lack of mobility, these threats are likely to result in the extinction of the Texas fatmucket in the foreseeable future.

The threats are such that the Texas fatmucket warrants listing; the threats are high in magnitude because habitat loss and degradation from impoundments, sedimentation, sand and gravel mining, and chemical contaminants are widespread throughout the range of the Texas fatmucket and profoundly affect its survival and recruitment. These threats are exacerbated by climate change, which will increase the frequency and magnitude of droughts. Remaining populations are small, isolated, and highly vulnerable to stochastic events, which could lead to extirpation or extinction. These threats are imminent because they are ongoing and will continue in the foreseeable future. Habitat loss and degradation have already occurred and will continue as the human population continues to grow in central Texas. Texas fatmucket populations may already be below the minimum viable population requirement, which causes a reduction in the number of populations and an increase in the species' vulnerability to extinction. Based on imminent, high-magnitude threats, we retain an LPN of 2 for the Texas fatmucket.

Texas fawnsfoot (*Truncilla macrodon*)—The following summary is based on information contained in our files. The Texas fawnsfoot is a small, relatively thin-shelled freshwater mussel that is endemic to central Texas. This species historically occurred throughout the Colorado and Brazos River Basins and is now known from only five locations. The Texas fawnsfoot has been extirpated from nearly all of the Colorado River Basin and from much of the Brazos River Basin. Of the populations that remain, only three are likely to be stable and recruiting; the remaining populations are disjunct and restricted to short stream reaches.

The Texas fawnsfoot is primarily threatened by habitat destruction and modification from impoundments, which scour riverbeds, thereby removing mussel habitat, decreasing water quality, modifying stream flows, and preventing fish host migration and distribution of freshwater mussels. In addition, the Texas fawnsfoot is threatened by sedimentation, dewatering, sand and gravel mining, and chemical contaminants. These threats may be exacerbated by the current and projected effects of climate change, population fragmentation and isolation, and the anticipated threat of nonnative species. Threats to the Texas fawnsfoot and its habitat are not being adequately addressed through existing regulatory mechanisms. Because of the limited distribution of this endemic species and its lack of mobility, these threats are likely to result in the extinction of the Texas fawnsfoot in the foreseeable future.

The threats are such that the Texas fawnsfoot warrants listing; the threats are high in magnitude. Habitat loss and degradation from impoundments, sedimentation, sand and gravel mining, and chemical contaminants are widespread throughout the range of the Texas fawnsfoot and profoundly affect its habitat. These threats are exacerbated by climate change, which will increase the frequency and magnitude of droughts. Remaining populations are small, isolated, and highly vulnerable to stochastic events. These threats are imminent because they are ongoing and will continue in the foreseeable future. Habitat loss and degradation has already occurred and will continue as the human population continues to grow in central Texas. The Texas fawnsfoot populations may already be below the minimum viable population requirement, which causes a reduction in the number of populations and an increase in the species' vulnerability to extinction. Based on imminent, high-magnitude threats, we retain an LPN of 2 for the Texas fawnsfoot.

Texas hornshell (*Popenaias popei*)—The following summary is based on information contained in our files and information provided by the New Mexico Department of Game and Fish and Texas Parks and Wildlife Department. The Texas hornshell is a freshwater mussel found in the Black River in New Mexico and in the Rio Grande and the Devils River in Texas. Until March 2008, the only known extant populations were in New Mexico's Black River and one locality in the Rio Grande near Laredo, Texas. In March 2008, two new localities were confirmed in Texas: One in the Devils River, and one in the mainstem Rio Grande in the Rio Grande Wild and Scenic River segment downstream of Big Bend National Park. In 2011, the Rio Grande population near Laredo was resurveyed and found to be large and robust.

The primary threats to the Texas hornshell are habitat alterations such as streambank channelization, impoundments, and diversions for agriculture and flood control (including a proposed low-water diversion dam just downstream of the Rio Grande population near Laredo); contamination of water by oil and gas activity; alterations in the natural riverine hydrology; and increased sedimentation and flood pulses from prolonged overgrazing and loss of native vegetation. Although riverine habitats throughout the species' known occupied range are under constant threat from these ongoing or potential activities, numerous conservation actions to benefit the species are under way in New Mexico, including the reintroduction of the species to the Delaware River in New Mexico, and are beginning in Texas on the Big Bend reach of the Rio Grande. Due to these ongoing conservation efforts, and because at least one of the populations appears to be robust, the magnitude of the threats is moderate. However, the threats to the species are ongoing and remain imminent. Thus, we retain a LPN of 8 for the Texas hornshell.

Golden orb (*Quadrula aurea*)—The following summary is based on information contained in our files. The golden orb is a small, round-shaped freshwater mussel that is endemic to central Texas. This species historically occurred throughout the Nueces-Frio and Guadalupe-San Antonio River Basins and is now known from only nine locations in four rivers. The golden orb has been eliminated from nearly the entire Nueces-Frio River Basin. Four of these nine populations appear to be stable and reproducing, and the remaining five populations are small and isolated and show no evidence of recruitment. The populations in the middle Guadalupe and lower San Marcos Rivers are likely connected. The remaining extant populations are highly fragmented and restricted to short reaches.

The golden orb is primarily threatened by habitat destruction and modification from impoundments, which scour river beds, thereby removing mussel habitat, decreasing water quality, modifying stream flows, and preventing fish host migration and distribution of freshwater mussels. The species is also threatened by sedimentation, dewatering, sand and gravel mining, and chemical contaminants. Additionally, these threats may be exacerbated by the current and projected effects of climate change, population fragmentation and isolation, and the anticipated threat of nonnative species. Threats to the golden orb and its habitat are not being adequately addressed through existing regulatory mechanisms. Because of the limited distribution of this endemic species and its lack of mobility, these threats may result in the extinction of the golden orb in the foreseeable future.

The threats are such that the golden orb warrants listing; the threats are moderate in magnitude. Habitat loss and degradation from impoundments, sedimentation, sand and gravel mining, and chemical contaminants are widespread throughout the range of the golden orb, but several large populations remain, including one that was recently discovered, suggesting that the threats are not high in magnitude. These threats are exacerbated by climate change, which will increase the frequency and magnitude of droughts. These threats are imminent because they are ongoing and will continue in the foreseeable future. Habitat loss and degradation have already occurred and will continue as the human population continues to grow in central Texas. Several golden orb populations may already be below the minimum viable population requirement, which causes a reduction in the number of populations and an increase in the species' vulnerability to extinction. Based on imminent, moderate threats, we retain a LPN of 8 for the golden orb.

Smooth pimpleback (*Quadrula houstonensis*)—The following summary is based on information contained in our files. The smooth pimpleback is a small, round-shaped freshwater mussel that is endemic to central Texas. Based on historical and current data, the smooth pimpleback has declined rangewide and is now known from only nine counties throughout the Colorado River basin and it occurs in 14 counties throughout the Brazos River basin. The species has been eliminated from nearly the entire Colorado River and all but one of its tributaries, and has been eliminated from the upper Brazos River and several tributaries as well. The lower Colorado River, San Saba River, lower Brazos River, Navasota River, Leon River, and Yegua Creek populations appear to be stable and reproducing, but the remaining populations are small, isolated, and represented by only a few individuals.

The smooth pimpleback is primarily threatened by habitat destruction and modification from impoundments, which scour river beds, thereby removing mussel habitat, decreasing water quality, modifying stream flows, and preventing fish host migration and distribution of freshwater mussels. The species is also threatened by sedimentation, dewatering, sand and gravel mining, and chemical contaminants. Additionally, these threats may be exacerbated by the current and projected effects of climate change, population fragmentation and isolation, and the anticipated threat of nonnative species. Threats to the smooth pimpleback and its habitat are not being adequately addressed through existing regulatory mechanisms. Because of the limited distribution of this endemic species and its lack of mobility, these threats may result in the extinction of the smooth pimpleback in the foreseeable future.

The threats are such that the smooth pimpleback warrants listing; the threats are moderate in magnitude. Habitat loss and degradation from impoundments, sedimentation, sand and gravel mining, and chemical contaminants are widespread throughout the range of the smooth pimpleback, but several large populations remain, including one that was recently discovered, suggesting that the threats are not high in magnitude. These threats are exacerbated by climate change, which will increase the frequency and magnitude of droughts. These threats are imminent because they are ongoing and will continue in the foreseeable future. Habitat loss and degradation have already occurred and will continue as the human population continues to grow in central Texas. Several smooth pimpleback populations may already be below the minimum viable population requirement, which causes a reduction in the number of populations and an increase in the species' vulnerability to extinction. Based on imminent, moderate threats, we maintain an LPN of 8 for the smooth pimpleback.

Texas pimpleback (*Quadrula petrina*)—The following summary is based on information contained in our files. The Texas pimpleback is a large, freshwater mussel that is endemic to central Texas. This species historically occurred throughout the Colorado and Guadalupe-San Antonio River Basins, but is now known to only occur in four streams within these basins. Only two populations appear large enough to be stable, the Concho River population and in the San Saba River population, but evidence of recruitment is limited in even in these populations. The remaining two populations are represented by one or two individuals and are highly disjunct, with no evidence of recruitment.

The Texas pimpleback is primarily threatened by habitat destruction and modification from impoundments, which scour riverbeds, thereby removing mussel habitat, decreasing

water quality, modifying stream flows, and preventing fish host migration and distribution of freshwater mussels. This species is also threatened by sedimentation, dewatering, sand and gravel mining, and chemical contaminants. Additionally, these threats may be exacerbated by the current and projected effects of climate change, population fragmentation and isolation, and the anticipated threat of nonnative species. Threats to the Texas pimpleback and its habitat are not being adequately addressed through existing regulatory mechanisms. Because of the limited distribution of this endemic species and its lack of mobility, these threats may result in the extinction of the Texas pimpleback in the foreseeable future.

The threats are such that the Texas pimpleback warrants listing; the threats are high in magnitude because habitat loss and degradation from impoundments, sedimentation, sand and gravel mining, and chemical contaminants are widespread throughout the range of the Texas pimpleback and profoundly affect its survival and recruitment. Remaining populations are small, isolated, and highly vulnerable to stochastic events, which could lead to extirpation or extinction. These threats are exacerbated by climate change, which will increase the frequency and magnitude of droughts. These threats are imminent because they are ongoing and will continue in the foreseeable future. Habitat loss and degradation have already occurred and will continue as the human population continues to grow in central Texas. Texas pimpleback populations may already be below the minimum viable population requirement, which causes a reduction in the number of populations and an increase in the species' vulnerability to extinction. Based on imminent, high-magnitude threats, we retain a LPN of 2 for the Texas pimpleback.

Snails

Black mudalia (*Elimia melanoides*)—The following summary is based on information contained in our files. No new information was provided in the petition we received on April 20, 2010. The black mudalia is a small snail that is found clinging to clean gravel, cobble, boulders, and/or logs in flowing water on shoals and riffles. The historical distribution of the black mudalia encompassed over 250 miles of stream channel in the upper Black Warrior River drainage in Alabama. The species has been extirpated from more than 80 percent of that range by the construction of two major dams on the main stem Black Warrior River and another dam on the lower Sipsey Fork. Other historical causes of range curtailment in the un-dammed river and stream channels of the upper Black Warrior River drainage include coal mine drainage, industrial and municipal pollution events, and agricultural runoff. After being rediscovered in a small portion of its historical range in the Black Warrior drainage, further survey work has recorded the mudalia from 10 shoal populations in 5 streams.

Water quality and habitat degradation are the biggest threats to the continued existence of the black mudalia. Sources of point and nonpoint pollution in the Black Warrior River Basin have been numerous and widespread. Pollution is generated from inadequately treated effluent from industrial plants, sanitary landfills, sewage treatment plants, poultry operations, and cattle feedlots. Surface mining represents another threat to the biological integrity of stream habitats. Runoff from old, abandoned coal mines generates pollution through acidification, increased mineralization, and sediment loading. Most of the stream segments draining into black mudalia habitat currently support their water quality classification standards; however, the reach of the Locust Fork where the species is found is identified on the Alabama 303(d) List (a list of water bodies failing to meet their designated water-use classifications) as impaired by siltation, nutrients, and/or other habitat alterations. Additional surveys that are currently underway will clarify the extent and status of black mudalia populations. The threats are of moderate magnitude as they affect the 10 populations to varying degrees. The threats are ongoing and thus, are imminent. Therefore, we assigned an LPN of 8 to this species.

Magnificent ramshorn (*Planorbella magnifica*)—Magnificent ramshorn, is the largest North American air-breathing freshwater snail in the family Planorbidae. The shell is brown colored (often with leopard like spots) and fragile, thus indicating it is adapted to still or slow flowing aquatic habitats. The magnificent ramshorn is believed to be a southeastern North Carolina endemic; it was known from only four sites in the lower Cape Fear River Basin in North Carolina. Although the complete historic range of the species is unknown, given the size of the species and the fact that it was not reported until 1903 is an indication that the species may have always been rare and localized. The only known surviving individuals of the species are presently being held and propagated at a private residence, and at a lab at NC State University's Veterinary School; another small population is in the process of being established at the NC Wildlife Resources Commission's Watha State Fish Hatchery.

Salinity and pH apparently were major factors limiting the distribution of the magnificent ramshorn, as the snail prefers freshwater bodies with circumneutral pH (i.e., pH within the range of 6.8–7.5). While members of the family Planorbidae are hermaphroditic, it is currently unknown whether magnificent ramshorns self-fertilize their eggs, mate with other individuals of the species, or both. Like other members of the Planorbidae family, the magnificent ramshorn is believed to be primarily a vegetarian, feeding on submerged aquatic plants, algae, and detritus. While several factors have likely contributed to the possible extirpation of the magnificent ramshorn in the wild, the primary factors include loss of habitat associated with the extirpation of beavers (and their impoundments) in the early 20th century, increased salinity and alteration of flow patterns, as well as increased input of nutrients and other pollutants. While efforts have been made to restore habitat for the magnificent ramshorn at one of the sites known to have previously supported the species, all of the sites continue to be affected and/or threatened by the same factors (i.e., salt water intrusion and other water quality degradation, nuisance aquatic plant control, storms, sea-level rise, etc.) believed to have resulted in extirpation of the species from the wild. Currently, only two captive populations exist; a single robust captive population of the species comprised of approximately 200+ adults, and a second small population of 50+ individuals. Although the robust captive population of the species has been maintained since 1993, a single catastrophic event, such as a severe storm, disease, or predator infestation affecting this captive population, could result in the near extinction of the species. Therefore, we assigned this species an LPN of 2.

Sisi snail (*Ostodes strigatus*)—The following summary is based on information contained in our files. No new information was provided in the petition we received on May 11, 2004. The sisi snail is a ground-dwelling species in the Potaridae family, and is endemic to American Samoa. The species is now known from a single population on the island of Tutuila, American Samoa.

This species is currently threatened by habitat loss and modification and by

predation from nonnative predatory snails. The decline of the sisi snail in American Samoa has resulted, in part, from loss of habitat to logging and agriculture and loss of forest structure to hurricanes and nonnative weeds that become established after these storms. All live sisi snails have been found in the leaf litter beneath remaining intact forest canopy. No snails were found in areas bordering agricultural plots or in forested areas that were severely damaged by three hurricanes. Under natural historical conditions, loss of forest canopy to storms did not pose a great threat to the long-term survival of these snails; enough intact forest with healthy populations of snails would support dispersal back into newly regrown forest canopy. However, the presence of nonnative weeds such as mile-a-minute vine (*Mikania micrantha*) may reduce the likelihood that native forests will re-establish in areas damaged by hurricanes. This loss of habitat to storms is greatly exacerbated by expanding agriculture. Agricultural plots on Tutuila have spread from low elevation up to middle and some high elevations, greatly reducing the forested area and thus reducing the resilience of native forests and populations of native snails. These reductions also increase the likelihood that future storms will lead to the extinction of populations or species that rely on the remaining forest canopy. In an effort to eradicate the nonnative giant African snail (*Achatina fulica*), the nonnative rosy carnivore snail (*Euglandia rosea*) was introduced in 1980. The rosy carnivore snail has spread throughout the main island of Tutuila. Numerous studies show that the rosy carnivore snail feeds on endemic island snails, including the sisi snail, and is a major agent in their declines and extirpations. At present, the major threat to long-term survival of the native snail fauna in American Samoa, including the sisi snail, is predation by nonnative predatory snails. These threats are ongoing and are therefore imminent. Since the threats occur throughout the entire range of the species, have a severe effect on the survival of the snails, and lead to a relatively high likelihood of extinction, they are of a high magnitude. Therefore we have retained an LPN of 2 for this species.

Fragile tree snail (*Samoana fragilis*)—The following summary is based on information contained in our files. No new information was provided in the petition we received on May 11, 2004. A tree-dwelling species, the fragile tree snail is a member of the Partulidae family of snails, and is endemic to the islands of Guam and Rota (Mariana Islands). Requiring cool and shaded native forest habitat, the species is now known from one population on Guam and from one population on Rota.

The fragile tree snail is currently threatened by habitat loss and modification and by predation from nonnative predatory snails and flatworms. Large numbers of Philippine deer (*Cervus mariannus*) (Guam and Rota), pigs (*Sus scrofa*) (Guam), water buffalo (*Bubalus bubalis*) (Guam), and cattle (*Bos taurus*) (Rota) directly alter the understory plant community and overall forest microclimate, making it unsuitable for tree snails. Predation by the nonnative rosy carnivore snail (*Euglandina rosea*) and the Manokwar flatworm (*Platydemus manokwari*) is a serious threat to the survival of the fragile tree snail. Field observations have established that the rosy carnivore snail and the Manokwar flatworm will readily feed on native Pacific Island tree snails, including the Partulidae. The rosy carnivore snail has caused the extirpation of many populations and species of native snails throughout the Pacific islands. The Manokwar flatworm has also contributed to the decline of native tree snails, in part due to its ability to ascend into trees and bushes that support native snails. Areas with populations of the flatworm usually lack partulid tree snails or have declining numbers of snails. Because all of the threats occur rangewide and have a significant effect on the survival of the fragile tree snail, they are high in magnitude, and the species has a relatively high likelihood of extinction. The threats are also ongoing and thus are imminent. Therefore, we have retained an LPN of 2 for this species.

Guam tree snail (*Partula radiolata*)—The following summary is based on information contained in our files. No new information was provided in the petition we received on May 11, 2004. A tree-dwelling species, the Guam tree snail is a member of the Partulidae family of snails and is endemic to the island of Guam. Requiring cool and shaded native forest habitat, the species is now known from 22 populations on Guam.

This species is primarily threatened by predation from several species, as well as by habitat loss and degradation. Predation by the nonnative rosy carnivore snail (*Euglandina rosea*) and the nonnative Manokwar flatworm (*Platydemus manokwari*) is a serious threat to the survival of the Guam tree snail (see summary for the fragile tree snail, above). In addition, predation by rats (*Rattus* spp.) is a serious and ongoing threat to the Guam tree snail. On Guam, open agricultural fields and other areas prone to erosion were seeded with tangantangan (*Leucaena leucocephala*) by the U.S. Military. *Leucaena leucocephala* grows as a single species stand with no substantial understory. The microclimatic condition within these stands is dry with little accumulation of leaf litter humus and is unsuitable as Guam tree snail habitat. In addition, native forests cannot reestablish and grow where this nonnative weed has become established. Because all of the threats occur rangewide and have a significant effect on the survival of this snail species, they are high in magnitude, and the species has a relatively high likelihood of extinction. The threats are also ongoing and thus are imminent. Therefore, we have retained an LPN of 2 for this species.

Humped tree snail (*Partula gibba*)—The following summary is based on information contained in our files. No new information was provided in the petition we received on May 11, 2004. A tree-dwelling species, the humped tree snail is a member of the Partulidae family of snails and was originally known from the island of Guam and the Commonwealth of the Northern Mariana Islands (CNMI), including the islands of Rota, Aguiguan, Tinian, Saipan, Anatahan, Sarigan, Alamagan, and Pagan. Until recently, the species was known from a total of 14 populations on the islands of Guam, Rota, Aguiguan, Sarigan, Saipan, Alamagan, and Pagan. However, new (2011) information indicates that the humped tree snail may be found only on the islands of Guam, Saipan, Sarigan, and Pagan. This information also suggests that the individuals identified as humped tree snails on Rota may be a different species. Although still the most widely distributed tree snail endemic in the Mariana Islands, remaining population sizes are often small.

This species is currently threatened by habitat loss and modification and by predation from several species. Throughout the Mariana Islands, feral ungulates (pigs (*Sus scrofa*), Philippine deer (*Cervus mariannus*), cattle (*Bos taurus*), water buffalo (*Bubalus bubalis*), and goats (*Capra hircus*)) have caused severe damage to native forest vegetation by browsing directly on plants, causing erosion, and retarding forest growth and regeneration. This in turn reduces the quantity and quality of forested habitat for the humped tree snail. Currently, populations of feral ungulates are found on the islands of Guam (deer, pigs, and water buffalo), Rota (deer and cattle), Aguiguan (goats), Saipan (deer, pigs, and cattle),

Alamagan (goats, pigs, and cattle), and Pagan (cattle, goats, and pigs). Goats were eradicated from Sarigan in 1998 and the humped tree snail subsequently increased in abundance on that island, likely in response to the goat removal. However, the population of humped tree snails on Anatahan is likely extirpated due to the massive volcanic explosions of the island beginning in 2003 and still continuing, and the resulting loss of up to 95 percent of the vegetation on the island. Predation by the nonnative rosy carnivore snail (*Euglandina rosea*) and the nonnative Manokwar flatworm (*Platydemus manokwari*) is a serious threat to the survival of the humped tree snail (see summary for the fragile tree snail, above). In addition, predation by rats (*Rattus* spp.) is a serious and ongoing threat to the humped tree snail. The magnitude of threats is high because these nonnative predators have caused significant population declines to the humped tree snail range-wide. These threats are ongoing and thus are imminent. Therefore, we have retained an LPN of 2 for this species.

Langford's tree snail (*Partula langfordi*)—The following summary is based on information contained in our files. No new information was provided in the petition we received on May 11, 2004. A tree-dwelling species, Langford's tree snail is a member of the Partulidae family of snails and is known from one population on the island of Aguiguan. A survey of Aguiguan in November 2006 failed to find any live Langford's tree snails.

This species is currently threatened by habitat loss and modification and by predation from nonnative predatory snails. In the 1930s, the island of Aguiguan was mostly cleared of native forests to support sugar cane and pineapple production. The abandoned fields and airstrip are now overgrown with nonnative weeds. The remaining native forest understory has suffered greatly from large and uncontrolled populations of alien goats (*Capra hircus*) and the invasion of weeds. Goats have caused severe damage to native forest vegetation by browsing directly on plants, causing erosion, and retarding forest growth and regeneration. This, in turn, reduces the quantity and quality of forested habitat for Langford's tree snail. Predation by the nonnative rosy carnivore snail (*Euglandina rosea*) and by the Manokwar flatworm (*Platydemus manokwari*) (see summary for the fragile tree snail, above) is also a serious threat to the survival of Langford's tree snail. In addition, predation by rats (*Rattus* spp.) is a serious and ongoing threat to Langford's tree snail. All of the threats are occurring rangewide and efforts to control or eradicate the nonnative predatory species or to reduce habitat loss have not occurred. The magnitude of threats is high because they result in direct mortality or significant population declines to Langford's tree snail rangewide. These threats are also ongoing and thus are imminent. Therefore, we have retained an LPN of 2 for this species.

Tutuila tree snail (*Eua zebrina*)—The following summary is based on information contained in our files. No new information was provided in the petition we received on May 11, 2004. A tree-dwelling species, the Tutuila tree snail is a member of the Partulidae family of snails and is endemic to American Samoa. The species is known from 32 populations on the islands of Tutuila, Manua, and Ofu.

This species is currently threatened by habitat loss and modification and by predation from nonnative predatory snails and rats (*Rattus* spp.). All live Tutuila tree snails were found on understory vegetation beneath remaining intact forest canopy. No snails were found in areas bordering agricultural plots or in forested areas that were severely damaged by three hurricanes (1987, 1990, and 1991). (See summary for the sisi snail, above, regarding impacts of nonnative weeds and of the rosy carnivore snail.) Rats have also been shown to devastate snail populations, and rat-damaged snail shells have been found at sites where the Tutuila snail occurs. At present, the major threat to the long-term survival of the native snail fauna in American Samoa is predation by nonnative predatory snails and rats. The magnitude of threats is high because they result in direct mortality or significant population declines to the Tutuila tree snail rangewide. The threats are also ongoing and thus are imminent. Therefore, we have retained an LPN of 2 for this species.

Huachuca springsnail (*Pyrgulopsis thompsoni*)—The following is based on information contained in our files. No new information was provided in the petition received on May 11, 2004. The Huachuca springsnail inhabits at least 21 spring sites in southeastern Arizona and northern Sonora, Mexico. The springsnail is typically found in shallow water habitats, often in rocky seeps at the spring source. Potential threats include habitat modification and destruction through catastrophic wildfire and unmanaged grazing at the landscape scale. Overall, the threats are low in magnitude, because threats are not occurring throughout the range of the species uniformly and not all populations would likely be affected simultaneously by the known threats. We have no site-specific information indicating that grazing is currently ongoing in or adjacent to occupied habitats, and catastrophic wildfire is not known to be an imminent threat. Accordingly, threats are nonimminent. Therefore, we retain an LPN of 11 for this Huachuca springsnail.

Page springsnail (*Pyrgulopsis morrisoni*)—The following summary is based on information contained in our files. The Page springsnail is known from a complex of springs located within an approximately 0.93-mi (1.5-km) stretch along the west side of Oak Creek around the community of Page Springs, and within springs located along Spring Creek, tributary to Oak Creek, Yavapai County, Arizona.

The primary threat to the Page springsnail has been modification of habitat by domestic use, agriculture, ranching, fish hatchery operations, recreation, and groundwater withdrawal. Many of the springs where the species occurs have been subjected to some level of modification. However, the immediacy of the threat of groundwater withdrawal is uncertain, due to conflicting information regarding immediacy. Based on recent survey data, it appears that the Page springsnail is abundant within natural habitats and persists in modified habitats, albeit at reduced densities. In 2009, the Arizona Game and Fish Department (AGFD) and the Service entered into a 5-year Candidate Conservation Agreement with Assurances (CCAA) to alleviate threats and improve the conservation status of the Page springsnail; the majority of Page springsnail sites are located on State fish hatchery system land and are managed by AGFD. Management plans for the Bubbling Ponds and Page Springs fish hatcheries include commitments to replace lost habitat and to monitor remaining populations of invertebrates such as the Page springsnail. The CCAA for the Page springsnail has resulted in the implementation of conservation measures such as restoration and creation of spring ecosystems, including springs on AGFD properties. The implementation of the CCAA has resulted in measurable benefits to the species and its habitats. Additionally, the National Park Service has expressed an interest in restoring natural springhead integrity to Shea Springs, a site historically occupied by Page springsnail.

Accordingly, we find that ongoing implementation of the CCAA continues to substantially reduce the magnitude

and immediacy of threats to, and to appreciably improve the conservation status of, the species. Therefore, we retain a LPN of 11 for Page springsnail.

Insects

Hawaiian yellow-faced bee (*Hylaeus anthracinus*)—The following summary is based on information contained in our files and in the petition that we received for this species on March 23, 2009. *Hylaeus anthracinus* is a species of Hawaiian yellow-faced bee (family Colletidae) found in certain coastal areas and dry lowland forests containing native plant communities on the islands of Hawaii, Kahoolawe, Lanai, Maui, Molokai, and Oahu, Hawaii. *H. anthracinus* is currently known from 16 populations containing an unknown number of individuals. This species is threatened by ongoing habitat loss and modification due to the effects of feral ungulates, nonnative plants, wildfire, and climate change. *H. anthracinus* is directly threatened by predation from yellow jacket wasps (*Vespula pensylvanica*) and several species of nonnative ants. Additional indirect threats to the species include the limited number and small size of populations, competition from European honey bees (*Apis mellifera*), the possibility of habitat destruction from stochastic and catastrophic events, and a lack of regulatory mechanisms affording protection to the species.

Some *Hylaeus anthracinus* populations occur in areas that are managed for one or more of the threats affecting habitat; however, no population is entirely protected from impacts to habitat, and predation on the species is not currently managed at any population site. The threats to *H. anthracinus* are high in magnitude because their severity endangers the species with a high likelihood of extinction throughout its entire range. The threats to *H. anthracinus* are imminent, since they are ongoing. Therefore, we have retained an LPN of 2 for this species.

Hawaiian yellow-faced bee (*Hylaeus assimulans*)—The following summary is based on information contained in our files and in the petition that we received for this species on March 23, 2009. *Hylaeus assimulans* is a species of Hawaiian yellow-faced bee (family Colletidae) found in certain coastal areas and dry lowland forests containing native plant communities on the islands of Hawaii, Kahoolawe, Lanai, Maui, Molokai, and Oahu, Hawaii. *H. assimulans* is currently known from five populations containing an unknown number of individuals. This species is threatened by ongoing habitat loss and modification due to the effects of feral ungulates, nonnative plants, wildfire, and climate change. *H. assimulans* is directly threatened by predation from yellow jacket wasps (*Vespula pensylvanica*) and several species of nonnative ants. Additional indirect threats to the species include the limited number and small size of populations, competition from European honey bees (*Apis mellifera*), the possibility of habitat destruction from stochastic and catastrophic events, and a lack of regulatory mechanisms affording protection to the species.

Some *Hylaeus assimulans* populations occur in areas that are managed for one or more of the threats affecting habitat; however, no population is entirely protected from impacts to habitat, and predation on the species is not currently managed at any population site. The threats to *H. assimulans* are high in magnitude because their severity endangers the species with a high likelihood of extinction throughout its entire range. The threats to *H. assimulans* are imminent, since they are ongoing. Therefore, we have retained an LPN of 2 for this species.

Hawaiian yellow-faced bee (*Hylaeus facilis*)—The following summary is based on information contained in our files and in the petition that we received for this species on March 23, 2009. *Hylaeus facilis* is a species of Hawaiian yellow-faced bee (family Colletidae) with a wide historical range of native plant community habitat including coastal areas, lowland dry and wet forests, and montane mesic forests on the islands of Lanai, Maui, Molokai, and Oahu, Hawaii. Now extirpated from the islands of Lanai and Maui, *H. facilis* is currently known from two populations containing an unknown number of individuals. This species is threatened by ongoing habitat loss and modification due to the effects of feral ungulates, nonnative plants, wildfire, and climate change. *H. facilis* is directly threatened by predation from yellow jacket wasps (*Vespula pensylvanica*) and several species of nonnative ants. Additional indirect threats to the species include the limited number and small size of populations, competition from European honey bees (*Apis mellifera*), the possibility of habitat destruction from stochastic and catastrophic events, and a lack of regulatory mechanisms affording protection to the species.

Both of the *Hylaeus facilis* populations occur in areas that are managed for one or more of the threats affecting habitat; however, neither population is entirely protected from impacts to habitat, and predation upon the species is not currently managed within either population site. The threats to *H. facilis* are high in magnitude because their severity endangers the species with a high likelihood of extinction throughout its entire range. The threats to *H. facilis* are imminent, since they are ongoing. Therefore, we have retained an LPN of 2 for this species.

Hawaiian yellow-faced bee (*Hylaeus hilaris*)—The following summary is based on information contained in our files and in the petition that we received for this species on March 23, 2009. *Hylaeus hilaris* is a cleptoparasitic species of Hawaiian yellow-faced bee (family Colletidae) with a historical range in coastal habitat on the islands of Lanai, Maui, and Molokai, Hawaii. Now extirpated from the islands of Lanai and Maui, *H. hilaris* is currently known from a single population on Molokai containing an unknown number of individuals. This species is threatened by ongoing habitat loss and modification due to the effects of feral ungulates, nonnative plants, wildfire, and climate change. *H. hilaris* is directly threatened by predation from yellow jacket wasps (*Vespula pensylvanica*) and several species of nonnative ants. Additional indirect threats to the species include the small size of its remaining population, lack of additional populations, competition from European honey bees (*Apis mellifera*), possibility of habitat destruction from stochastic and catastrophic events, and a lack of regulatory mechanisms affording protection to the species.

The *Hylaeus hilaris* population occurs within a private preserve that is managed for some of the threats affecting habitat; however, the population is not entirely protected from impacts to habitat, and predation upon the species is not currently managed at all. The threats to *H. hilaris* are high in magnitude because their severity endangers the species with a high likelihood of extinction throughout its entire range. The threats to *H. hilaris* are imminent, since they are ongoing. Therefore, we have retained an LPN of 2 for this species.

Hawaiian yellow-faced bee (*Hylaeus kuakea*)—The following summary is based on information contained in our files and in the petition that we received for this species on March 23, 2009. *Hylaeus kuakea* is a species of Hawaiian yellow-faced bee (family Colletidae) found in lowland mesic forests on the island of Oahu, Hawaii. *H. kuakea* is currently known from two populations containing an unknown number of individuals. This species is threatened

by ongoing habitat loss and modification due to the effects of feral ungulates, nonnative plants, wildfire, and climate change. *H. kuakea* is directly threatened by predation from yellow jacket wasps (*Vespula pensylvanica*) and several species of nonnative ants. Additional indirect threats to the species include the limited number and small size of populations, competition from European honey bees (*Apis mellifera*), the possibility of habitat destruction from stochastic and catastrophic events, and a lack of regulatory mechanisms affording protection to the species.

Both *Hylaeus kuakea* populations occur in areas that are managed for one or more of the threats affecting habitat; however, neither population is entirely protected from impacts to habitat, and predation on the species is not currently managed within either population site. The threats to *H. kuakea* are high in magnitude because their severity endangers the species with a high likelihood of extinction throughout its entire range. The threats to *H. kuakea* are imminent, since they are ongoing. Therefore, we have retained an LPN of 2 for this species.

Hawaiian yellow-faced bee (*Hylaeus longiceps*)—The following summary is based on information contained in our files and in the petition that we received for this species on March 23, 2009. *Hylaeus longiceps* is a species of Hawaiian yellow-faced bee (family Colletidae) found in certain coastal areas and dry lowland forest containing native plant communities on the islands of Lanai, Maui, Molokai, and Oahu, Hawaii. *H. longiceps* is currently known from six populations containing an unknown number of individuals. This species is threatened by ongoing habitat loss and modification due to the effects of feral ungulates, nonnative plants, wildfire, and climate change. *H. longiceps* is directly threatened by predation from yellow jacket wasps (*Vespula pensylvanica*) and several species of nonnative ants. Additional indirect threats to the species include the limited number and small size of populations, competition from European honey bees (*Apis mellifera*), the possibility of habitat destruction from stochastic and catastrophic events, and a lack of regulatory mechanisms affording protection to the species.

Some *Hylaeus longiceps* populations occur in areas that are managed for one or more of the threats affecting habitat; however, no population is entirely protected from impacts to habitat, and predation on the species is not currently managed within any population site. The threats to *H. longiceps* high in magnitude because their severity endangers the species with a high likelihood of extinction throughout its entire range. The threats to *H. longiceps* are imminent, since they are ongoing. Therefore, we have retained an LPN of 2 for this species.

Hawaiian yellow-faced bee (*Hylaeus mana*)—The following summary is based on information contained in our files and in the petition that we received for this species on March 23, 2009. *Hylaeus mana* is a species of Hawaiian yellow-faced bee (family Colletidae) found in lowland mesic forests on the island of Oahu, Hawaii. *H. mana* is currently known from four populations containing an unknown number of individuals. This species is threatened by ongoing habitat loss and modification due to the effects of feral ungulates, nonnative plants, wildfire, and climate change. *H. mana* is directly threatened by predation from yellow jacket wasps (*Vespula pensylvanica*) and several species of nonnative ants. Additional indirect threats to the species include the limited number and small size of populations, competition from European honey bees (*Apis mellifera*), the possibility of habitat destruction from stochastic and catastrophic events, and a lack of regulatory mechanisms affording protection to the species.

The *Hylaeus mana* populations occur in areas that are managed for one or more of the threats affecting habitat; however, the population is not entirely protected from impacts to habitat, and predation on the species is not currently managed at all. The threats to *H. mana* are high in magnitude because their severity endangers the species with a high likelihood of extinction throughout its entire range. The threats to *H. mana* are imminent, since they are ongoing. Therefore, we have retained an LPN of 2 for this species.

Hermes copper butterfly (*Hermelycaena* [Lycaena] *hermes*) — Hermes copper butterfly primarily occurs in San Diego County, California, and a few records of the species have been documented in Baja California, Mexico. The species inhabits coastal sage scrub and southern mixed chaparral and is dependent on its larval host plant, Rhamnus crocea (spiny redberry), to complete its lifecycle. Adult Hermes copper butterflies lay single eggs on spiny redberry stems where they hatch and feed until pupation occurs at the base of the plant. Hermes copper butterflies have one flight period occurring in mid-May to early-July, depending on weather conditions and elevation. We estimate there were at least 59 known separate historical populations throughout the species' range since the species was first described. Of the 59 known Hermes copper butterfly populations, 21 are extant, 27 are believed to have been extirpated, and 11 are of unknown status.

Primary threats to Hermes copper butterfly are megafires (large wildfires), and small and isolated populations. Secondary threats include increased wildfire frequency that results in habitat loss, and combined impacts of existing development, possible future (limited) development, existing dispersal barriers, and fires that fragment habitat. Hermes copper butterfly occupies scattered areas of sage scrub and chaparral habitat in an arid region susceptible to wildfires of increasing frequency and size. The likelihood that individuals of the species will be burned as a result of catastrophic wildfires, combined with the isolation and small size of extant populations makes Hermes copper butterfly particularly vulnerable to population extirpation rangewide. Overall, the threats that Hermes copper butterfly faces are high in magnitude because the major threats (particularly mortality due to wildfire and increased wildfire frequency) occur throughout all of the species' range and are likely to result in significant adverse impacts to the status of the species. The threats are nonimminent overall because the impact of wildfire to Hermes copper butterfly and its habitat occurs on a sporadic basis and we do not have the ability to predict when wildfires will occur. This species faces high-magnitude nonimminent threats; therefore, we assigned this species a listing priority number of 5.

Mariana eight spot butterfly (*Hypolimnas octucula mariannensis*)—The following summary is based on information contained in our files. No new information was provided in the petition we received on May 11, 2004. The Mariana eight-spot butterfly is a nymphalid butterfly species that feeds upon two host plants, *Procris pedunculata* and *Elatostema calcareum.* Endemic to the islands of Guam and Saipan, the species is now known from only 10 populations on Guam. This species is currently threatened by predation and parasitism. The Mariana eight-spot butterfly has extremely high mortality of eggs and larvae due to predation by nonnative ants and wasps. Because the threats of parasitism and predation by nonnative insects occur rangewide and can cause significant population declines to this species, they are high in magnitude. The threats are imminent because they are ongoing.

Therefore, we retained an LPN of 3 for this subspecies.

Mariana wandering butterfly (*Vagrans egistina*)—The following summary is based on information contained in our files. No new information was provided in the petition we received on May 11, 2004. The Mariana wandering butterfly is a nymphalid butterfly species that feeds upon a single host plant species, *Maytenus thompsonii.* Historically, the species was known from and endemic to the islands of Guam and the Commonwealth of the Northern Mariana Islands on the island of Rota. Apparently extirpated from Guam, the species is now restricted to Rota within a single population located in an officially conserved area, but threats to the species or its host plant are not managed. This species is currently threatened by nonnative predation and parasitism. The Mariana wandering butterfly is likely affected by predation from nonnative ants and by nonnative parasitoid wasps. Because the threats of parasitism and predation by nonnative insects occur rangewide and can cause significant population declines to this species leading to a relatively high likelihood of extinction, they are high in magnitude. These threats are imminent because they are ongoing. Therefore, we have retained an LPN of 2 for this species.

Puerto Rican harlequin butterfly (*Atlantea tulita*)—The following summary is based on information in our files and in the petition we received on Feburary 29, 2009. The Puerto Rican harlequin butterfly is endemic to Puerto Rico, and one of the four species endemic to the Greater Antilles within the genus *Atlantea.* This species occurs within the subtropical moist forest in the northern karst region (i.e., municipality of Quebradillas) of Puerto Rico, and in the subtropical wet forest (i.e., Maricao Commonwealth Forest, municipality of Maricao). The Puerto Rican harlequin butterfly has only been found utilizing *Oplonia spinosa* (prickly bush) as its host plant (i.e., plant used for laying the eggs, also serves as a food source for development of the larvae).

The primary threats to the Puerto Rican harlequin butterfly are development, habitat fragmentation, and other natural or manmade factors such as human induced fires, use of herbicides and pesticides, vegetation management, and climate change. These factors would substantially affect the distribution and abundance of the species, as well as its habitat. In addition, the lack of effective enforcement makes the existing policies and regulations inadequate for the protection of the species' habitat. We consider these threats to be high and imminent, because known populations occur in areas that are subject to development, increased traffic, and increased road maintenance and construction. Such threats directly affect populations during all life stages. These threats are expected to continue and potentially increase in the foreseeable future. Therefore, a listing priority number of 2 is assigned to the Puerto Rican harlequin butterfly.

Sequatchie caddisfly (*Glyphopsyche sequatchie*)—The following summary is based on information in our files. No new information was provided in the petition we received on May 11, 2004. The Sequatchie caddisfly is known from two spring runs that emerge from caves in Marion County, Tennessee—Owen Spring Branch and Martin Spring run in the Battle Creek system. Based on an effort to census all Sequatchie caddisfly larvae between 2010 and 2013, Dr. Moulton and Dr. Floyd were unable to arrive at population estimates at Martin and Clear Springs due to low numbers observed. Dr. Moulton and Dr. Floyd estimated a population size of 1,500 to 3,000 individuals at Owen Spring.

Threats to the Sequatchie caddisfly include siltation, predation by rainbow trout, point and nonpoint discharges from municipal and industrial activities, and introduction of toxicants during episodic events. These threats, coupled with the extremely limited distribution of the species, its apparent small population size, the limited amount of occupied habitat, ease of accessibility, and the annual life cycle of the species, are all factors that leave the Sequatchie caddisfly extremely vulnerable to extirpation. Therefore, the magnitude of the threat is high. These threats are gradual and the most important threats are not imminent. Based on high-magnitude and nonimminent threats, we assigned this species a listing priority number of 5.

Clifton Cave beetle (*Pseudanophthalmus caecus*)—The following summary is based upon information contained in our files. No new information was provided in the petition we received on May 11, 2004. Clifton Cave beetle is a small, eyeless, reddish-brown, predatory insect that feeds upon small cave invertebrates. It is cave dependent and is not found outside the cave environment. Clifton Cave beetle is only known from two privately owned caves in Woodford County, Kentucky. Soon after the species was first observed in 1963, the cave entrance was blocked due to road construction and placement of fill material. We do not know whether the species still occurs at the original location or if it has been extirpated from the site by the closure of the cave entrance. A 2008 attempt to re-open the cave was unsuccessful. Other caves in the vicinity were surveyed for the species during 1995 and 1996, and only one additional site was found to support the Clifton Cave beetle.

The limestone caves in which the Clifton Cave beetle is found provide a unique and fragile environment that supports a variety of species that have evolved to survive and reproduce under the demanding conditions found in cave ecosystems. The limited distribution of the species makes it vulnerable to isolated events that would only have a minimal effect on more wide-ranging insects. Events such as toxic chemical spills, discharges of large amounts of polluted water or indirect impacts from off-site construction activities, closure of entrances, alteration of entrances, or the creation of new entrances could have serious adverse impacts on this species. Therefore, the magnitude of threat is high for this species. The threats are nonimminent because there are no known projects that would affect the species in the near future. We therefore have assigned an LPN of 5 to this species.

Coleman cave beetle (*Pseudanophthalmus colemanensis*)—The following summary is based upon information contained in our files. No new information was provided in the petition we received on April 20, 2010. The Coleman cave beetle is a small, eyeless, reddish-brown predatory insect that feeds upon small cave invertebrates. It is cave dependent and is not found outside the cave environment. It is only known from three Tennessee caves.

The limestone caves in which this species is found provide a unique and fragile environment that supports a variety of species that have evolved to survive and reproduce under the demanding conditions found in cave ecosystems. Caves and the species that are completely dependent upon them receive the energy that forms the basis of the cave food chain from outside the cave. This energy can be in the form of bat guano deposited by cave-dependent bats, large or small woody debris washed or blown into the cave, or tiny bits of organic matter that is carried into the cave by water through small cracks in the rocks overlaying the cave.

The Coleman cave beetle was originally known only from privately owned Coleman Cave in Montgomery County. This cave formerly supported a colony of endangered gray bats. The bats have abandoned this cave because of air flow changes in the cave caused by

closure of an upper entrance to the cave. Although the cave is protected by a cooperative management agreement with the landowner, the upper entrance has not been restored and the bats have not returned to the cave. A new location for the species was discovered in during a biological inventory of Foster Cave (also known as Darnell Cave). One specimen of the species was found during that survey. Foster Cave is on a preserve owned and managed by the Tennessee Department of Conservation. In 2006, specimens of this species were discovered in Bellamy Cave and in Darnell Spring Cave (part of the same cave complex as Foster Cave). All of these sites are in close proximity to each other. Bellamy Cave is owned and managed by the Tennessee Wildlife Resources Agency (TWRA). Both Foster Cave and Bellamy Cave were first acquired and protected by The Nature Conservancy and later transferred to the State for long-term protection and management. The threats are nonimminent because there are no known projects planned that would affect the species in the next few years. Because it occurs at four locations and it receives some protection under a cooperative management agreement and protective ownership, the magnitude of threats is moderate to low. Thus, we have assigned a listing priority number of 11 to this species.

Icebox Cave beetle (*Pseudanophthalmus frigidus*)—The following summary is based upon information contained in our files. No new information was provided in the petition we received on May 11, 2004. Icebox Cave beetle is a small, eyeless, reddish-brown, predatory insect that feeds upon small cave invertebrates. It is not found outside the cave environment and is only known from one privately owned cave in Bell County, Kentucky.

The limestone cave in which this species is found provides a unique and fragile environment that supports a variety of species that have evolved to survive and reproduce under the demanding conditions found in cave ecosystems. The species has not been observed since it was originally collected, but species experts believe that it may still exist in the cave in low numbers. The limited distribution of the species makes it vulnerable to isolated events that would only have a minimal effect on more wide-ranging insects. Events such as toxic chemical spills or discharges of large amounts of polluted water, or indirect impacts from off-site construction activities, closure of entrances, alteration of entrances, or the creation of new entrances, could have serious adverse impacts on this species. Therefore, the magnitude of threat is high for this species, because it is limited in distribution and the threats would result in a high level of mortality or reduced reproductive capacity. The threats are nonimminent because there are no known projects that would affect the species in the near future. We therefore have assigned an LPN of 5 to this species.

Inquirer Cave beetle (*Pseudanophthalmus inquisitor*)—The following summary is based upon information contained in our files. No new information was provided in the petition we received on May 11, 2004. The inquirer cave beetle is a fairly small, eyeless, reddish-brown predatory insect that feeds upon small cave invertebrates. It is not found outside the cave environment, and is only known from one privately owned Tennessee cave. The limestone cave in which this species is found provides a unique and fragile environment that supports a variety of species that have evolved to survive and reproduce under the demanding conditions found in cave ecosystems. The species was last observed in 2006.

The limited distribution of the species makes it vulnerable to isolated events that would only have a minimal effect on the more wide-ranging insects. The area around the only known site for the species is in a rapidly expanding urban area. The entrance to the cave is protected by the landowner through a cooperative management agreement with the Service, The Nature Conservancy, and Tennessee Wildlife Resources Agency; however, a sinkhole that drains into the cave system is located away from the protected entrance and is near a highway. Events such as toxic chemical spills, discharges of large amounts of polluted water or indirect impacts from off-site construction activities could adversely affect the species and the cave habitat. The magnitude of threat is high for this species, because it is limited in distribution and the threats would have negative impacts on its continued existence. The threats are nonimminent because there are no known projects planned that would affect the species in the near future and it receives some protection under a cooperative management agreement. We therefore have assigned a listing priority number of 5 to this species.

Louisville Cave beetle (*Pseudanophthalmus troglodytes*)—The following summary is based upon information contained in our files. No new information was provided in the petition we received on May 11, 2004. The Louisville cave beetle is a small, eyeless, reddish-brown, predatory insect that feeds upon cave invertebrates. It is not found outside the cave environment and is only known from two privately owned caves in Jefferson County, Kentucky. The cave entrance at the species' original location was closed due to residential development and placement of fill. We do not know whether the species still occurs at the original location or if it has been extirpated from the site by the closure of the cave entrance. The second cave may still contain the species but access to the cave is restricted due to its location on private land. Several other caves in Jefferson County were surveyed for the species in 1994, but no individuals of the species were observed.

The limestone caves in which this species is found provide a unique and fragile environment that supports a variety of species that have evolved to survive and reproduce under the demanding conditions found in cave ecosystems. The limited distribution of the species makes it vulnerable to isolated events that would only have a minimal effect on more wide-ranging insects. Events such as toxic chemical spills, discharges of large amounts of polluted water, or indirect impacts from off-site construction activities, closure of entrances, alteration of entrances, or the creation of new entrances could have serious adverse impacts on this species. The magnitude of threat is high for this species, because it is limited in distribution and the threats would have severe negative impacts on the species. The threats are nonimminent, because there are no known projects that would affect the species in the near future. We therefore have assigned an LPN of 5 to this species.

Tatum Cave beetle (*Pseudanophthalmus parvus*)—The following summary is based upon information contained in our files. No new information was provided in the petition we received on May 11, 2004. Tatum Cave beetle is a small, eyeless, reddish-brown, predatory insect that feeds upon cave invertebrates. It is not found outside the cave environment and is only known from one privately owned cave in Marion County, Kentucky. Despite searches in 1980, 1996, 2004, and 2005, the species has not been observed in Tatum Cave since 1965.

The limestone cave in which this species is found provides a unique and fragile environment that supports a variety of species that have evolved to survive and reproduce under the demanding conditions found in cave

ecosystems. The species has not been observed since 1965, but species experts believe that it still exists in low numbers. The limited distribution of the species makes it vulnerable to isolated events that would only have a minimal effect on more wide-ranging insects. Events such as toxic chemical spills, discharges of large amounts of polluted water, or indirect impacts from off-site construction activities, closure of entrances, alteration of entrances, or the creation of new entrances could have serious adverse impacts on this species. The magnitude of threat is high for this species, because its limited numbers mean that any threats could severely affect its continued existence. The threats are nonimminent, because there are no known projects that would affect the species in the near future. We therefore have assigned an LPN of 5 to this species.

Orangeblack Hawaiian damselfly (*Megalagrion xanthomelas*)—The following summary is based on information contained in our files. No new information was provided in the petition we received on May 11, 2004. The orangeblack Hawaiian damselfly is a stream and pool-dwelling species endemic to the Hawaiian Islands of Kauai, Oahu, Molokai, Maui, Lanai, and Hawaii. The species no longer is found on Kauai, and is now restricted to 16 populations on the islands of Oahu, Maui, Molokai, Lanai, and Hawaii. This species is threatened by predation from nonnative aquatic species such as fish and predacious insects, and habitat loss through dewatering of streams and invasion by nonnative plants. Nonnative fish and insects prey on the larval-stage naiads of the damselfly, and loss of water reduces the amount of suitable habitat for the naiad life stage. Invasive plants (e.g., California grass (*Brachiaria mutica*)) also contribute to loss of habitat by forming dense, monotypic stands that completely eliminate open water. Nonnative fish and plants are found in all the streams where orangeblack Hawaiian damselflies occur, except at the single Oahu population, where there are no nonnative fish. We have retained an LPN of 8 for this species because, although the threats are ongoing and therefore imminent, they affect the survival of the species to varying degrees throughout the species' range and are of moderate magnitude.

Stephan's riffle beetle (*Heterelmis stephani*)—The following summary is based on information contained in our files. No new information was provided in the petition received on May 11, 2004. The Stephan's riffle beetle is an endemic riffle beetle historically found in limited spring environments within the Santa Rita Mountains, Pima County, Arizona. In the most recent surveys conducted in 1993, the Stephan's riffle beetle was documented only in Sylvester Spring in Madera Canyon, Santa Cruz County, within the Coronado National Forest. Suspected potential threats to that spring are largely from habitat modification, and potential changes in water quality and quantity due to catastrophic natural events and climate change. The threats are of low to moderate magnitude based on our current knowledge that the effects of these threats are unlikely to be permanent as they stem from occasional natural events that do not result in permanent water quality degradation. Additionally, there is a higher likelihood that the species will persist in areas that are unaffected by the threats; it is unlikely that all areas of the spring would be simultaneously be affected. Threats from habitat modification have already occurred and are no longer ongoing, and the threats from climate change are expected to occur over many years. Therefore, the threats are not imminent. Thus, we retain an LPN of 11 for the Stephan's riffle beetle.

Arapahoe snowfly (*Capnia arapahoe*)—The following summary is based on information contained in our files. This insect is a winter stonefly associated with clean, cool, running waters. Adult snowflies emerge in late winter from the space underneath stream ice. The Arapahoe snowfly is found only in a short section of Elkhorn Creek, a small tributary of the Cache la Poudre River in the Roosevelt National Forest, Larimer County, Colorado. The species previously occurred downriver at Young Gulch, but habitat likely became unsuitable or other unknown causes likely extirpated the species. Habitats at Young Gulch were further degraded by the High Park Fire in 2012. Climate change is a threat to the Arapahoe snowfly and modifies its habitats by reducing snowpacks, increasing temperatures, fostering mountain pine beetle outbreaks, and increasing the frequency of destructive wildfires. Limited dispersal capabilities, an extremely restricted range, dependence on pristine habitats, and a small population size make the Arapahoe snowfly vulnerable to demographic stochasticity, environmental stochasticity, and random catastrophes. Furthermore, regulatory mechanisms inadequately reduce these threats, which may act cumulatively to affect the species. The threats to the Arapahoe snowfly are high in magnitude because they occur throughout the species' limited range. However, the threats are nonimminent, because the species has been consistently collected at Elkhorn Creek since 1987 and increased temperatures will adversely affect the species in the future. Therefore, we have assigned the Arapaho snowfly an LPN of 5.

Meltwater lednian stonefly (*Lednia tumana*)—The following summary is based on information contained in our files and in the petition we received on July 30, 2007. This species is an aquatic insect in the order Plecoptera (stoneflies). Stoneflies are primarily associated with clean, cool streams and rivers. Eggs and nymphs (juveniles) of the meltwater lednian stonefly are found in high-elevation, alpine, and subalpine streams, most typically in locations closely linked to glacial runoff. The species is generally restricted to streams with mean summer water temperature less than 10 °C (50 °F). The only known meltwater lednian stonefly occurrences are within Glacier National Park (NP), Montana.

Climate change, and the associated effects of glacier loss (with glaciers predicted to be gone by 2030)—including reduced streamflows, and increased water temperatures—are expected to significantly reduce the occurrence of populations and extent of suitable habitat for the species in Glacier NP. In addition, the existing regulatory mechanisms are not adequate to address these environmental changes due to global climate change. We announced candidate status for the meltwater lednian stonefly in a warranted-but-precluded 12-month petition finding published on April 5, 2011 (76 FR 18684). We have assigned the species an LPN of 5 based on three criteria: (1) The high magnitude of threat, which is projected to substantially reduce the amount of suitable habitat relative to the species' current range; (2) the low imminence of the threat based on the lack of documented evidence that climate change is affecting stonefly habitat; and (3) the taxonomic status of the species, which is a full species.

Highlands tiger beetle (*Cicindela highlandensis*)—The following summary is based on information contained in our files. No new information was provided in the petition we received on May 11, 2004. The Highlands tiger beetle is narrowly distributed and restricted to areas of bare sand within scrub and sandhill on ancient sand dunes of the Lake Wales Ridge in Polk and Highlands Counties, Florida. Adult tiger beetles have been most recently found at 40 sites at the

core of the Lake Wales Ridge. In 2004–2005 surveys, a total of 1,574 adults were found at 40 sites, compared with 643 adults at 31 sites in 1996, 928 adults at 31 sites in 1995, and 742 adults at 21 sites in 1993. Of the 40 sites in the 2004–2005 surveys with one or more adults, results ranged from 3 sites with large populations of over 100 adults, to 13 sites with fewer than 10 adults. Results from a limited removal study at four sites and similar studies suggested that the actual population size at some survey sites can be as much as two times as high as indicated by the visual index counts. If assumptions are correct and unsurveyed habitat is included, then the total number of adults at all survey sites might be 3,000 to 4,000.

Habitat loss and fragmentation and lack of fire and disturbances to create open habitat conditions are serious threats; remaining patches of suitable habitat are disjunct and isolated. Populations occupy relatively small patches of habitat and are small and isolated; individuals have difficulty dispersing between suitable habitats. These factors pose serious threats to the species. Although significant progress in implementing prescribed fire has occurred over the last 10 years through collaborative partnerships and the Lake Wales Ridge Prescribed Fire Team, a backlog of long-unburned habitat within conservation areas remains. Overcollection and pesticide use are additional concerns. Because this species is narrowly distributed with specific habitat requirements and small populations, any of the threats could have a significant impact on the survival of the species, leading to a relatively high likelihood of extinction. Therefore, the magnitude of threats is high. Although the majority of its historical range has been lost, degraded, and fragmented, numerous sites are protected and land managers are implementing prescribed fire at some sites; these actions are expected to restore habitat and help reduce threats and have already helped stabilize and improve the populations. Overall, the threats are nonimminent. Therefore, we assigned the Highlands tiger beetle an LPN of 5.

Arachnids

Warton's cave meshweaver (*Cicurina wartoni*)—The following summary is based on information contained in our files. Warton's Cave meshweaver is an eyeless, cave-dwelling, unpigmented, 0.23-inch-long spider known only from female specimens. This meshweaver is known to occur in only one cave (Pickle Pit) in Travis County, Texas. Primary threats to the species and its habitat are predation and competition from red-imported fire ants, surface and subsurface effects from polluted runoff from an adjacent subdivision, unauthorized entry into the area surrounding the cave (for example, the cave gate has been vandalized several times in the past), and trash dumping that may include toxic materials near the cave. The magnitude of threats is considered low to moderate based on observations made during field visits to Pickle Pit in November 2011 and March 2012. For example, Pickle Pit is receiving some protection because it is in a mitigation preserve for the golden-cheeked warbler (*Dendroica chrysoparia*). While adequate fencing has not been completed, the field visitis did not document any trails or other signs of recent human use in the immediate vicinity of the cave. Also, despite the fact that this preserve is not being treated for red-imported fire ants, very few red-imported fire ants were documented in the immediate area. Because fire ants have been found and fencing to eliminate human use has not been completed, the threats are ongoing (imminent). Thus, we assigned this species a LPN of 8.

Crustaceans

Anchialine pool shrimp (*Metabetaeus lohena*)—The following summary is based on information contained in our files. No new information was provided in the petition we received on May 11, 2004. *Metabetaeus lohena* is a species of shrimp belonging to the family Alpheidae that inhabits anchialine pools. This species is endemic to the Hawaiian Islands with populations on the islands of Oahu, Maui, and Hawaii, Hawaii. The primary threats to this species are predation by fish (i.e., fish species that do not naturally occur in the pools inhabited by this species) and habitat loss from degradation (primarily from illegal trash dumping). Populations of *M. lohena* on the islands of Maui and Hawaii are located within State Natural Area Reserves (NARs) and in a National Park. Both the State NARs and the National Park prohibit the collection of the species and the disturbance of the pools. However, enforcement of collection and disturbance prohibitions is difficult, and the negative effects from the introduction of fish can occur suddenly and quickly decimate the population. On Oahu, four pools containing this species are located in a National Wildlife Refuge and are protected from collection and disturbance to the pool; however, on State-owned land where the species occurs, there is no protection from collection or disturbance of the pools. Threats to this species could have a significant adverse effect on the survival of the species, leading to a relatively high likelihood of extinction, and are of a high magnitude. The primary threats of predation from fish and loss of habitat due to degradation are nonimminent, because on the islands of Maui and Hawaii no fish were observed in any of the pools where this species occurs, and there has been no documented trash dumping in these pools. We have retained an LPN of 5 for this species.

Anchialine pool shrimp (*Palaemonella burnsi*)—The following summary is based on information contained in our files. No new information was provided in the petition we received on May 11, 2004. *Palaemonella burnsi* is a species of shrimp belonging to the family Palaemonidae that inhabits anchialine pools. This species is endemic to the Hawaiian Islands with populations on the islands of Maui and Hawaii. The primary threats to this species are predation by nonnative fish (i.e., fish species that do not naturally occur in the pools inhabited by this species) and habitat loss due to degradation (primarily from illegal trash dumping). This species' populations on Maui are located within a State Natural Area Reserve (NAR). Hawaii's State statutes prohibit the collection of the species and the disturbance of the pools in State NARs. On the island of Hawaii, the species occurs within a State NAR and a National Park, where collection and disturbance are also prohibited. However, enforcement of these prohibitions is difficult, and the negative effects from the introduction of fish can occur suddenly and quickly decimate a population. Therefore, threats to this species could have a significant adverse effect on the survival of the species, leading to a relatively high likelihood of extinction, and are of a high magnitude. The threats are nonimminent, because surveys in 2004 and 2007 did not find fish in the pools where these shrimp occur on Maui or the island of Hawaii. Also, there was no evidence of recent habitat degradation at those pools. We have retained an LPN of 5 for this species.

Anchialine pool shrimp (*Procaris hawaiana*)—The following summary is based on information contained in our files. No new information was provided in the petition we received on May 11, 2004. *Procaris hawaiana* is a species of shrimp belonging to the family Procarididae that inhabits anchialine pool. This species is endemic to the Hawaiian Islands, and is currently known from 2 pools on the island of

Maui and 12 pools on the island of Hawaii. The primary threats to this species are predation from nonnative fish (i.e., fish species that do not naturally occur in the pools inhabited by this species) and habitat loss due to degradation (primarily from illegal trash dumping). This species' populations on Maui are located within a State Natural Area Reserve (NAR). Twelve pools containing this species on the island of Hawaii are also located within a State NAR. Hawaii's State statutes prohibit the collection of the species and the disturbance of the pools in State NARs. However, enforcement of these prohibitions is difficult and the negative effects from the introduction of fish can occur suddenly and quickly decimate a population. In addition, there are no prohibitions for either removal of the species or disturbance to one pool containing this species located outside a NAR on the island of Hawaii. Therefore, threats to this species could have a significant adverse effect on the survival of the species, leading to a relatively high likelihood of extinction, and thus remain at a high magnitude. The threats to the species are nonimminent because during 2004 and 2007 surveys, no nonnative fish were observed in the pools where these shrimp occur on Maui, nor were they observed in the one pool on the island of Hawaii that was surveyed in 2005. In addition, there were no signs of dumping or fill in any of the pools where the species occurs. Therefore, we have retained an LPN of 5 for this species.

Flowering Plants

*Abronia alpina* (Ramshaw Meadows sand-verbena)—The following summary is based on information contained in our files. No new information was provided in the petition we received on May 11, 2004. *Abronia alpina* is a small perennial herb in the Nyctaginaceae (four-o'clock) family, 2.5 to 15.2 centimeters (1 to 6 inches) across forming compact mats with lavender-pink, trumpet-shaped, and generally fragrant flowers. *Abronia alpina* is known from one main population center at Ramshaw Meadow and a smaller population at the adjacent Templeton Meadow. The meadows are located on the Kern River Plateau in the Sierra Nevada, on lands administered by the Inyo National Forest, in Tulare County, California. The total estimated area occupied is approximately 6 hectares (15 acres). The population fluctuates from year to year without any clear trends. Population estimates for the years from 1985 up to but not including 2012—range from a high of approximately 130,000 plants in 1997 to a low of approximately 40,000 plants in 2003. In 2012, when the population was last monitored, the estimated total population increased to approximately 156,000 plants.

The factors currently threatening *Abronia alpina* include natural and human habitat alteration, lowering of the water table due to erosion within the meadow system, and recreational use within meadow habitats. Lodgepole pines are encroaching upon meadow habitat with trees germinating within *A. alpina* habitat, occupying up to 20 percent of two *A. alpina* subpopulations. Lodgepole pine encroachment may alter soil characteristics by increasing organic matter levels, decreasing porosity, and moderating diurnal temperature fluctuations thus reducing the competitive ability of *A. alpina* to persist in an environment more hospitable to other plant species.

The habitat occupied by *Abronia alpina* directly borders the meadow system, which is supported by the South Fork of the Kern River. The river flows through the meadow, at times coming within 15 m (50 ft) of *Abronia alpina* habitat, particularly in the vicinity of five subpopulations. Past livestock trampling and past removal of bank-stabilizing vegetation by grazing livestock have contributed to downcutting of the river channel through the meadow, leaving the meadow subject to potential alteration by lowering of the water table. In 2001 the Forest Service began resting the grazing allotment for 10 years, thereby eliminating cattle use. The allotment is still being rested while the Forest Service assesses the data collected on the rested allotment for eventual inclusion in an environmental analysis to consider resumption of grazing.

Established hiker, packstock, and cattle trails pass through *A. alpina* subpopulations. Two main hiker trails pass through Ramshaw Meadow, but in 1988 and 1997, they were rerouted out of *A. alpina* subpopulations. Occasional incidental use by horses and hikers sometimes occurs on the remnants of cattle trails that pass through subpopulations in several places. The Service has funded studies to determine appropriate conservation measures for the species and is working with the U.S. Forest Service on developing a conservation strategy for the species.

The remaining threat affects individuals in the population and has not appeared to have population-level effects. Therefore, the threats are low in magnitude. In addition, because the grazing activities have been eliminated for the time being and the hiking trails have been rerouted, the threats are nonimminent. The LPN for *A. alpina* remains an 11 due to the presence of moderate to low threats, and the determination that the threats are nonimminent at this point in time.

*Argythamnia blodgettii* (Blodgett's silverbush)—The following summary is based on information in our files. No new information was provided in the petition we received on May 11, 2004. Blodgett's silverbush occurs in Florida and is found in open, sunny areas in pine rockland, edges of rockland hammock, edges of coastal berm, and sometimes in disturbed areas at the edges of natural areas. Plants can be found growing from crevices on limestone, or on sand. The pine-rockland habitat where the species occurs in Miami-Dade County and the Florida Keys requires periodic fires to maintain habitat with a minimum amount of hardwoods. There are approximately 22 extant occurrences, 12 in Monroe County and 10 in Miami-Dade County; many occurrences are on conservation lands. However, 4 to 5 sites of the 22 occurrences are thought to be recently extirpated. The estimated population size of Blodgett's silverbush in the Florida Keys, excluding Big Pine Key, is roughly 11,000; the estimated population in Miami-Dade County is 375 to 13,650 plants.

Blodgett's silverbush is threatened by habitat loss, which is exacerbated by habitat degradation due to fire suppression, the difficulty of applying prescribed fire to pine rocklands, and threats from exotic plants. Remaining habitats are fragmented. Threats such as road maintenance and enhancement, infrastructure, and illegal dumping threaten some occurrences. Blodgett's silverbush is vulnerable to natural disturbances, such as hurricanes, tropical storms, and storm surges. Climatic changes, including sea-level rise, are long-term threats that are expected to continue to affect pine rocklands and ultimately substantially reduce the extent of available habitat, especially in the Keys. Overall, the magnitude of threats is moderate because not all of the occurrences are affected by the threats. In addition, land managers are aware of the threats from exotic plants and lack of fire, and are, to some extent, working to reduce these threats where possible. While a number of threats are occurring in some areas, the threat from development is nonimminent since most occurrences are on public land, and sea-level rise is not currently affecting this species. Overall, the threats are nonimminent. Thus, we assigned an LPN of 11 to this species.

*Artemisia borealis* var. *wormskioldii* (Northern wormwood) —The following summary is based on information contained in our files. No new information was provided in the petition we received on May 11, 2004. Historically known from eight sites, northern wormwood is currently known from two populations, one in Klickitat County and one in Grant County, Washington. This plant is restricted to exposed basalt, cobbly-sandy terraces, and sand habitat along the shore of, and on islands in, the Columbia River. The two populations are separated by 186 river miles (300 kilometers) and three reservoirs (formed behind large hydroelectric dams). Annual monitoring indicates both populations are declining and both remain vulnerable to environmental variability. Surveys have not detected any additional plants.

Threats to northern wormwood include direct loss of habitat through regulation of water levels in the Columbia River and placement of riprap along the river bank; human trampling of plants from recreation; competition with nonnative invasive species; burial by wind- and water-borne sediments; small population sizes; susceptibility to genetic drift and inbreeding; and the potential for hybridization with two other species of *Artemisia.* Ongoing conservation actions have reduced trampling, but have not eliminated or reduced other threats at the Grant County site. Active conservation measures are not currently in place at the Miller Island site in Klickitat County. The magnitude of threat is high for this variety. Although the two remaining populations are demographically isolated, one or both populations could be eliminated by a single disturbance. The threats are imminent because recreational use is ongoing, invasive nonnative species occur at both sites, erosion of the substrate is ongoing at the Klickitat County site, and high water flows may occur unpredictably in any year. Therefore, we have retained a listing priority number (LPN) of 3 for this variety.

*Astragalus anserinus* (Goose Creek milkvetch) —The following summary is based on information in our files and in the petition received on February 3, 2004. The majority (over 80 percent) of Goose Creek milkvetch sites in Idaho, Utah, and Nevada occur on Federal lands managed by the Bureau of Land Management. The rest of the sites occur as small populations on private and State lands in Utah and on private land in Idaho and Nevada. Goose Creek milkvetch occurs in a variety of habitats, but is typically associated with dry, tuffaceous soils (made up of rock consisting of smaller kinds of volcanic detritus) from the Salt Lake Formation. The species grows on steep or flat sites, with soil textures ranging from silty to sandy to somewhat gravelly. The species tolerates some level of disturbance, based on its occurrence on steep slopes where downhill movement of soil is common.

The primary threat to Goose Creek milkvetch is habitat degradation and modification resulting from an altered wildfire regime, fire suppression activities, and rehabilitation efforts to recover lands that have burned. Other factors that also appear to threaten Goose Creek milkvetch include livestock use and invasive nonnative species. The existing regulatory mechanisms are not adequate to address these threats. Climate change effects to Goose Creek drainage habitats are possible, but we are unable to predict the specific impacts of this change to Goose Creek milkvetch at this time.

The threats to the species are imminent, or currently occurring, largely as a result of land management actions taken since fires initially altered the habitat. The threats associated with livestock grazing and invasive species are imminent throughout a large portion of the species' range. The high magnitude and immediacy of threats leaves the species and its small populations more vulnerable to stochastic events. Therefore, we have assigned the Goose Creek milkvetch an LPN of 2.

*Astragalus microcymbus* (Skiff milkvetch)—The following summary is based on information contained in our files and in the petition we received on July 30, 2007. Skiff milkvetch is a perennial forb that dies back to the ground every year. It has a very limited range and a spotty distribution within Gunnison and Saguache Counties in Colorado, where it is found in open, park-like landscapes in the sagebrush-steppe ecosystem on rocky or cobbly, moderate to steep slopes of hills and draws.

The most significant threats to skiff milkvetch are recreation, roads, trails, and habitat fragmentation and degradation. Existing regulatory mechanisms are not adequate to protect the species from these threats. Recreational impacts are likely to increase, given the close proximity of skiff milkvetch to the town of Gunnison and the increasing popularity of mountain biking, motorcycling, and all-terrain vehicles. Furthermore, the Hartman Rocks Recreation Area draws users and contains over 40 percent of the skiff milkvetch units. Other threats to the species include residential and urban development; livestock, deer, and elk use; climate change; increasing periodic drought; nonnative invasive cheatgrass; and wildfire. The threats to skiff milkvetch are moderate in magnitude because while serious and occurring rangewide, they do not collectively result in population declines on a short time scale. The threats are imminent because the species is currently facing them in many portions of its range. Therefore, we have assigned skiff milkvetch an LPN of 8.

*Astragalus schmolliae* (Schmoll milkvetch)—The following summary is based on information contained in our files and in the petition we received on July 30, 2007. Schmoll milkvetch is a narrow endemic perennial plant that grows in the mature pinyon-juniper woodland of mesa tops in the Mesa Verde National Park area and in the Ute Mountain Ute Tribal Park in Colorado.

The most significant threats to the species are degradation of habitat by fire, followed by invasion by nonnative cheatgrass and subsequent increase in fire frequency. These threats currently affect about 40 percent of the species' entire known range, and cheatgrass is likely to increase given (1) its rapid spread and persistence in habitat disturbed by wildfires, fire and fuels management and development of infrastructure, and (2) the inability of land managers to control it on a landscape scale. Other threats to Schmoll milkvetch include fire break clearings, drought, and feral livestock grazing; existing regulatory mechanisms are not adequate to address these threats. The threats to the species overall are imminent and moderate in magnitude, because the species is currently facing them in many portions of its range, but the threats do not collectively result in population declines on a short time scale. Therefore, we have assigned Schmoll milkvetch an LPN of 8.

*Astragalus tortipes* (Sleeping Ute milkvetch)—The following summary is based on information contained in our files. No new information was provided in the petition we received on May 11, 2004. Sleeping Ute milkvetch is a perennial plant that grows only on the Smokey Hills layer of the Mancos Shale Formation on the Ute Mountain Ute Indian Reservation in Montezuma County, Colorado.

In 2000, 3,744 plants were recorded at 24 locations covering 500 acres within an overall range of 6,400 acres. Available information from 2000 and 2009 indicated that the species' status was stable at that time. However, previous and ongoing threats from

borrow pit excavation, off-highway vehicles, irrigation canal construction, and a prairie dog colony have had minor impacts that reduced the range and number of plants by small amounts. Off-road-vehicle use of the habitat has reportedly been controlled by fencing. Oil and gas development is active in the general area, but the Service has received no information to indicate that there is development within plant habitat. In 2011, the tribal Environmental Programs Department reported habitat disturbance by vehicles and activity at the shooting range located within the plant habitat. The Tribe reported that the status of the species remained unchanged. The Tribe has been working on a management plan that will include a monitoring program for this species, among others. We had expected the final plan to be released in 2010, but it still has not been completed. We have no documentation concerning the current status of the plants, condition of habitat, and terms of the species management plan being drafted by the Tribe. Thus, at this time, we cannot accurately assess whether populations are being adequately protected from previously existing threats. The threats are moderate in magnitude, since they have had minor impacts. Until the management plan is completed there are no regulatory mechanisms in place to protect the species from the threats described above. Overall, we conclude that threats are moderate to low and nonimminent. Therefore, we assigned an LPN of 11 to this species.

*Boechera pusilla* (Fremont County rockcress)—The following summary is based on information in our files and in the petition received on July 24, 2007. *Boechera pusilla* is a perennial herb that occupies sparsely vegetated, coarse granite soil pockets in exposed granite-pegmatite outcrops, with slopes generally less than 10 degrees, at an elevation between 2,438 to 2,469 m (8,000 to 8,100 ft). The only known population of *B. pusilla* is located in Wyoming on lands administered by the Bureau of Land Management in the southern foothills of the Wind River Range. *B. pusilla* is likely restricted in distribution by the limited occurrence of pegmatite (a very coarse-grained rock formed from magma or lava) in the area. The specialized habitat requirements of *B. pusilla* have allowed the plant to persist without competition from other herbaceous plants or sagebrush-grassland species that are present in the surrounding landscape.

*Boechera pusilla* has a threat that is not identified, but that is indicated by the small and overall declining population size. Although the threat is not fully understood, we know it exists as indicated by the declining population. The population size may be declining from a variety of unknown causes, with drought or disease possibly contributing to the trend. The downward trend may have been leveled off somewhat recently, but without improved population numbers, the species may reach a population level at which other stressors become threats. We are unable to determine how climate change may affect the species in the future. To the extent that we understand the species, other potential habitat-related threats have been removed through the implementation of Federal regulatory mechanisms and associated actions. Overutilization, predation, and the inadequacy of regulatory mechanisms are threats to the species. The threats that *B. pusilla* faces are moderate in magnitude, primarily because the population decline has leveled off recently. The threat to *B. pusilla* is imminent because we have evidence that the species is currently facing a threat indicated by reduced population size. The threat appears to be ongoing, although we are unsure of the extent and timing of its effects on the species. Thus, we have assigned *B. pusilla* an LPN of 8.

*Calamagrostis expansa* (Maui reedgrass)—The following summary is based on information contained in our files. No new information was provided in the petition we received on May 11, 2004. *Calamagrostis expansa* is a perennial grass found in wet forests and bogs, and in bog margins, on the islands of Maui and Hawaii, Hawaii. This species is known from 13 populations totaling fewer than 750 individuals. *C. expansa* is threatened by habitat degradation and loss by feral pigs (*Sus scrofa*), and by competition with nonnative plants. Herbivory by feral pigs is also a potential threat to this species. All of the known populations of *C. expansa* on Maui occur in managed areas. Some pig exclusion fences have been constructed, and control of nonnative plants is ongoing within the exclosures on Maui. On the island of Hawaii, the small population in the Upper Waiakea Forest Reserve has been fenced entirely, but none of the approximately 350 individuals in the Kohala Mountains are protected from pigs. This species is not represented in an *ex situ* collection. Threats to this species from feral pigs and nonnative plants are ongoing, or imminent, and of high magnitude because they significantly affect the species throughout its range, leading to a relatively high likelihood of extinction. Therefore, we have retained an LPN of 2 for this species.

*Calochortus persistens* (Siskiyou mariposa lily)—The following summary is based on information contained in our files and the petition we received on September 10, 2001. The Siskiyou mariposa lily is a narrow endemic that is restricted to three disjunct ridge tops in the Klamath-Siskiyou Range near the California-Oregon border. The southernmost occurrence of this species is composed of nine separate sites on approximately 17.6 hectares (ha) (43.4 acres (ac)) of Klamath National Forest and privately owned lands that stretch for 10 kilometers (km) (6 miles (mi)) along the Gunsight-Humbug Ridge, Siskiyou County, California. In 2007, a new occurrence was confirmed in the locality of Cottonwood Peak and Little Cottonwood Peak, Siskiyou County, where several populations are distributed over 164 ha (405 ac) on three individual mountain peaks in the Klamath National Forest and on private lands. The northernmost occurrence consists of not more than five Siskiyou mariposa lily plants that were discovered in 1998, on Bald Mountain, west of Ashland, Jackson County, Oregon.

Threats include competition and shading by native and nonnative species fostered by suppression of wildfire; increased fuel loading and subsequent risk of wildfire; fragmentation by roads, firebreaks, tree plantations, and radio-tower facilities; maintenance and construction around radio towers and telephone relay stations located on Gunsight Peak and Mahogany Point; and soil disturbance, direct damage, and nonnative weed and grass species introduction as a result of heavy recreational use and construction of firebreaks. Dyer's woad (*Isatis tinctoria*), an invasive, nonnative plant that may prevent germination of Siskiyou mariposa lily seedlings, poses the most significant threat and has invaded 75 percent of the known lily habitat on Gunsight-Humbug Ridge, the southernmost California occurrence. Forest Service staff and the Klamath-Siskiyou Wildlands Center cite competition with dyer's woad as a significant and chronic threat to the survival of Siskiyou mariposa lily.

The combination of restricted range, extremely low numbers (five plants) in one of three disjunct populations, poor competitive ability, short seed dispersal distance, slow growth rates, low seed production, apparently poor survival rates in some years, herbivory, habitat disturbance, and competition from nonnative invasive plants threaten the

continued existence of this species. However, because efforts are underway to reduce the threat of dyer's woad where it is found and there is no evidence of a decline in *C. persistens* populations where this weed has become most widely distributed, the magnitude of existing threats is moderate. Since the threats of competition from nonnative invasive plants are not anticipated to overwhelm a large portion of the species' range in the immediate future, the threats are nonimminent. Therefore, we retained an LPN of 11 for this species.

*Chamaecrista lineata* var. *keyensis* (Big Pine partridge pea)—The following summary is based on information contained in our files. No new information was provided in the petition we received on May 11, 2004. This pea is endemic to the lower Florida Keys, and restricted to pine rocklands, hardwood hammock edges, and roadsides and firebreaks within these ecosystems. Historically, it was known from Big Pine, Cudjoe, No Name, Ramrod, and Little Pine Keys (Monroe County, Florida). In 2005, a small population was detected on lower Sugarloaf Key, but this population was not located after Hurricane Wilma; plants were likely killed by the tidal surge from this storm. It presently occurs on Big Pine Key, with a very small population on Cudjoe Key. It is fairly well distributed in Big Pine Key pine rocklands, which encompass approximately 580 hectares (1,433 acres), approximately 360 hectares (890 acres) of which are within the Service's National Key Deer Refuge (NKDR). Over 80 percent of the population probably exists on NKDR, with the remainder distributed among State, County, and private properties. Hurricane Wilma (October 2005) resulted in a storm surge that covered most of Big Pine Key with sea water. The surge reduced the population by as much as 95 percent in some areas.

Pine rockland communities are maintained by relatively frequent fires. In the absence of fire, shrubs and trees encroach on pine rockland and this subspecies is eventually shaded out. NKDR has a prescribed fire program, although with many constraints on implementation. Habitat loss due to development was historically the greatest threat to the pea. Much of the remaining habitat is now protected on public lands. Absence of fire now appears to be the greatest of the deterministic threats. Given the recent increase in hurricane activity, storm surges are the greatest of the stochastic threats. The small range and patchy distribution of the subspecies increase risk from stochastic events. Climatic changes, including sea-level rise, are serious long-term threats. Models indicate that even under the best of circumstances, a significant proportion of upland habitat will be lost on Big Pine Key by 2100. Additional threats include restricted range, invasive exotic plants, roadside dumping, loss of pollinators, seed predators, and development.

We maintain the previous assessment that hurricanes, storm surges, lack of fire, and limited distribution result in a moderate magnitude of threat because a large part of the range is on conservation lands wherein threats are being addressed, although fire management is at much slower rate than is required. The immediacy of stochastic events like hurricane is generally difficult to characterize, but we conclude with respect to this species that the threat posed by hurricanes is imminent given that hurricanes (and storm surges) of various magnitudes are frequent and recurrent events in the area. Sea-level rise remains uncontrolled, but is nonimminent. Overall, the threats from limited distribution and inadequate fire management are imminent since they are ongoing. In addition, the most consequential threats (hurricanes, storm surges) are frequent, recurrent, and imminent. Therefore, we retained an LPN of 9 for Big Pine partridge pea.

*Chamaesyce deltoidea* ssp. *pinetorum* (Pineland sandmat)—The following summary is based on information contained in our files. No new information was provided in the petition we received on May 11, 2004. The pineland sandmat in only known from Miami-Dade County, Florida. The largest occurrence, estimated at more than 10,000 plants, is located on Long Pine Key within Everglades National Park. All other occurrences are smaller and are in isolated pine rockland fragments in heavily urbanized Miami-Dade County.

Occurrences on private (non-conservation) lands and on one County-owned parcel are at risk from development and habitat degradation and fragmentation. Conditions related to climate change, particularly sea-level rise, will be a factor over the long term. All occurrences of the species are threatened by habitat loss and degradation due to fire suppression, the difficulty of applying prescribed fire, and exotic plants. These threats are severe within small and unmanaged fragments in urban areas. However, the threats of fire suppression and exotics are reduced on lands managed by the National Park Service. Hydrologic changes are another threat. Hydrology has been altered within Long Pine Key due to artificial drainage, which lowered ground water, and by the construction of roads, which either impounded or diverted water. Regional water management intended to restore the Everglades could negatively affect the pinelands of Long Pine Key in the future. At this time, we do not know whether the proposed restoration and associated hydrological modifications will have a positive or negative effect on pineland sandmat. This narrow endemic may be vulnerable to catastrophic events and natural disturbances, such as hurricanes. Overall, the magnitude of threats to this species is moderate; by applying regular prescribed fire, the National Park Service has kept Long Pine Key's pineland vegetation intact and relatively free of exotic plants, and partnerships are in place to help address the continuing threat of exotics on other pine rockland fragments. Overall, the threats are nonimminent because fire management is regularly conducted at the largest occurrence and sea-level rise and hurricanes are longer-term threats. Therefore, we assigned a LPN of 12 to this subspecies.

*Chamaesyce deltoidea* ssp. *serpyllum* (Wedge spurge)—The following summary is based on information contained in our files. No new information was provided in the petition we received on May 11, 2004. Systematic surveys of publicly owned pine rockland throughout this plant's range were conducted during 2005–2006 and 2007–2008 to determine population size and distribution. Wedge spurge is a small prostrate herb. It was historically, and remains, restricted to pine rocklands on Big Pine Key in Monroe County, Florida. Pine rocklands encompass approximately 580 hectares (1,433 acres) on Big Pine Key, approximately 360 hectares (890 acres) of which are within the Service's National Key Deer Refuge (NKDR). Most of the species' range falls within the NKDR, with the remainder on State, County, and private properties. It is not widely dispersed within the limited range. Occurrences are sparser in the southern portion of Big Pine Key, which contains smaller areas of NKDR lands than does the northern portion. Wedge spurge inhabits sites with low woody cover (e.g., low palm and hardwood densities) and usually exposed rock or gravel.

Pine rockland communities are maintained by relatively frequent fires. In the absence of fire, shrubs and trees encroach on pine rockland and the subspecies is eventually shaded out. NKDR has a prescribed fire program, although with many constraints on

implementation. Habitat loss due to development was historically the greatest threat to the wedge spurge. Much of the remaining habitat is now protected on public lands. Absence of fire now appears to be the greatest of the deterministic threats. Given the recent increase in hurricane activity, storm surges are the greatest of the stochastic threats. The small range and patchy distribution of the subspecies increases risk from stochastic events. Climatic changes, including sea-level rise, are serious long-term threats. Models indicate that even under the best of circumstances, a significant proportion of upland habitat will be lost on Big Pine Key by 2100. Additional threats include restricted range, invasive exotic plants, roadside dumping, loss of pollinators, seed predators, and development.

We maintain the previous assessment that low fire-return intervals plus hurricane-related storm surges, in combination with a limited, fragmented distribution and threats from sea-level rise, result in a moderate magnitude of threat, in part, because a large part of the range is on conservation lands, where some threats can be substantially controlled. The immediacy of stochastic events like hurricane is generally difficult to characterize, but we conclude with respect to this species that the threat posed by hurricanes is imminent given that hurricanes (and storm surges) of various magnitudes are frequent and recurrent events in the area. Sea-level rise remains uncontrolled, but over much of the range is nonimminent compared to other prominent threats. Threats resulting from limited fire occurrences are imminent. Since major threats are ongoing, overall, the threats are imminent. Therefore, we retained an LPN of 9 for this subspecies.

*Chorizanthe parryi* var. *fernandina* (San Fernando Valley spineflower)—The following summary is based on information contained in our files and the petition received on December 14, 1999. *Chorizanthe parryi* var. *fernandina* is a low-growing herbaceous annual plant in the buckwheat family. Germination occurs following the onset of late-fall and winter rains and typically represents different cohorts from the seed bank. Flowering occurs in the spring, generally between April and June. The plant currently is known from two disjunct localities: the first is in the southeastern portion of Ventura County on a site within the Upper Las Virgenes Canyon Open Space Preserve, formerly known as Ahmanson Ranch, and the second is in an area of southwestern Los Angeles County known as Newhall Ranch. Investigations of historical locations and seemingly suitable habitat within the range of the species have not revealed any other occurrences.

The threats currently facing *Chorizanthe parryi* var. *fernandina* include threatened destruction, modification, or curtailment of its habitat or range (Factor A), inadequacy of existing regulatory mechanisms (Factor D), and other natural or manmade factors (Factor E). The threats to *Chorizanthe parryi* var. *fernandina* from habitat destruction or modification are slightly less than they were 8 years ago when the species was added to the candidate list. One of the two populations (Upper Las Virgenes Canyon Open Space Preserve) is in permanent, public ownership and is being managed by an agency that is working to conserve the plant; however, the use of adjacent habitat for Hollywood film productions was brought to our attention in 2007, and the potential impacts to *Chorizanthe parryi* var. *fernandina* are not yet clear. During a site visit to the Preserve in April 2012, we noted an abundance of nonnative species that, if not managed, could degrade the quality of the habitat for *C. parryi* var. *fernandina* over time. We will be working with the landowners to manage the site for the benefit of *Chorizanthe parryi* var. *fernandina.*

The other population (Newhall Ranch) is under the threat of development; however, a Candidate Conservation Agreement (CCA) is being developed with the landowner, and it is possible that the remaining plants can also be conserved. Until such an agreement is finalized, the threat of development and the potential damage to the Newhall Ranch population still exists, as shown by the destruction of some plants during installation of an agave farm. Furthermore, cattle grazing on Newhall Ranch may be a current threat. Cattle grazing may harm *Chorizanthe parryi* var. *fernandina* by trampling and soil compaction. Grazing activity could also alter the nutrient (e.g., elevated organic material levels) content of the soils for *Chorizanthe parryi* var. *fernandina* habitat through fecal inputs, which in turn may favor the growth of other plant species that would otherwise not grow so readily on the mineral-based soils. Over time, changes in species composition may render the sites less favorable for the persistence of *Chorizanthe parryi* var. *fernandina. Chorizanthe parryi* var. *fernandina* may be threatened by invasive nonnative plants, including grasses, which could potentially displace it from available habitat; compete for light, water, and nutrients; and reduce survival and establishment.

*Chorizanthe parryi* var. *fernandina* is particularly vulnerable to extinction due to its concentration in two isolated areas. The existence of only two areas of occurrence, and a relatively small range, makes the variety highly susceptible to extinction or extirpation from a significant portion of its range due to random events such as fire, drought, and erosion. We retained an LPN of 6 for *Chorizanthe parryi* var. *fernandina* due to high-magnitude, nonimminent threats.

*Cirsium wrightii* (Wright's marsh thistle)—The following summary is based on information from the 12-month warranted-but-precluded finding published November 4, 2010 (75 FR 67925) as well as any new information gathered since then. There are eight general confirmed locations of Wright's marsh thistle in New Mexico: Santa Rosa, Guadalupe County; Bitter Lake National Wildlife Refuge, Chaves County; Blue Spring, Eddy County; La Luz Canyon, Karr Canyon, Silver Springs, and Tularosa Creek, Otero County; and Alamosa Creek, Socorro County. Wright's marsh thistle has been extirpated from all previously known locations in Arizona, and was misidentified and likely not ever present in Texas. The status of the species in Mexico is uncertain, with few verified collections.

Wright's marsh thistle faces threats primarily from natural and human-caused modifications of its habitat due to ground and surface water depletion, drought, invasion of *Phragmites australis,* and from the inadequacy of existing regulatory mechanisms. The species occupies relatively small areas of seeps, springs, and wetland habitat in an arid region plagued by drought and ongoing and future water withdrawals. The species' highly specific requirements of saturated soils with surface or subsurface water flow make it particularly vulnerable. The threats that Wright's marsh thistle faces are moderate in magnitude because the major threats (habitat loss and degradation due to alteration of the hydrology of its rare wetland habitat), while serious and occurring rangewide, do not collectively significantly adversely affect the species. Still, long-term drought, in combination with ground and surface water withdrawal, poses a current and future threat to Wright's marsh thistle and its habitat. All of the threats are ongoing and therefore imminent. In addition to their current existence, we expect these threats to likely intensify in the foreseeable future. Thus, we continue to

assign an LPN of 8 to the Wright's marsh thistle.

*Dalea carthagenensis* ssp. *floridana* (Florida prairie-clover)—The following summary is based on information contained in our files. No new information was provided in the petition we received on May 11, 2004. *Dalea carthagenensis* var. *floridana* is found in pine rocklands, edges of rockland hammocks, coastal uplands, and marl prairie. *Dalea carthagenensis* var. *floridana* occurs in Big Cypress National Preserve (BCNP) in Monroe and Collier Counties and at six locations within Miami-Dade County, Florida, albeit mostly in limited numbers. There are a total of nine extant occurrences, seven of which are on conservation lands. In addition, plants were reintroduced to a park in Miami-Dade County in 2006, but only four remain.

Existing occurrences are extremely small and may not be viable, especially some of the occurrences in Miami-Dade County. Remaining habitats are fragmented. Climatic changes, including sea-level rise, are long-term threats that are expected to reduce the extent of habitat. This plant is threatened by habitat loss and degradation due to fire suppression, the difficulty of applying prescribed fire to pine rocklands, and threats from exotic plants. Damage to plants by off-road vehicles is a serious threat within the BCNP; damage attributed to illegal mountain biking at the R. Hardy Matheson Preserve has been reduced. One location within BCNP is threatened by changes in mowing practices; this threat is low in magnitude. This species is being parasitized by the introduced insect lobate lac scale (*Paratachardina pseudolobata*) at some localities (e.g., R. Hardy Matheson Preserve), but we do not know the extent of this threat. This plant is vulnerable to natural disturbances, such as hurricanes, tropical storms, and storm surges. Due to its restricted range and the small sizes of most isolated occurrences, this species is vulnerable to environmental (catastrophic hurricanes), demographic (potential episodes of poor reproduction), and genetic (potential inbreeding depression) threats. The magnitude of threats is high because of the limited number of occurrences and the small number of individual plants at each occurrence. The threats are imminent; even though many sites are on conservation lands, these plants still face significant ongoing threats. Therefore, we have assigned an LPN of 3 to Florida prairie-clover.

*Dichanthelium hirstii* (Hirst Brothers' panic grass)—The following summary is based on information contained in our files. No new information was provided in the petition we received on May 11, 2004. Dichanthelium hirstii is a perennial grass that occurs in coastal plain intermittent ponds, usually in wet savanna or pine barren habitats, and is known to occur at only three sites in New Jersey, one site in Delaware, and two sites in North Carolina. While all six extant *D. hirstii* populations are located on public land or privately owned conservation lands, threats to the species from encroachment of woody and herbaceous vegetation, competition from rhizomatous perennials, fluctuations in hydrology, and threats associated with small population number and size are significant. Given the naturally fluctuating number of plants found at each site, and the isolated nature of the wetlands (limiting dispersal opportunities), even small changes in the species' habitat could result in local extirpation. Loss of any known sites would constitute a significant contraction of the species' range. Therefore, the threats are high in magnitude. Because most of the potential threats to *D. hirstii* evolve over a period of years before they rise to the level of becoming imminent threats, and, in some cases, are being managed to some extent that delays their onset, the threats are nonimminent. Based on nonimminent threats of a high magnitude, we retain an LPN of 5 for this species.

*Digitaria pauciflora* (Florida pineland crabgrass)—The following summary is based on information contained in our files. No new information was provided in the petition we received on May 11, 2004. This perennial grass was historically found in central to southern Miami-Dade County, Florida, most commonly in habitat along the border between pine rockland and marl prairie. Pine rocklands in Miami-Dade County have largely been destroyed by residential, commercial, and urban development and agriculture. With most remaining habitat having been negatively altered, this species has been extirpated from much of its historical range, including likely extirpation from all areas outside of National Parks. Two large occurrences remain within Everglades National Park and Big Cypress National Preserve; plants on Federal lands are protected from the threat of habitat loss due to development. However, any unknown plants, indefinite occurrences, and suitable habitat remaining on private or non-conservation land are threatened by development. Continued development of suitable habitat diminishes the potential for reintroduction into its historical range. Extant occurrences are in low-lying areas and will be affected by climatic changes, including rising sea level.

Fire suppression, the difficulty of applying prescribed fire to pine rocklands, and threats from exotic plants are ongoing threats. Since the only known remaining occurrences are on lands managed by the National Park Service, the threats of fire suppression and exotics are somewhat reduced. The presence of the exotic Old World climbing fern is of particular concern due to its ability to spread rapidly. In Big Cypress National Preserve, plants are threatened by off-road-vehicle use. Changes to hydrology are a potential threat. Hydrology has been altered within Long Pine Key due to artificial drainage, which lowered ground water, and construction of roads, which either impounded or diverted water. Regional water management intended to restore the Everglades has the potential to affect the pinelands of Long Pine Key, where a large population occurs. At this time, it is not known whether Everglades restoration will have a positive or negative effect. This narrow endemic may be vulnerable to catastrophic events and natural disturbances, such as hurricanes. Overall, the magnitude of threats is high. Only two known occurrences remain and the likelihood of establishing a sizable population on other lands is diminished due to continuing habitat loss. Impacts from climatic changes, including sea-level rise, are currently low, but expected to be severe in the future. The majority of threats are nonimminent as they are long-term in nature (water management, hurricanes, and sea-level rise). Therefore, we assigned an LPN of 5 for this species.

*Eriogonum corymbosum* var. *nilesii* (Las Vegas buckwheat)—We continue to find that listing this species is warranted but precluded as of the date of publication of this notice of review. However, we are working on a proposed listing rule that we expect to publish prior to making the next annual resubmitted petition 12-month finding. In the course of preparing the proposed listing rule, we are continuing to monitor new information about this species' status so that we can make prompt use of our authority under Section 4(b)(7) in the case of an emergency posing a significant risk to the species.

*Eriogonum kelloggii* (Red Mountain buckwheat)—We continue to find that listing this species is warranted but precluded as of the date of publication of this notice of review. However, we are working on a proposed listing rule

that we expect to publish prior to making the next annual resubmitted petition 12-month finding. In the course of preparing the proposed listing rule, we are continuing to monitor new information about this species' status so that we can make prompt use of our authority under Section 4(b)(7) in the case of an emergency posing a significant risk to the species.

*Eriogonum soredium* (Frisco buckwheat)—The following summary is based on information in our files and the petition we received on July 30, 2007. Frisco buckwheat is a narrow endemic perennial plant restricted to soils derived from Ordovician limestone outcrops. The range of the species is less than 5 sq mi (13 sq km) with four known populations. All four populations occur exclusively on private lands in Beaver County, Utah, and each population occupies a very small area with high densities of plants. Available population estimates are highly variable and inaccurate due to the limited access for surveys associated with private lands.

The primary threat to Frisco buckwheat is habitat destruction from precious metal and gravel mining. Mining for precious metals historically occurred within the vicinity of all four populations. Three of the populations are currently in the immediate vicinity of active limestone quarries. Ongoing mining in the species' habitat has the potential to extirpate one population in the near future and extirpate all populations in the foreseeable future. Ongoing exploration for precious metals and gravel indicate that mining will continue, resulting in the loss and fragmentation of Frisco buckwheat populations. Other threats to the species include nonnative species, vulnerability associated with small population size, and climate change. Existing regulatory mechanisms are inadequate to protect the species from these threats. The threats that Frisco buckwheat faces are moderate in magnitude, because while serious and occurring rangewide, the threats do not significantly reduce populations on a short time scale. The threats are imminent because three of the populations are currently in the immediate vicinity of active limestone quarries. Therefore, we have assigned Frisco buckwheat an LPN of 8.

*Festuca hawaiiensis* (no common name)—The following summary is based on information contained in our files. No new information was provided in the petition we received on May 11, 2004. This species is a cespitose (growing in dense, low tufts) annual found in dry forests on the island of Hawaii, Hawaii. *Festuca hawaiiensis* is known from 4 populations totaling approximately 1,000 individuals in and around the Pohakuloa Training Area. Historically, this species was also found on Hualalai and Puu Huluhulu, but it no longer occurs at these sites. In addition, *F. hawaiiensis* possibly occurred on Maui. This species is threatened by pigs (*Sus scrofa*), goats (*Capra hircus*), mouflon (*Ovis musimon*), and feral sheep (*O. aries*) that degrade and destroy habitat; fire; military training activities; and nonnative plants that outcompete and displace it. Feral pigs, goats, mouflon, and feral sheep have been fenced out of a portion of the populations of *F. hawaiiensis* and nonnative plants have been reduced in the fenced area, but the majority of the populations are still affected by threats from nonnative ungulates. The threats are imminent because they are not controlled and are ongoing in the remaining, unfenced populations. Firebreaks have been established at two populations, but fire is an imminent threat to the remaining populations that have no firebreaks. There are no *ex situ* collections. The threats are of a high magnitude because they could adversely affect the majority of *F. hawaiiensis* populations resulting in direct mortality or reduced reproductive capacity. Therefore, we have retained an LPN of 2 for this species.

*Festuca ligulata* (Guadalupe fescue)—The following summary is based on information obtained from the original species petition, received in 1975, and from our files, on-line herbarium databases, and scientific publications. Six small populations of Guadalupe fescue, a member of the Poaceae (grass family), have been documented in mountains of the Chihuahuan Desert in Texas and in Coahuila, Mexico. Only two extant populations have been confirmed in the last 5 years: One in the Chisos Mountains, Big Bend National Park, Texas, and one in the privately owned *Area de Protección de Flora y Fauna* (Protected Area for Flora and Fauna—APFF) Maderas del Carmen in northern Coahuila. Despite intensive searches, a population known from Guadalupe Mountains National Park, Texas, has not been found since 1952, and is presumed extirpated. In 2009, botanists confirmed Guadalupe fescue at one site in APFF Maderas del Carmen, but could not find the species at the original site, known as Sierra El Jardín, which was first reported in 1973. Two additional Mexican populations, near Fraile in southern Coahuila, and the Sierra de la Madera in central Coahuila, have not been monitored since 1941 and 1977, respectively. A great amount of potentially suitable habitat in Coahuila and adjacent Mexican states has never been surveyed. A historically unprecedented period of exceptional drought and high temperatures prevailed throughout the species' range from October 2010 until November 2011. We will not know what impacts this unusual weather had on Guadalupe fescue populations until post-drought monitoring has been completed.

The potential threats to Guadalupe fescue include changes in the wildfire cycle and vegetation structure, trampling from humans and pack animals, possible grazing, trail runoff, fungal infection of seeds, small sizes and isolation of populations, and limited genetic diversity. The Service and the National Park Service established a candidate conservation agreement (CCA) in 2008 to provide additional protection for the Chisos Mountains population and to promote cooperative conservation efforts with U.S. and Mexican partners. The threats to Guadalupe fescue are of moderate magnitude and are not imminent due to the provisions of the CCA and other conservation efforts that address threats from trampling, grazing, trail runoff, and genetic diversity, as well as the likelihood that other populations exist in mountains of Coahuila and adjacent Mexican states that have not been surveyed. Thus, we retain an LPN of 11 for the Guadalupe fescue.

*Gardenia remyi* (Nanu)—The following summary is based on information contained in our files. No new information was provided in the petition we received on May 11, 2004. *Gardenia remyi* is a tree found in mesic to wet forests on the islands of Kauai, Molokai, Maui, and Hawaii, Hawaii. *Gardenia remyi* is known from 19 populations totaling between 85 and 87 individuals. This species is threatened by pigs (*Sus scrofa*), goats (*Capra hircus*), and deer (*Axis axis* and *Odocoileus hemionus*) that degrade and destroy habitat and possibly forage upon the species, and by nonnative plants that outcompete and displace it. *Gardenia remyi* is also threatened by landslides and reduced reproductive vigor on the island of Hawaii. This species is represented in *ex situ* collections. On Kauai, *G. remyi* individuals have been outplanted within ungulate-proof exclosures in two locations. Feral pigs have been fenced out of the west Maui populations of *G. remyi,* and nonnative plants have been reduced in those areas. However, these threats are ongoing in the remaining unfenced populations and are therefore imminent. In addition, the threat from goats and deer is ongoing and imminent

throughout the range of the species because no goat or deer control measures have been undertaken for any of the populations of *G. remyi.* All of the threats are of a high magnitude because habitat destruction, predation, and landslides could significantly affect the entire species, resulting in direct mortality or reduced reproductive capacity and leading to a relatively high likelihood of extinction. Therefore, we have retained an LPN of 2 for this species.

*Hedyotis fluviatilis* (Kamapuaa)—The following summary is based on information contained in our files. No new information was provided in the petition we received on May 11, 2004. *Hedyotis fluviatilis* is a scandent (climbing) shrub found in mixed shrubland to wet lowland forests on the islands of Oahu and Kauai, Hawaii. This species is known from 11 populations totaling between 400 and 900 individuals. *H. fluviatilis* is threatened by pigs (*Sus scrofa*) and goats (*Capra hircus*) that degrade and destroy habitat, and by nonnative plants that outcompete and displace it. Landslides and hurricanes are a potential threat to populations on Kauai. Herbivory by pigs and goats is a likely threat. This species is not represented in an *ex situ* collection. We have retained an LPN of 2 because the severity of the threats to the species is high and the threats are ongoing and therefore imminent.

*Joinvillea ascendens* ssp. *ascendens* (Ohe)—The following summary is based on information contained in our files. No new information was provided in the petition we received on May 11, 2004. *Joinvillea ascendens* ssp. *ascendens* is an erect herb found in wet to mesic *Metrosideros polymorpha-Acacia koa* (ohia-koa) lowland and montane forests on the islands of Kauai, Oahu, Molokai, Maui, and Hawaii, Hawaii. This subspecies is known from 44 widely scattered populations totaling approximately 200 individuals. The very widely separated populations typically include only one or two individuals. This subspecies is threatened by destruction or modification of habitat by pigs (*Sus scrofa*), goats (*Capra hircus*), and deer (*Axis axis* and *Odocoileus hemionus*), and by nonnative plants that outcompete and displace native plants. Herbivory by pigs, goats, deer, and rats (*Rattus exulans, R. norvegicus,* and *R. rattus*) is a likely threat to this species. Landslides are a potential threat to populations on Kauai and Molokai. Seedlings have rarely been observed in the wild. Seeds germinate in cultivation, but most die soon thereafter. It is uncertain if this rarity of reproduction is typical of this subspecies, or if it is related to habitat disturbance. Feral pigs have been fenced out of a few of the populations of this subspecies, and nonnative plants have been reduced in those populations that are fenced. However, these threats are not controlled and are ongoing in the remaining, unfenced populations. This species is represented in *ex situ* collections. The threats are of high magnitude because habitat degradation, nonnative plants, and predation result in mortality and may severely affect the reproductive capacity of the majority of populations of this species, leading to a relatively high probability of extinction. The threats are ongoing and thus are imminent. Therefore, we have retained an LPN of 3 for this subspecies.

*Lepidium ostleri* (Ostler's peppergrass)—The following summary is based on information in our files and the petition we received on July 30, 2007. Ostler's peppergrass is a long-lived perennial herb in the mustard family that grows in dense, cushion-like tufts. Ostler's peppergrass is a narrow endemic restricted to soils derived from Ordovician limestone outcrops. The range of the species is less than 5 sq mi (13 sq km) with only four known populations. All four populations occur exclusively on private lands in the southern San Francisco Mountains of Beaver County, Utah. Available population estimates are highly variable and inaccurate due largely to the limited access for surveys associated with private lands.

The primary threat to Ostler's peppergrass is habitat destruction from precious metal and gravel mining. Mining for precious metals historically occurred within the vicinity of all four populations. Three of the populations are currently in the immediate vicinity of active limestone quarries, but mining is only currently occurring in the area of one population. Ongoing mining in the species' habitat has the potential to extirpate one population in the near future. Ongoing exploration for precious metals and gravel indicate that mining will continue, resulting in the loss and fragmentation of Ostler's peppergrass populations. Other threats to species include nonnative species, vulnerability associated with small population size, climate change, and the overall inadequacy of existing regulatory mechanisms. The threats that Ostler's peppergrass faces are moderate in magnitude, because while serious and occurring rangewide, the threats do not collectively result in significant population declines on a short time scale. The threats are imminent because the species is currently facing them across its entire range. Therefore, we have assigned Ostler's peppergrass an LPN of 8.

*Linum arenicola* (Sand flax)—The following summary is based on information contained in our files. No new information was provided in the petition we received on May 11, 2004. Sand flax is found in pine rockland and marl prairie habitats, which require periodic wildfires in order to maintain an open, shrub-free subcanopy and reduce leaf-litter levels. Based upon available data, there are 12 extant occurrences of sand flax; 11 others have been extirpated or destroyed. For the most part, only small and isolated occurrences remain in low-lying areas in a restricted range of southern Florida and the Florida Keys. Viability is uncertain for 10 of 12 occurrences.

Sand flax is threatened by habitat loss and degradation due to development; climatic changes, including sea-level rise, which ultimately are likely to substantially reduce the extent of available habitat; fire suppression and difficulty in applying prescribed fire; road maintenance activities; exotic species; illegal dumping; natural disturbances, such as hurricanes, tropical storms, and storm surges; and the small and fragmented nature of the current population. Reduced pollinator activity and suppression of pollinator populations from pesticides used in mosquito control and decreased seed production due to increased seed predation in a fragmented wildland urban interface may also affect sand flax; however, not enough information is known on this species' reproductive biology or life history to assess these potential threats. Some of the threats to the species—including fire suppression, difficulty in applying prescribed fire, road maintenance activities, exotic species, and illegal dumping—threaten nearly all remaining populations. However, some efforts are under way to use prescribed fire to control exotics on conservation lands where this species occurs.

There are some circumstances that may mitigate the impacts of the threats upon the species. For example, a survey conducted in 2009 showed approximately 74,000 plants on a non-conservation, public site in Miami-Dade County; this is far more plants than was previously known. Although a portion of the plants will be affected by development, approximately 60,000 are anticipated to be protected and managed. Still, this project will need to be carefully monitored because impacts would affect the largest known occurrence of the species. In addition, much of the pine rockland on Big Pine

Key, the location of the largest occurrence in the Keys, is protected from development.

Nevertheless, due to the small and fragmented nature of the current population, stochastic events, disease, or genetic bottlenecks may strongly affect this species in the Keys. One example is Hurricane Wilma, which inundated most of the species' habitat on Big Pine Key in 2005, and plants were not found 8–9 weeks post-storm; the density of sand flax declined to zero in all management units at The Nature Conservancy's preserve in 2006. In a 2007 post-hurricane assessment, sand flax was found in northern plots, but not in any of the southern plots on Big Pine Key. More current data are not available.

Overall, the magnitude of threats is high, because the threats affect all 12 known occurrences of the species, and can result in a precipitous decline to the population levels, particularly when combined with the potential impacts from hurricanes or other natural disasters. Because development is not immediate for the majority of the largest population in Miami–Dade County and another population in the Keys is also largely protected from development since much of it is within public and private conservation lands, the threat of habitat loss remains nonimminent. In addition, sea level rise is a long-term threat since we do not have evidence that it is currently affecting any population of sand flax. Therefore, we retained an LPN of 5 for this species.

*Myrsine fosbergii* (Kolea)—The following summary is based on information contained in our files. No new information was provided in the petition we received on May 11, 2004. *Myrsine fosbergii* is a branched shrub or small tree found in lowland mesic and wet forests, on watercourses or stream banks, on the islands of Kauai and Oahu, Hawaii. This species is currently known from 14 populations totaling a little more than 100 individuals. *Myrsine fosbergii* is threatened by feral pigs (*Sus scrofa*) and goats (*Capra hircus*) that degrade and destroy habitat and may forage upon the plant, and by nonnative plants that compete for light and nutrients. This species is represented in an *ex situ* collection. Although there are plans to fence and remove ungulates from the Helemano area of Oahu, which may benefit this species, no conservation measures have yet been taken to protect this species from nonnative herbivores. Feral pigs and goats are found throughout the known range of *M. fosbergii,* as are nonnative plants. The threats from feral pigs, goats, and nonnative plants are of a high magnitude because they pose a severe threat throughout the limited range of this species, and they are ongoing and therefore imminent. We have retained an LPN of 2 for this species.

*Nothocestrum latifolium* ('Aiea)—The following summary is based on information contained in our files. No new information was provided in the petition we received on May 11, 2004. *Nothocestrum latifolium* is a small tree found in dry to mesic forests on the islands of Kauai, Oahu, Maui, Molokai, and Lanai, Hawaii. *Nothocestrum latifolium* is known from 17 declining populations totaling fewer than 1,200 individuals. This species is threatened by feral pigs (*Sus scrofa*), goats (*Capra hircus*), and deer (*Axis axis* and *Odocoileus hemionus*) that degrade and destroy habitat and may forage upon it; by nonnative plants that compete for light and nutrients; and by decreased reproductive viability through the loss of pollinators. This species is represented in an *ex situ* collection. Ungulates have been fenced out of four areas where *N. latifolium* currently occurs, hundreds of *N. latifolium* individuals have been outplanted in fenced areas, and nonnative plants have been reduced in some populations that are fenced. However, these ongoing conservation efforts for this species benefit only a few of the known populations. The threats are not controlled and are ongoing in the remaining unfenced populations. In addition, little natural regeneration has been observed in this species. The threats are of a high magnitude, since they are severe enough to affect the continued existence of the species, leading to a relatively high likelihood of extinction. The threats are imminent, since they are ongoing. Therefore, we have retained an LPN of 2 for this species.

*Ochrosia haleakalae* (Holei)—The following summary is based on information contained in our files. No new information was provided in the petition we received on May 11, 2004. *Ochrosia haleakalae* is a tree found in dry to mesic forests, often on lava, on the islands of Hawaii and Maui. This species is currently known from 8 populations totaling between 64 and 76 individuals. *Ochrosia haleakalae* is threatened by fire; by feral pigs (*Sus scrofa*), goats (*Capra hircus*), and cattle (*Bos taurus*) that degrade and destroy habitat and may directly forage upon it; and by nonnative plants that compete for light and nutrients. This species is represented in *ex situ* collections. Feral pigs, goats, and cattle have been fenced out of one wild and one outplanted population on private lands on the island of Maui and one outplanted population in Hawaii Volcanoes National Park on the island of Hawaii. Nonnative plants have been reduced in the fenced areas. The threat from fire is of a high magnitude and imminent because no control measures have been undertaken to address this threat that could adversely affect most *O. haleakalae* population sites. The threats from feral pigs, goats, and cattle are ongoing to the unfenced populations of *O. haleakalae.* The threat from nonnative plants is ongoing and imminent and of a high magnitude to the wild populations on both islands as this threat adversely affects the survival and reproductive capacity of the majority of the individuals of this species, leading to a relatively high likelihood of extinction. Therefore, we have retained an LPN of 2 for this species.

*Pinus albicaulis* (Whitebark pine)—The following summary is based on information in our files and in the petition received on December 9, 2008. *Pinus albicaulis* is a hardy conifer found at alpine tree line and subalpine elevations in Washington, Oregon, Nevada, California, Idaho, Montana, and Wyoming, and in British Columbia and Alberta, Canada. In the United States, approximately 96 percent of land where the species occurs is federally owned or managed, primarily by the U.S. Forest Service. *Pinus albicaulis* is a slow-growing, long-lived tree that often lives for 500 and sometimes more than 1,000 years. It is considered a keystone, or foundation, species in western North America, where it increases biodiversity and contributes to critical ecosystem functions.

The primary threat to the species is from disease in the form of the nonnative white pine blister rust and its interaction with other threats. *Pinus albicaulis* also is currently experiencing significant mortality from predation by the native mountain pine beetle. We also anticipate that continuing environmental effects resulting from climate change will result in direct habitat loss for *P. albicaulis.* Models predict that suitable habitat for *P. albicaulis* will decline precipitously within the next 100 years. Past and ongoing fire suppression is also negatively affecting populations of *P. albicaulis* through direct habitat loss. Additionally, environmental changes resulting from changing climatic conditions are acting alone and in combination with the effects of fire suppression to increase the frequency and severity of wildfires. Lastly, the existing regulatory mechanisms are inadequate to address the threats

presented above. The threats that face *P. albicaulis* are high in magnitude because the major threats occur throughout all of the species' range and are having a major population-level effect on the species. The threats are imminent because rangewide disease, predation, fire and fire suppression, and environmental effects of climate change are affecting *P. albicaulis* currently and are expected to continue and likely intensify in the foreseeable future. Thus, we have assigned *P. albicaulis* an LPN of 2.

*Platanthera integrilabia* (Correll) Leur (White fringeless orchid)—The following summary is based on information contained in our files. No new information was provided in the petition we received on May 11, 2004. *Platanthera integrilabia* is a perennial herb that grows in partially, but not fully, shaded, wet, boggy areas at the head of streams and on seepage slopes in Alabama, Georgia, Kentucky, Mississippi, South Carolina and Tennessee. Historically, there were at least 90 populations of *P. integrilabia.* It is presumed extirpated from North Carolina and Virginia. Currently there are about 60 sites supporting extant populations of the species.

Several populations have been destroyed due to road, residential, and commercial construction; impacts from all-terrain vehicle use; and projects that altered soil and site hydrology such that suitability for the species was reduced. The best available information indicates that many extant populations and their habitat are adversely affected by factors that alter the vegetation communities, soils, and hydrology in the sites where they occur. These factors include right-of-way maintenance, timber harvesting, invasive species encroachment, and prolonged drought. Several of the known populations are in or adjacent to road or powerline rights-of-way. Increased light availability in rights-of-way might enhance growth and reproductive output of *P. integrilabia,* but this positive effect is often short-lived due to encroachment of woody vegetation and aggressive grasses. Mechanical clearing of these areas may benefit the species by periodically restoring adequate light levels, but can promote development of dense, shrubby vegetation due to extensive suckering of woody species. The indiscriminant use of herbicides to manage vegetation in these areas could pose a significant threat to the species. Some of the known sites for the species occur in areas that are managed specifically for timber production. Timber management is not necessarily incompatible with the protection and management of the species, but care must be taken during timber management to ensure the hydrology of bogs supporting the species is not altered. Natural succession following timber harvests has been associated with reduced vigor, flowering, and reproduction in *P. integrilabia* populations, presumably due to altered light and soil moisture resulting from encroachment of woody species and grasses. Because of the species dependence upon moderate-to-high light levels, some type of active management to prevent complete canopy closure is required at most locations. Collecting for commercial and other purposes is a potential threat. Herbivory (primarily deer) threatens the species at several sites. Due to the alteration of habitat and changes in natural conditions, protection and recovery of this species is dependent upon active management rather than just preservation of habitat. Invasive, nonnative plants such as Japanese honeysuckle and kudzu also threaten several sites. Feral hogs have caused soil disturbance and destroyed plants at several sites. The threats are widespread; however, the impact of those threats on the species survival is moderate in magnitude. Several of the sites are protected to some degree from the threats by being within State parks, national forests, wildlife management areas, or other protected land. The threats however are imminent since they are ongoing, and we have therefore assigned an LPN of 8 to this species.

*Pseudognaphalium* (= *Gnaphalium*) *sandwicensium* var. *molokaiense* (Enaena)—The following summary is based on information contained in our files. No new information was provided in the petition we received on May 11, 2004. *Pseudognaphalium sandwicensium* var. *molokaiense* is a perennial herb found in strand vegetation in dry consolidated dunes on the islands of Molokai and Maui, Hawaii. Historically, this variety was also found on Oahu and Lanai. This variety is known from 5 populations totaling approximately 200 to 20,000 individuals (depending upon rainfall) in the Moomomi area on the island of Molokai, and from 2 populations of a few individuals at Waiehu dunes and at Puu Kahulianapa on west Maui. *Pseudognaphalium s.* var. *molokaiense* is threatened by feral goats (*Capra hircus*) and axis deer (*Axis axis*) that degrade and destroy habitat and possibly browse upon it, and by nonnative plants that compete for light and nutrients. Potential threats also include collection for cultural use and off-road vehicles that directly damage plants and degrade habitat. Weed control is conducted for one population on Molokai; however, no conservation efforts have been initiated to date for the other populations on Molokai or for the individuals on Maui. This species is represented in an *ex situ* collection. The ongoing, and therefore, imminent threats from feral goats, axis deer, nonnative plants, collection, and off-road vehicles are of a high magnitude because no control measures have been undertaken for the Maui population or for the four of the five Molokai populations, and the threats result in direct mortality or significantly reduce reproductive capacity for the majority of the populations, leading to a relatively high likelihood of extinction. Therefore, we have retained an LPN of 3 for this plant variety.

*Ranunculus hawaiensis* (Makou)—The following summary is based on information contained in our files. No new information was provided in the petition we received on May 11, 2004. *Ranunculus hawaiensis* is an erect or ascending perennial herb found in mesic to wet forests dominated by *Metrosideros polymorpha* (ohia) and *Acacia koa* (koa) with scree substrate (loose stones or rocky debris on a slope) on the islands of Maui and Hawaii, Hawaii. This species is currently known from 6 populations totaling 14 individuals on the island of Hawaii. On Maui, it was historically known from an area in east Maui, but individuals have not been seen at this location since 1995. *Ranunculus hawaiensis* is threatened by direct predation by slugs (*Limax maximus, Milax gagates,* and *Vaginulus plebeius*); by degradation and destruction of habitat by feral pigs (*Sus scrofa*), goats (*Capra hircus*), cattle (*Bos taurus*), mouflon (*Ovis musimon*), and feral sheep (*O. aries*); and by competition for light and nutrients by nonnative plants. This species is represented in *ex situ* collections and three populations have been outplanted into protected exclosures; however, feral ungulates and nonnative plants are not controlled in the remaining, unfenced populations. In addition, the threat from introduced slugs is of a high magnitude because slugs occur throughout the limited range of this species and no effective measures have been undertaken to control them or prevent them from causing significant adverse impacts to this species. Overall, the threats from pigs, goats, cattle, mouflon, feral sheep, slugs, and nonnative plants are of a high magnitude, and ongoing (imminent) for *R. hawaiensis.* We have retained an LPN of 2 for this species.

*Ranunculus mauiensis* (Makou)—The following summary is based on

information contained in our files. No new information was provided in the petition we received on May 11, 2004. *Ranunculus mauiensis* is an erect to weakly ascending perennial herb found in open sites in mesic to wet forests and along streams on the islands of Maui, Kauai, and Molokai, Hawaii. This species is currently known from 14 populations totaling 198 individuals. *Ranunculus mauiensis* is threatened by feral pigs (*Sus scrofa*), goats (*Capra hircus*), mule deer (*Odocoileus hemionus*), axis deer (*Axis axis*), and slugs (*Limax maximus, Milax gagates,* and *Vaginulus plebeius*) that consume it; by feral pigs, goats, and deer that degrade and destroy habitat; and by nonnative plants that compete for light and nutrients. This species is represented in an *ex situ* collection. Feral pigs have been fenced out of one Maui population of *R. mauiensis,* and nonnative plants have been reduced within the fenced area. One individual occurs in the Kamakou Preserve on Molokai, managed by The Nature Conservancy. However, ongoing conservation efforts benefit only two populations. The threats are of high magnitude and are imminent because they are ongoing in the Kauai and the majority of the Maui populations. Therefore, we have retained an LPN of 2 for this species.

*Rorippa subumbellata* (Tahoe yellow cress)—The following summary is based on information contained in our files and the petition received on December 27, 2000. *Rorippa subumbellata* is a small, branching perennial herb known only from the shores of Lake Tahoe in California and Nevada.

Data collected over the last 25 years generally indicate that species occurrence fluctuates yearly as a function of both lake level and the amount of exposed habitat. Records kept since 1900 show a preponderance of years with high lake levels that would isolate and reduce *R. subumbellata* occurrences at higher beach elevations. From the standpoint of the species, less favorable peak years have occurred almost twice as often as more favorable low-level years. Annual surveys are conducted to determine population numbers, site occupancy, and general disturbance regime. At least within a certain range, the data clearly show that more individuals are present when lake levels are low and less when lake levels are high.

Many *Rorippa subumbellata* sites are intensively used for commercial and public purposes and are subject to various activities such as erosion control, marina developments, pier construction, and recreation. The U.S. Forest Service, California Tahoe Conservancy, and California Department of Parks and Recreation have management programs for *R. subumbellata* that include monitoring, fenced enclosures, and transplanting efforts when funds and staff are available. Public agencies (including the Service), private landowners, and environmental groups collaborated to develop a Conservation Strategy coupled with a Memorandum of Understanding–Conservation Agreement. The Conservation Strategy, completed in 2003, contains goals and objectives for recovery and survival, a research and monitoring agenda, and serves as the foundation for an adaptive management program. Because of the continued commitments to conservation demonstrated by regulatory and land management agencies participating in the conservation strategy, we have determined the threats to *R. subumbellata* from various land uses have been reduced to a moderate magnitude. In high lake level years such as 2011, however, recreational use is concentrated within *R. subumbellata* habitat, and we consider this threat in particular to be ongoing and imminent. Therefore, we are maintaining an LPN of 8 for this species.

*Schiedea pubescens* (Maolioli)—The following summary is based on information contained in our files. No new information was provided in the petition we received on May 11, 2004. *Schiedea pubescens* is a reclining or weakly climbing vine found in diverse mesic to wet forests on the islands of Maui, Molokai, and Hawaii, Hawaii. It is presumed extirpated from Lanai. Currently, this species is known from 8 populations totaling between 30 and 32 individuals on Maui, from 4 populations totaling between 21 and 22 individuals on Molokai, and from 1 population of 4 to 6 individuals on the island of Hawaii. *Schiedea pubescens* is threatened by feral pigs (*Sus scrofa*) and goats (*Capra hircus*) that consume it and degrade and destroy habitat, and by nonnative plants that compete for light and nutrients. Feral ungulates have been fenced out of the population of *S. pubescens* on the island of Hawaii. Feral goats have been fenced out of a few of the west Maui populations of *S. pubescens.* Nonnative plants have been reduced in the populations that are fenced on Maui. However, the threats are not controlled and are ongoing in the remaining unfenced populations on Maui and the four populations on Molokai. Additional fenced areas are planned for the Hawaii Island population at Pohakuloa Training Area on the island of Hawaii. Nonnative feral ungulates and nonnative plants will be controlled within these fenced areas. Fire is a potential threat to the Hawaii Island population. This species is not represented in an *ex situ* collection. Due to the extremely low number of individuals of this species, the threats from goats and nonnative plants are of a high magnitude. These threats cause mortality and reduced reproductive capacity for the majority of the populations, leading to a relatively high likelihood of extinction. The threats are imminent because they are ongoing with respect to most of the populations. Therefore, we have retained an LPN of 2 for this species.

*Sedum eastwoodiae* (Red Mountain stonecrop)—We continue to find that listing this species is warranted but precluded as of the date of publication of this notice of review. However, we are working on a proposed listing rule that we expect to publish prior to making the next annual resubmitted petition 12-month finding. In the course of preparing the proposed listing rule, we are continuing to monitor new information about this species' status so that we can make prompt use of our authority under Section 4(b)(7) in the case of an emergency posing a significant risk to the species.

*Sicyos macrophyllus* ('Anunu)—We continue to find that listing this species is warranted but precluded as of the date of publication of this notice of review. However, we are working on a proposed listing rule that we expect to publish prior to making the next annual resubmitted petition 12-month finding. In the course of preparing the proposed listing rule, we are continuing to monitor new information about this species' status so that we can make prompt use of our authority under Section 4(b)(7) in the case of an emergency posing a significant risk to the species.

*Solanum conocarpum* (marron bacora)—The following summary is based on information in our files and in the petition we received on November 21, 1996. *Solanum conocarpum* is a dry-forest shrub in the island of St. John, U.S. Virgin Islands. Its current distribution includes eight localities in the island of St. John, each ranging from 1 to 144 individuals. The species has been reported to occur on dry, poor soils. It can be locally abundant in exposed topography on sites disturbed by erosion, areas that have received moderate grazing, and around ridgelines as an understory component in diverse woodland communities. A habitat suitability model suggests that the vast majority of *Solanum conocarpum*

habitat is found in the lower elevation coastal scrub forest. Efforts have been conducted to propagate the species to enhance natural populations, and planting of seedlings has been conducted in the island of St. John. *Solanum conocarpum* is threatened by the lack of natural recruitment, absence of dispersers, fragmented distribution, lack of genetic variation, climate change, and habitat destruction or modification by exotic mammal species. These threats are evidenced by the reduced number of individuals, low number of populations, and lack of connectivity between populations. Overall, the threats are of high magnitude; the threats are also ongoing and therefore imminent. Therefore, we assigned a LPN of 2 to this species.

*Solanum nelsonii* (popolo)—The following summary is based on information contained in our files. No new information was provided in the petition we received on May 11, 2004. *Solanum nelsonii* is a sprawling or trailing shrub found in coral rubble or sand in coastal sites. This species is known from populations on Molokai (approximately 300 individuals), the island of Hawaii (5 individuals), and the northwestern Hawaiian Islands (NWHI), Hawaii. The current populations in the NWHI are found on Kure (unknown number of individuals), Midway (approximately 260 individuals), Laysan (approximately 490 individuals), Pearl and Hermes (unknown number of individuals), and Nihoa (8,000 to 15,000 individuals). On Molokai, *S. nelsonii* is moderately threatened by ungulates which degrade and destroy habitat and which may eat *S. nelsonii.* On Molokai and the NWHI, this species is threatened by nonnative plants that outcompete and displace it. *S. nelsonii* is threatened by herbivory by a nonnative grasshopper (*Schistocera nitens*) in the NWHI. On Kure, Midway, Laysan, and Pearl and Hermes in the NWHI, tsunamis are also a potential threat to *S. nelsonii.* This species is represented in *ex situ* collections. Ungulate exclusion fences, routine fence monitoring and maintenance, and weed control protect the population of *S. nelsonii* on Molokai. Limited weed control is conducted in the NWHI. These threats are of moderate magnitude because of the relatively large number of plants, and the fact that this species is found on more than one island. The threats are imminent for the majority of the populations because they are ongoing and are not being controlled. We therefore retained an LPN of 8 for this species.

*Symphyotrichum georgianum* (Georgia aster)—The following summary is based on information contained in our files. No new information was provided in the petition we received on May 11, 2004. Georgia aster is a relict species of post oak savanna/prairie communities that existed in the Southeast prior to widespread fire suppression and extirpation of large, native, grazing animals. Georgia aster currently occurs in the States of Alabama, Georgia, North Carolina, and South Carolina. The species is presumed extant in 8 counties in Alabama, 22 counties in Georgia, 9 counties in North Carolina, and 15 counties in South Carolina. The species appears to have been eliminated from Florida.

Most remaining populations survive adjacent to roads, utility rights-of-way, and other openings where current land management mimics natural disturbance regimes. Most populations are small (10 to 100 stems), and because the species' main mode of reproduction is vegetative, each isolated population may represent only a few genotypes. Many populations are currently threatened by one or more of the following factors: Woody succession due to fire suppression, development, highway expansion or improvement, and herbicide application. However, the species is still relatively widely distributed, and information indicates that the species is more abundant than when we initially identified it as a candidate for listing. Taking into account its distribution and abundance, and the fact that it is increasing, the magnitude of threats is moderate. The threats are currently occurring and therefore are imminent. Thus we assigned an LPN of 8 for this species.

*Trifolium friscanum* (Frisco clover)—The following summary is based on information in our files and the petition we received on July 30, 2007. Frisco clover is a narrow endemic perennial herb found only in Utah, with five known populations restricted to sparsely vegetated, pinion-juniper-sagebrush communities and shallow, gravel soils derived from volcanic gravels, Ordovician limestone, and dolomite outcrops. The majority (68 percent) of Frisco clover plants occur on private lands, with the remaining plants found on Federal and State lands.

On the private and State lands, the most significant threat to Frisco clover is habitat destruction from mining for precious metals and gravel. Active mining claims, recent prospecting, and an increasing demand for precious metals and gravel indicate that mining in Frisco clover habitats will increase in the foreseeable future, likely resulting in the loss of large numbers of plants. Other threats to Frisco clover include nonnative, invasive species; vulnerability associated with small population size; and drought associated with climate change. Existing regulatory mechanisms are inadequate to protect the species from these threats. We consider the threats to Frisco clover to be moderate in magnitude because, while serious and occurring rangewide, they are not acting independently or cumulatively to have a highly significant negative impact on its survival or reproductive capacity. The threats are imminent because the species is currently facing them across its entire range. Therefore, we have assigned Frisco clover an LPN of 8.

Ferns and Allies

*Cyclosorus boydiae* (no common name)—The following summary is based on information contained in our files. No new information was provided in the petition we received on May 11, 2004. This species is a small- to medium-sized fern found in mesic to wet forests along stream banks on the islands of Oahu and Maui, Hawaii. Historically, this species was also found on the island of Hawaii, but it has been extirpated there. Currently, this species is known from 7 populations totaling approximately 400 individuals. This species is threatened by feral pigs that degrade and destroy habitat and may eat this plant, and by nonnative plants that compete for light and nutrients. Feral pigs have been fenced out of the largest population on Maui, and nonnative plants have been reduced in the fenced area. No conservation efforts are under way to alleviate threats to the other two populations on Maui, or the two populations on Oahu. This species is represented in an *ex situ* collection. The magnitude of the threats acting upon the currently extant populations is moderate because the largest population is protected from pigs, and nonnative plants have been reduced in this area. The threats are ongoing and therefore imminent. Therefore, we have retained an LPN of 8 for this species.

*Huperzia stemmermanniae* (Waewaeiole)—The following summary is based on information contained in our files. No new information was provided in the petition we received on May 11, 2004. This species is an epiphytic, pendant clubmoss found in mesic-to-wet *Metrosideros polymorpha–Acacia koa* (ohia-koa) forests on the islands of Maui and Hawaii, Hawaii. Only 3 populations are known, totaling approximately 20 individuals. The Maui population has not been observed since 1995. *Huperzia stemmermanniae* is threatened by feral pigs (*Sus scrofa*),

goats (*Capra hircus*), cattle (*Bos taurus*), and axis deer (*Axis axis*) that degrade and destroy habitat, and by nonnative plants that compete for light, space, and nutrients. *H. stemmermanniae* is also threatened by randomly occurring natural events due to its small population size. One individual at Waikamoi Preserve may benefit from fencing for axis deer and pigs. This species is represented in *ex situ* collections. The threats from pigs, goats, cattle, axis deer, and nonnative plants are of a high magnitude because they are sufficiently severe to adversely affect the species throughout its limited range, resulting in direct mortality or significantly reducing reproductive capacity and leading to a relatively high likelihood of extinction. The threats are imminent because they are ongoing. Therefore, we have retained an LPN of 2 for this species.

*Microlepia strigosa* var. *mauiensis* (Palapalai)—The following summary is based on information contained in our files. No new information was provided in the petition we received on May 11, 2004. *Microlepia strigosa* var. *mauiensis* is a terrestrial fern found in mesic-to-wet forests. It is currently found in Hawaii on the islands of Maui, Oahu, and Hawaii from at least 9 populations totaling at least 50 individuals. There is a possibility that the range of this plant variety could be larger and include the other main Hawaiian Islands. *M. strigosa* var. *mauiensis* is threatened by feral pigs (*Sus scrofa*) that degrade and destroy habitat, and by nonnative plants that compete for light and nutrients. Pigs have been fenced out of some areas on east and west Maui, Oahu, and on Hawaii where *M. strigosa* var. *mauiensis* currently occurs and nonnative plants have been reduced in the fenced areas. However, the threats are not controlled and are ongoing in the remaining unfenced populations on Maui, Oahu, and Hawaii. Therefore, the threats from feral pigs and nonnative plants are imminent. The threats are of a high magnitude because they are sufficiently severe to adversely affect the species throughout its range, resulting in direct mortality or significantly reducing reproductive capacity, leading to a relatively high likelihood of extinction. We therefore retained an LPN of 3 for *M. strigosa* var. *mauiensis.*

*Petitions To Reclassify Species Already Listed*

We previously made warranted-but-precluded findings on five petitions seeking to reclassify threatened species to endangered status. The taxa involved in the reclassification petitions are three populations of the grizzly bear (*Ursus arctos horribilis*), delta smelt (*Hypomesus transpacificus*), and *Sclerocactus brevispinus* (Pariette cactus). Because these species are already listed under the ESA, they are not candidates for listing and are not included in Table 1. However, this notice of review and associated species assessment forms or 5-year review documents also constitute the resubmitted petition findings for these species. Our updated assessments for these species are provided below. We find that reclassification to endangered status for the three grizzly bear populations, delta smelt, and *Sclerocactus brevispinus* are all currently warranted but precluded by work identified above (see ''Findings for Petitioned Candidate Species''). One of the primary reasons that the work identified above is considered to have higher priority is that the grizzly bear populations, delta smelt, and *Sclerocactus brevispinus* are currently listed as threatened, and therefore already receive certain protections under the ESA. We promulgated regulations extending take prohibitions for wildlife and plants under section 9 to threatened species (50 CFR 17.31 and 50 CFR 17.71, respectively). Prohibited actions under section 9 for wildlife include, but are not limited to, take (i.e., to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or attempt to engage in such activity). For plants, prohibited actions under section 9 include removing or reducing to possession any listed plant from an area under Federal jurisdiction (50 CFR 17.61). Other protections that apply to these threatened species even before we complete proposed and final reclassification rules include those under section 7(a)(2) of the ESA whereby Federal agencies must insure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of any endangered or threatened species.

Grizzly bear (*Ursus arctos horribilis*) North Cascades ecosystem, Cabinet-Yaak, and Selkirk populations (Region 6)—Between 1986 and 2007, we have received and reviewed 10 petitions requesting a change in status for individual grizzly bear populations (51 FR 16363, May 2, 1986; 55 FR 32103, August 7, 1990; 56 FR 33892, July 24, 1991; 57 FR 14372, April 20, 1992; 58 FR 8250, February 12, 1993; 58 FR 38552, July 19, 1993; 58 FR 43856, August 18, 1993; 58 FR 43857, August 18, 1993; 59 FR 46611, September 9, 1994; 63 FR 30453, June 4, 1998; 64 FR 26725, May 17, 1999; 72 FR 14866, March 29, 2007). Through this process, we determined that grizzly bears within the Cabinet-Yaak, Selkirk, and North Cascade ecosystems warrant endangered status. On April 18, 2007, the Service initiated a 5-year review to evaluate the current status of grizzly bears in the lower 48 States (72 FR 19549–19551). This status review was completed on August 29, 2011, and is available online at: *http://ecos.fws.gov/speciesProfile/profile/speciesProfile.action?spcode=A001*. The status review recommended that reclassifying the Cabinet-Yaak, Selkirk, and North Cascades grizzly bear populations as endangered was warranted but precluded. Our updated assessment continues to find that reclassifying these populations as endangered is warranted but precluded and we continue to assign a LPN of 3 for the uplisting of these populations based on high magnitude threats that are ongoing, thus imminent.

Delta smelt (*Hypomesus transpacificus*) (Region 8) (see 75 FR 17667, April 7, 2010, for additional information on why reclassification to endangered is warranted but precluded)—The following summary is based on information contained in our files. In April, 2010 we completed a 12-month finding for delta smelt in which we determined a change in status from threatened to endangered was warranted, although precluded by other high priority listings. The primary rationale for reclassifying delta smelt from threatened to endangered was the significant declines in delta smelt abundance that have occurred since 2001. Delta smelt abundance, as indicated by the Fall Mid-Water Trawl survey, was exceptionally low between 2004 and 2010, increased during the wet year of 2011, and decreased again to a very a low level in 2012.

The primary threats to the delta smelt are direct entrainments by State and Federal water export facilities, summer and fall increases in salinity and water clarity resulting from decreases in freshwater flow into the estuary, and effects from introduced species. Ammonia in the form of ammonium may also be a significant threat to the survival of the delta smelt. Additional potential threats are predation by striped and largemouth bass and inland silversides, entrainment into power plants, contaminants, and small population size. Existing regulatory mechanisms have not proven adequate to halt the decline of delta smelt since the time of listing as a threatened species.

As a result of our analysis of the best available scientific and commercial data, we have retained the

recommendation of uplisting the delta smelt to an endangered species with a LPN of 2, based on high magnitude and imminent threats. The magnitude of the threats is high, because the threats occur rangewide and result in mortality or significantly reduce the reproductive capacity of the species. Threats are imminent because they are ongoing and, in some cases (e.g., nonnative species), considered irreversible.

*Sclerocactus brevispinus* (Pariette cactus) (Region 6) (see 72 FR 53211, September 18, 2007, and the species assessment form (see **ADDRESSES**) for additional information on why reclassification to endangered is warranted but precluded)—Sclerocactus brevispinus is restricted to clay badlands of the Uinta geologic formation in the Uinta Basin of northeastern Utah. The species is restricted to one population with an overall range of approximately 16 miles by 5 miles in extent. The species' entire population is within a developed and expanding oil and gas field. The location of the species' habitat exposes it to destruction from road, pipeline, and well-site construction in connection with oil and gas development. The species may be collected as a specimen plant for horticultural use. Recreational off-road vehicle use and livestock trampling are additional potential threats. The species is currently federally listed as threatened by its previous inclusion within the species *Sclerocactus glaucus.* The threats are of a high magnitude because any one of the threats has the potential to severely affect this species, a narrow endemic with a highly limited range and distribution. Threats are ongoing and, therefore, are imminent. Thus, we assigned an LPN of 2 to this species for uplisting.

**Current Notice of Review**

We gather data on plants and animals native to the United States that appear to merit consideration for addition to the Lists of Endangered and Threatened Wildlife and Plants (Lists). This notice of review identifies those species that we currently regard as candidates for addition to the Lists. These candidates include species and subspecies of fish, wildlife, or plants, and DPSs of vertebrate animals. This compilation relies on information from status surveys conducted for candidate assessment and on information from State Natural Heritage Programs, other State and Federal agencies, knowledgeable scientists, public and private natural resource interests, and comments received in response to previous notices of review.

Tables 1 and 2 list animals arranged alphabetically by common names under the major group headings, and list plants alphabetically by names of genera, species, and relevant subspecies and varieties. Animals are grouped by class or order. Plants are subdivided into two groups: (1) Flowering plants and (2) ferns and their allies. Useful synonyms and subgeneric scientific names appear in parentheses with the synonyms preceded by an ''equals'' sign. Several species that have not yet been formally described in the scientific literature are included; such species are identified by a generic or specific name (in italics), followed by ''sp.'' or ''ssp.'' We incorporate standardized common names in these documents as they become available. We sort plants by scientific name due to the inconsistencies in common names, the inclusion of vernacular and composite subspecific names, and the fact that many plants still lack a standardized common name.

Table 1 lists all candidate species, plus species currently proposed for listing under the ESA. We emphasize that in this notice of review we are not proposing to list any of the candidate species; rather, we will develop and publish proposed listing rules for these species in the future. We encourage State agencies, other Federal agencies, and other parties to give consideration to these species in environmental planning.

In Table 1, the ''category'' column on the left side of the table identifies the status of each species according to the following codes:

PE—Species proposed for listing as endangered. Proposed species are those species for which we have published a proposed rule to list as endangered or threatened in the **Federal Register**. This category does not include species for which we have withdrawn or finalized the proposed rule.

PT—Species proposed for listing as threatened.

PSAT—Species proposed for listing as threatened due to similarity of appearance.

C—Candidates: Species for which we have on file sufficient information on biological vulnerability and threats to support proposals to list them as endangered or threatened. Issuance of proposed rules for these species is precluded at present by other higher priority listing actions. This category includes species for which we made a 12-month warranted-but-precluded finding on a petition to list. We made new findings on all petitions for which we previously made ''warranted-but-precluded'' findings. We identify the species for which we made a continued warranted-but-precluded finding on a resubmitted petition by the code ''C*'' in the category column (see ''*Findings for Petitioned Candidate Species''* section for additional information).

The ''Priority'' column indicates the LPN for each candidate species, which we use to determine the most appropriate use of our available resources. The lowest numbers have the highest priority. We assign LPNs based on the immediacy and magnitude of threats, as well as on taxonomic status. We published a complete description of our listing priority system in the **Federal Register** (48 FR 43098, September 21, 1983).

The third column, ''Lead Region,'' identifies the Regional Office to which you should direct information, comments, or questions (see addresses under Request for Information at the end of the **SUPPLEMENTARY INFORMATION** section).

Following the scientific name (fourth column) and the family designation (fifth column) is the common name (sixth column). The seventh column provides the known historical range for the species or vertebrate population (for vertebrate populations, this is the historical range for the entire species or subspecies and not just the historical range for the distinct population segment), indicated by postal code abbreviations for States and U.S. territories. Many species no longer occur in all of the areas listed.

Species in Table 2 of this notice of review are those we included either as proposed species or as candidates in the previous CNOR (published November 21, 2012, at 77 FR 69994) that are no longer proposed species or candidates for listing. Since November 21, 2012, we listed 81 species, withdrew 1 proposed listing, and removed 11 species from the candidate list. The first column indicates the present status of each species, using the following codes (not all of these codes may have been used in this CNOR):

E—Species we listed as endangered.

T—Species we listed as threatened.

Rc—Species we removed from the candidate list because currently available information does not support a proposed listing.

Rp—Species we removed from because we have withdrawn the proposed listing.

The second column indicates why we no longer regard the species as a candidate or proposed species using the following codes (not all of these codes may have been used in this CNOR):

A—Species that are more abundant or widespread than previously believed

and species that are not subject to the degree of threats sufficient to warrant continuing candidate status, or issuing a proposed or final listing.

F—Species whose range no longer includes a U.S. territory.

I—Species for which we have insufficient information on biological vulnerability and threats to support issuance of a proposed rule to list.

L—Species we added to the Lists of Endangered and Threatened Wildlife and Plants.

M—Species we mistakenly included as candidates or proposed species in the last notice of review.

N—Species that are not listable entities based on the ESA's definition of ''species'' and current taxonomic understanding.

U—Species that are not subject to the degree of threats sufficient to warrant issuance of a proposed listing or continuance of candidate status due, in part or totally, to conservation efforts that remove or reduce the threats to the species.

X—Species we believe to be extinct.

The columns describing lead region, scientific name, family, common name, and historical range include information as previously described for Table 1.

**Request for Information**

We request you submit any further information on the species named in this notice of review as soon as possible or whenever it becomes available. We are particularly interested in any information:

(1) Indicating that we should add a species to the list of candidate species;

(2) Indicating that we should remove a species from candidate status;

(3) Recommending areas that we should designate as critical habitat for a species, or indicating that designation of critical habitat would not be prudent for a species;

(4) Documenting threats to any of the included species;

(5) Describing the immediacy or magnitude of threats facing candidate species;

(6) Pointing out taxonomic or nomenclature changes for any of the species;

(7) Suggesting appropriate common names; and

(8) Noting any mistakes, such as errors in the indicated historical ranges.

Submit information, materials, or comments regarding a particular species to the Regional Director of the Region identified as having the lead responsibility for that species. The regional addresses follow:

Region 1. Hawaii, Idaho, Oregon, Washington, American Samoa, Guam, and Commonwealth of the Northern Mariana Islands. Regional Director (TE), U.S. Fish and Wildlife Service, Eastside Federal Complex, 911 NE. 11th Avenue, Portland, OR 97232–4181 (503/231–6158).

Region 2. Arizona, New Mexico, Oklahoma, and Texas. Regional Director (TE), U.S. Fish and Wildlife Service, 500 Gold Avenue SW., Room 4012, Albuquerque, NM 87102 (505/248–6920).

Region 3. Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio, and Wisconsin. Regional Director (TE), U.S. Fish and Wildlife Service, 5600 American Blvd. West, Suite 990, Bloomington, MN 55437–1458 (612/713–5334).

Region 4. Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Puerto Rico, and the U.S. Virgin Islands. Regional Director (TE), U.S. Fish and Wildlife Service, 1875 Century Boulevard, Suite 200, Atlanta, GA 30345 (404/679–4156).

Region 5. Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia. Regional Director (TE), U.S. Fish and Wildlife Service, 300 Westgate Center Drive, Hadley, MA 01035–9589 (413/253–8615).

Region 6. Colorado, Kansas, Montana, Nebraska, North Dakota, South Dakota, Utah, and Wyoming. Regional Director (TE), U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, CO 80225–0486 (303/236–7400).

Region 7. Alaska. Regional Director (TE), U.S. Fish and Wildlife Service, 1011 East Tudor Road, Anchorage, AK 99503–6199 (907/786–3505).

Region 8. California and Nevada. Regional Director (TE), U.S. Fish and Wildlife Service, 2800 Cottage Way, Suite W2606, Sacramento, CA 95825 (916/414–6464).

We will provide information received in response to the previous CNOR to the Region having lead responsibility for each candidate species mentioned in the submission. We will likewise consider all information provided in response to this CNOR in deciding whether to propose species for listing and when to undertake necessary listing actions (including whether emergency listing under section 4(b)(7) of the ESA is appropriate). Information and comments we receive will become part of the administrative record for the species, which we maintain at the appropriate Regional Office.

Before including your address, phone number, email address, or other personal identifying information in your submission, be advised that your entire submission—including your personal identifying information—may be made publicly available at any time. Although you can ask us in your submission to withhold from public review your personal identifying information, we cannot guarantee that we will be able to do so.

**Authority**

This notice of review is published under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: October 28, 2013.

**Daniel M. Ashe,**

*Director, Fish and Wildlife Service.*

TABLE 1—CANDIDATE NOTICE OF REVIEW (ANIMALS AND PLANTS)

[Note: See end of SUPPLEMENTARY INFORMATION for an explanation of symbols used in this table.]

| Status | | Lead region | Scientific name | Family | Common name | Historical range |
|---|---|---|---|---|---|---|
| Category | Priority | | | | | |
| **MAMMALS** | | | | | | |
| PE | | R3 | *Myotis septentrionalis* | | Bat, northern long-eared | U.S.A. (AL, AR, CT, DE, DC, FL, GA, IL, IN, IA, KS, KY, LA, ME, MD, MA, MI, MN, MS, MO, MT, NE, NH, NJ, NY, NC, ND, OH, OK, PA, RI, SC, SD, TN, VT, VA, WV, WI, WY); Canada (AB, BC, LB, MB, NB, NF, NS, NT, ON, PE, QC, SK, YT). |
| C* | 3 | R1 | *Emballonura semicaudata rotensis.* | Emballonuridae | Bat, Pacific sheath-tailed (Mariana Islands subspecies). | U.S.A. (GU, CNMI). |
| C* | 3 | R1 | *Emballonura semicaudata semicaudata.* | Emballonuridae | Bat, Pacific sheath-tailed (American Samoa DPS). | U.S.A. (AS), Fiji, Independent Samoa, Tonga, Vanuatu. |
| C* | 6 | R2 | *Tamias minimus atristriatus.* | Sciuridae | Chipmunk, Peñasco least. | U.S.A. (NM). |
| C* | 2 | R5 | *Sylvilagus transitionalis* | Leporidae | Cottontail, New England | U.S.A. (CT, MA, ME, NH, NY, RI, VT). |
| C* | 6 | R8 | *Martes pennanti* | Mustelidae | Fisher (west coast DPS) | U.S.A. (CA, CT, IA, ID, IL, IN, KY, MA, MD, ME, MI, MN, MT, ND, NH, NJ, NY, OH, OR, PA, RI, TN, UT, VA, VT, WA, WI, WV, WY), Canada. |
| PT | 12 | R6 | *Lynx canadensis* | Felidae | Lynx, Canada (New Mexico population). | U.S.A. (CO, ID, ME, MI, MN, MT, NH, NY, OR, UT, VT, WA, WI, WY), Canada. |
| PE | 3 | R2 | *Zapus hudsonius luteus* | Zapodidae | Mouse, New Mexico meadow jumping. | U.S.A. (AZ, CO, NM). |
| PT | 3 | R1 | *Thomomys mazama glacialis.* | Geomyidae | Pocket gopher, Roy Prairie. | U.S.A. (WA). |
| PT | 3 | R1 | *Thomomys mazama pugetensis.* | Geomyidae | Pocket gopher, Olympia | U.S.A. (WA). |
| PT | 3 | R1 | *Thomomys mazama tumuli.* | Geomyidae | Pocket gopher, Tenino | U.S.A. (WA). |
| PT | 3 | R1 | *Thomomys mazama yelmensis.* | Geomyidae | Pocket gopher, Yelm | U.S.A. (WA). |
| C* | 2 | R6 | *Cynomys gunnisoni* | Sciuridae | Prairie dog, Gunnison's (populations in central and south-central Colorado, north-central New Mexico). | U.S.A. (CO, NM). |
| C* | 8 | R1 | *Urocitellus endemicus* | Sciuridae | Squirrel, Southern Idaho ground. | U.S.A. (ID). |
| C* | 5 | R1 | *Urocitellus washingtoni* | Sciuridae | Squirrel, Washington ground. | U.S.A. (WA, OR). |
| C* | 9 | R1 | *Arborimus longicaudus* | Cricetidae | Vole, Red (north Oregon coast DPS). | U.S.A. (OR). |
| C* | 9 | R7 | *Odobenus rosmarus divergens.* | Odobenidae | Walrus, Pacific | U.S.A. (AK), Russian Federation (Kamchatka and Chukotka). |
| PT | 6 | R6 | *Gulo gulo luscus* | Mustelidae | Wolverine, North American (Contiguous U.S. DPS). | U.S.A. (CA, CO, ID, MT, OR, UT, WA, WY). |

TABLE 1—CANDIDATE NOTICE OF REVIEW (ANIMALS AND PLANTS)—Continued

[Note: See end of SUPPLEMENTARY INFORMATION for an explanation of symbols used in this table.]

| Status | | Lead region | Scientific name | Family | Common name | Historical range |
|---|---|---|---|---|---|---|
| Category | Priority | | | | | |
| **BIRDS** | | | | | | |
| C* | 3 | R1 | *Porzana tabuensis* | Rallidae | Crake, spotless (American Samoa DPS). | U.S.A. (AS), Australia, Fiji, Independent Samoa, Marquesas, Philippines, Society Islands, Tonga. |
| PT | 3 | R8 | *Coccyzus americanus* | Cuculidae | Cuckoo, yellow-billed (Western U.S. DPS). | U.S.A. (Lower 48 States), Canada, Mexico, Central and South America. |
| C* | 9 | R1 | *Gallicolumba stairi* | Columbidae | Ground-dove, friendly (American Samoa DPS). | U.S.A. (AS), Independent Samoa. |
| PT | 3 | R5 | *Calidris canutus rufa* | Scolopacidae | Knot, red | U.S.A. (Atlantic coast), Canada, South America. |
| C* | 8 | R7 | *Gavia adamsii* | Gaviidae | Loon, yellow-billed | U.S.A. (AK), Canada, Norway, Russia, coastal waters of southern Pacific and North Sea. |
| C* | 5 | R8 | *Synthliboramphus hypoleucus*. | Alcidae | Murrelet, Xantus's | U.S.A. (CA), Mexico. |
| C* | 8 | R6 | *Anthus spragueii* | Motacillidae | Pipit, Sprague's | U.S.A. (AR, AZ, CO, KS, LA, MN, MS, MT, ND, NE, NM, OK, SD, TX), Canada, Mexico. |
| C* | 2 | R2 | *Amazona viridigenalis* | Psittacidae | Parrot, red-crowned | U.S.A. (TX), Mexico. |
| PT | 2 | R2 | *Tympanuchus pallidicinctus*. | Phasianidae | Prairie-chicken, lesser | U.S.A. (CO, KA, NM, OK, TX). |
| C* | 8 | R6 | *Centrocercus urophasianus*. | Phasianidae | Sage-grouse, greater | U.S.A. (AZ, CA, CO, ID, MT, ND, NE, NV, OR, SD, UT, WA, WY), Canada (AB, BC, SK). |
| PT | 3 | R8 | *Centrocercus urophasianus*. | Phasianidae | Sage-grouse, greater (Bi-State DPS). | U.S.A. (AZ, CA, CO, ID, MT, ND, NE, NV, OR, SD, UT, WA, WY), Canada (AB, BC, SK). |
| C* | 6 | R1 | *Centrocercus urophasianus*. | Phasianidae | Sage-grouse, greater (Columbia Basin DPS). | U.S.A. (AZ, CA, CO, ID, MT, ND, NE, NV, OR, SD, UT, WA, WY), Canada (AB, BC, SK). |
| PE | 2 | R6 | *Centrocercus minimus* | Phasianidae | Sage-grouse, Gunnison | U.S.A. (AZ, CO, NM, UT). |
| C* | 3 | R1 | *Oceanodroma castro* | Hydrobatidae | Storm-petrel, band-rumped (Hawaii DPS). | U.S.A. (HI), Atlantic Ocean, Ecuador (Galapagos Islands), Japan. |
| C* | 11 | R4 | *Dendroica angelae* | Emberizidae | Warbler, elfin-woods | U.S.A. (PR). |
| **REPTILES** | | | | | | |
| PT | | R2 | *Thamnophis rufipunctatus*. | Colubridae | Gartersnake, narrow-headed. | U.S.A. (AZ, NM). |
| PT | 3 | R2 | *Thamnophis eques megalops*. | Colubridae | Gartersnake, northern Mexican. | U.S.A. (AZ, NM, NV), Mexico. |
| C* | 8 | R3 | *Sistrurus catenatus* | Viperidae | Massasauga (= rattlesnake), eastern. | U.S.A. (IA, IL, IN, MI, MN, MO, NY, OH, PA, WI), Canada. |
| C* | 3 | R4 | *Pituophis melanoleucus lodingi*. | Colubridae | Snake, black pine | U.S.A. (AL, LA, MS). |
| C* | 5 | R4 | *Pituophis ruthveni* | Colubridae | Snake, Louisiana pine | U.S.A. (LA, TX). |
| C* | 3 | R2 | *Chionactis occipitalis klauberi*. | Colubridae | Snake, Tucson shovel-nosed. | U.S.A. (AZ). |
| C* | 5 | R2 | *Gopherus morafkai* | Testudinidae | Tortoise, Sonoran desert | U.S.A. (AZ, CA, NV, UT). |
| C* | 8 | R4 | *Gopherus polyphemus* | Testudinidae | Tortoise, gopher (eastern population). | U.S.A. (AL, FL, GA, LA, MS, SC). |

TABLE 1—CANDIDATE NOTICE OF REVIEW (ANIMALS AND PLANTS)—Continued

[Note: See end of SUPPLEMENTARY INFORMATION for an explanation of symbols used in this table.]

| Status | | Lead region | Scientific name | Family | Common name | Historical range |
|---|---|---|---|---|---|---|
| Category | Priority | | | | | |
| C* | 6 | R2 | *Kinosternon sonoriense longifemorale.* | Kinosternidae | Turtle, Sonoyta mud | U.S.A. (AZ), Mexico. |
| | | | **AMPHIBIANS** | | | |
| C* | 9 | R8 | *Rana luteiventris* | Ranidae | Frog, Columbia spotted (Great Basin DPS). | U.S.A. (AK, ID, MT, NV, OR, UT, WA, WY), Canada (BC). |
| PE | 3 | R8 | *Rana muscosa* | Ranidae | Frog, mountain yellow-legged (northern California DPS). | U.S.A (CA, NV). |
| PT | 2 | R1 | *Rana pretiosa* | Ranidae | Frog, Oregon spotted | U.S.A. (CA, OR, WA), Canada (BC). |
| PE | | R8 | *Rana sierrae* | Ranidae | Frog, Sierra Nevada yellow-legged frog. | U.S.A. (CA, NV). |
| C* | 8 | R8 | *Lithobates onca* | Ranidae | Frog, relict leopard | U.S.A. (AZ, NV, UT). |
| C* | 8 | R4 | *Notophthalmus perstriatus.* | Salamandridae | Newt, striped | U.S.A. (FL, GA). |
| C* | 8 | R4 | *Gyrinophilus gulolineatus* | Plethodontidae | Salamander, Berry Cave | U.S.A. (TN). |
| PE | 8 | R2 | *Eurycea naufragia* | Plethodontidae | Salamander, Georgetown. | U.S.A. (TX). |
| PE | 2 | R2 | *Eurycea chisholmensis* | Plethodontidae | Salamander, Salado | U.S.A. (TX). |
| PT | 11 | R8 | *Anaxyrus canorus* | Bufonidae | Toad, Yosemite | U.S.A. (CA). |
| C | 3 | R2 | *Hyla wrightorum* | Hylidae | Treefrog, Arizona (Huachuca/Canelo DPS). | U.S.A. (AZ), Mexico (Sonora). |
| C* | 2 | R4 | *Necturus alabamensis* | Proteidae | Waterdog, black warrior (= Sipsey Fork). | U.S.A. (AL). |
| | | | **FISHES** | | | |
| C* | 8 | R2 | *Gila nigra* | Cyprinidae | Chub, headwater | U.S.A. (AZ, NM). |
| C* | 7 | R6 | *Iotichthys phlegethontis* | Cyprinidae | Chub, least | U.S.A. (UT). |
| C* | 9 | R2 | *Gila robusta* | Cyprinidae | Chub, roundtail (Lower Colorado River Basin DPS). | U.S.A. (AZ, CO, NM, UT, WY). |
| C* | 11 | R6 | *Etheostoma cragini* | Percidae | Darter, Arkansas | U.S.A. (AR, CO, KS, MO, OK). |
| C | 8 | R4 | *Etheostoma sagitta* | Percidae | Darter, Cumberland arrow. | U.S.A. (KY, TN). |
| PE | 2 | R5 | *Crystallaria cincotta* | Percidae | Darter, diamond | U.S.A. (KY, OH, TN, WV). |
| C | 2 | R4 | *Etheostoma spilotum* | Percidae | Darter, Kentucky arrow | U.S.A. (KY). |
| C* | 8 | R4 | *Percina aurora* | Percidae | Darter, Pearl | U.S.A. (LA, MS). |
| C* | 3 | R6 | *Thymallus arcticus* | Salmonidae | Grayling, Arctic (upper Missouri River DPS). | U.S.A. (AK, MI, MT, WY), Canada, northern Asia, northern Europe. |
| C* | 5 | R4 | *Moxostoma* sp. | Catostomidae | Redhorse, sicklefin | U.S.A. (GA, NC, TN). |
| PE | 5 | R2 | *Notropis oxyrhynchus* | Cyprinidae | Shiner, sharpnose | U.S.A. (TX). |
| PE | 5 | R2 | *Notropis buccula* | Cyprinidae | Shiner, smalleye | U.S.A. (TX). |
| C* | 3 | R8 | *Spirinchus thaleichthys* | Osmeridae | Smelt, longfin (San Francisco bay-delta DPS). | U.S.A. (AK, CA, OR, WA), Canada. |
| PE | 3 | R2 | *Catostomus discobolus yarrowi.* | Catostomidae | Sucker, Zuni bluehead | U.S.A. (AZ, NM). |
| PSAT | N/A | R1 | *Salvelinus malma* | Salmonidae | Trout, Dolly Varden | U.S.A. (AK, WA), Canada, East Asia. |
| C* | 9 | R2 | *Oncorhynchus clarki virginalis.* | Salmonidae | Trout, Rio Grande cutthroat. | U.S.A. (CO, NM). |
| | | | **CLAMS** | | | |
| C* | 2 | R2 | *Lampsilis bracteata* | Unionidae | Fatmucket, Texas | U.S.A. (TX). |
| C* | 2 | R2 | *Truncilla macrodon* | Unionidae | Fawnsfoot, Texas | U.S.A. (TX). |
| C* | 8 | R2 | *Popenaias popei* | Unionidae | Hornshell, Texas | U.S.A. (NM, TX), Mexico. |
| C* | 8 | R2 | *Quadrula aurea* | Unionidae | Orb, golden | U.S.A. (TX). |
| C* | 8 | R2 | *Quadrula houstonensis* | Unionidae | Pimpleback, smooth | U.S.A. (TX). |

TABLE 1—CANDIDATE NOTICE OF REVIEW (ANIMALS AND PLANTS)—Continued

[Note: See end of SUPPLEMENTARY INFORMATION for an explanation of symbols used in this table.]

| Status | | Lead region | Scientific name | Family | Common name | Historical range |
|---|---|---|---|---|---|---|
| Category | Priority | | | | | |
| C* | 2 | R2 | *Quadrula petrina* | Unionidae | Pimpleback, Texas | U.S.A. (TX). |
| **SNAILS** | | | | | | |
| C* | 8 | R4 | *Elimia melanoides* | Pleuroceridae | Mudalia, black | U.S.A. (AL). |
| C* | 2 | R4 | *Planorbella magnifica* | Planorbidae | Ramshorn, magnificent | U.S.A. (NC). |
| C* | 2 | R1 | *Ostodes strigatus* | Potaridae | Sisi snail | U.S.A. (AS). |
| C* | 2 | R1 | *Samoana fragilis* | Partulidae | Snail, fragile tree | U.S.A. (GU, MP). |
| C* | 2 | R1 | *Partula radiolata* | Partulidae | Snail, Guam tree | U.S.A. (GU). |
| C* | 2 | R1 | *Partula gibba* | Partulidae | Snail, Humped tree | U.S.A. (GU, MP). |
| C* | 2 | R1 | *Partula langfordi* | Partulidae | Snail, Langford's tree | U.S.A. (MP). |
| C* | 2 | R1 | *Eua zebrina* | Partulidae | Snail, Tutuila tree | U.S.A. (AS). |
| C* | 11 | R2 | *Pyrgulopsis thompsoni* | Hydrobiidae | Springsnail, Huachuca | U.S.A. (AZ), Mexico. |
| C* | 11 | R2 | *Pyrgulopsis morrisoni* | Hydrobiidae | Springsnail, Page | U.S.A. (AZ). |
| **INSECTS** | | | | | | |
| C* | 2 | R1 | *Hylaeus anthracinus* | Colletidae | Bee, Hawaiian yellow-faced. | U.S.A. (HI). |
| C* | 2 | R1 | *Hylaeus assimulans* | Colletidae | Bee, Hawaiian yellow-faced. | U.S.A. (HI). |
| C* | 2 | R1 | *Hylaeus facilis* | Colletidae | Bee, Hawaiian yellow-faced. | U.S.A. (HI). |
| C* | 2 | R1 | *Hylaeus hilaris* | Colletidae | Bee, Hawaiian yellow-faced. | U.S.A. (HI). |
| C* | 2 | R1 | *Hylaeus kuakea* | Colletidae | Bee, Hawaiian yellow-faced. | U.S.A. (HI). |
| C* | 2 | R1 | *Hylaeus longiceps* | Colletidae | Bee, Hawaiian yellow-faced. | U.S.A. (HI). |
| C* | 2 | R1 | *Hylaeus mana* | Colletidae | Bee, Hawaiian yellow-faced. | U.S.A. (HI). |
| PE | 3 | R4 | *Strymon acis bartrami* | Lycaenidae | Butterfly, Bartram's scrub-hairstreak. | U.S.A. (FL). |
| PE | 3 | R4 | *Anaea troglodyta floridalis.* | Nymphalidae | Butterfly, Florida leafwing. | U.S.A. (FL). |
| C* | 5 | R8 | *Hermelycaena* [*Lycaena*] *hermes.* | Lycaenidae | Butterfly, Hermes copper | U.S.A. (CA). |
| C* | 3 | R1 | *Hypolimnas octucula mariannensis.* | Nymphalidae | Butterfly, Mariana eight-spot. | U.S.A. (GU, MP). |
| C* | 2 | R1 | *Vagrans egistina* | Nymphalidae | Butterfly, Mariana wandering. | U.S.A. (GU, MP). |
| C* | 2 | R4 | *Atlantea tulita* | Nymphalidae | Butterfly, Puerto Rican harlequin. | U.S.A. (PR). |
| C* | 5 | R4 | *Glyphopsyche sequatchie.* | Limnephilidae | Caddisfly, Sequatchie | U.S.A. (TN). |
| C | 5 | R4 | *Pseudanophthalmus insularis.* | Carabidae | Cave beetle, Baker Station (= insular). | U.S.A. (TN). |
| C* | 5 | R4 | *Pseudanophthalmus caecus.* | Carabidae | Cave beetle, Clifton | U.S.A. (KY). |
| C* | 11 | R4 | *Pseudanophthalmus colemanensis.* | Carabidae | Cave beetle, Coleman | U.S.A. (TN). |
| C | 5 | R4 | *Pseudanophthalmus fowlerae.* | Carabidae | Cave beetle, Fowler's | U.S.A. (TN). |
| C* | 5 | R4 | *Pseudanophthalmus frigidus.* | Carabidae | Cave beetle, icebox | U.S.A. (KY). |
| C | 5 | R4 | *Pseudanophthalmus tiresias.* | Carabidae | Cave beetle, Indian Grave Point (= Soothsayer). | U.S.A. (TN). |
| C* | 5 | R4 | *Pseudanophthalmus inquisitor.* | Carabidae | Cave beetle, inquirer | U.S.A. (TN). |
| C* | 5 | R4 | *Pseudanophthalmus troglodytes.* | Carabidae | Cave beetle, Louisville | U.S.A. (KY). |
| C | 5 | R4 | *Pseudanophthalmus paulus.* | Carabidae | Cave beetle, Noblett's | U.S.A. (TN). |
| C* | 5 | R4 | *Pseudanophthalmus parvus.* | Carabidae | Cave beetle, Tatum | U.S.A. (KY). |
| C* | 8 | R1 | *Megalagrion xanthomelas.* | Coenagrionidae | Damselfly, orangeblack Hawaiian. | U.S.A. (HI). |

TABLE 1—CANDIDATE NOTICE OF REVIEW (ANIMALS AND PLANTS)—Continued

[Note: See end of SUPPLEMENTARY INFORMATION for an explanation of symbols used in this table.]

| Status | | Lead region | Scientific name | Family | Common name | Historical range |
|---|---|---|---|---|---|---|
| Category | Priority | | | | | |
| C | 2 | R8 | *Ambrysus funebris* | Naucoridae | Naucorid bug (= Furnace Creek), Nevares Spring. | U.S.A. (CA). |
| C* | 8 | R3 | *Papaipema eryngii* | Noctuidae | Moth, rattlesnake-master borer. | U.S.A. (AR, IL, KY, NC, OK). |
| C* | 11 | R2 | *Heterelmis stephani* | Elmidae | Riffle beetle, Stephan's | U.S.A. (AZ). |
| PT | 8 | R3 | *Hesperia dacotae* | Hesperiidae | Skipper, Dakota | U.S.A. (MN, IA, SD, ND, IL), Canada. |
| PE | 2 | R3 | *Oarisma poweshiek* | Hesperiidae | Skipperling, Poweshiek | U.S.A. (IA, IL, IN, MI, MN, ND, SD, WI), Canada (MB). |
| C* | 5 | R6 | *Capnia arapahoe* | Capniidae | Snowfly, Arapahoe | U.S.A. (CO). |
| C* | 5 | R6 | *Lednia tumana* | Nemouridae | Stonefly, meltwater lednian. | U.S.A. (MT). |
| C* | 5 | R4 | *Cicindela highlandensis* | Cicindelidae | Tiger beetle, highlands | U.S.A. (FL). |
| **ARACHNIDS** | | | | | | |
| C* | 8 | R2 | *Cicurina wartoni* | Dictynidae | Meshweaver, Warton's cave. | U.S.A. (TX). |
| **CRUSTACEANS** | | | | | | |
| C | 8 | R5 | *Stygobromus kenki* | Crangonyctidae | Amphipod, Kenk's | U.S.A. (DC). |
| C* | 5 | R1 | *Metabetaeus lohena* | Alpheidae | Shrimp, anchialine pool | U.S.A. (HI). |
| C* | 5 | R1 | *Palaemonella burnsi* | Palaemonidae | Shrimp, anchialine pool | U.S.A. (HI). |
| C* | 5 | R1 | *Procaris hawaiana* | Procarididae | Shrimp, anchialine pool | U.S.A. (HI). |
| **FLOWERING PLANTS** | | | | | | |
| C* | 11 | R8 | *Abronia alpina* | Nyctaginaceae | Sand-verbena, Ramshaw Meadows. | U.S.A. (CA). |
| PE | 8 | R4 | *Agave eggersiana* | Agavaceae | No common name | U.S.A. (VI). |
| PT | 8 | R4 | *Arabis georgiana* | Brassicaceae | Rockcress, Georgia | U.S.A. (AL, GA). |
| C* | 11 | R4 | *Argythamnia blodgettii* | Euphorbiaceae | Silverbush, Blodgett's | U.S.A. (FL). |
| C* | 3 | R1 | *Artemisia borealis var. wormskioldii.* | Asteraceae | Wormwood, northern | U.S.A. (OR, WA). |
| C* | 2 | R6 | *Astragalus anserinus* | Fabaceae | Milkvetch, Goose Creek | U.S.A. (ID, NV, UT). |
| C | 3 | R1 | *Astragalus cusickii* var. *packardiae.* | Fabaceae | Milkvetch, Packard's | U.S.A. (ID). |
| C* | 8 | R6 | *Astragalus microcymbus* | Fabaceae | Milkvetch, skiff | U.S.A. (CO). |
| C* | 8 | R6 | *Astragalus schmolliae* | Fabaceae | Milkvetch, Schmoll | U.S.A. (CO). |
| C* | 11 | R6 | *Astragalus tortipes* | Fabaceae | Milkvetch, Sleeping Ute | U.S.A. (CO). |
| PE | 2 | R1 | *Bidens amplectens* | Asteraceae | Ko'oko'olau | U.S.A. (HI). |
| C* | 8 | R6 | *Boechera* (*Arabis*) *pusilla* | Brassicaceae | Rockcress, Fremont County or small. | U.S.A. (WY). |
| PE | 8 | R4 | *Brickellia mosieri* | Asteraceae | Brickell-bush, Florida | U.S.A. (FL). |
| C* | 2 | R1 | *Calamagrostis expansa* | Poaceae | Reedgrass, Maui | U.S.A. (HI). |
| C* | 11 | R8 | *Calochortus persistens* | Liliaceae | Mariposa lily, Siskiyou | U.S.A. (CA, OR). |
| C* | 9 | R4 | *Chamaecrista lineata* var. *keyensis.* | Fabaceae | Pea, Big Pine partridge | U.S.A. (FL). |
| C* | 12 | R4 | *Chamaesyce deltoidea pinetorum.* | Euphorbiaceae | Sandmat, pineland | U.S.A. (FL). |
| C* | 9 | R4 | *Chamaesyce deltoidea serpyllum.* | Euphorbiaceae | Spurge, wedge | U.S.A. (FL). |
| C* | 6 | R8 | *Chorizanthe parryi* var. *fernandina.* | Polygonaceae | Spineflower, San Fernando Valley. | U.S.A. (CA). |
| C* | 8 | R2 | *Cirsium wrightii* | Asteraceae | Thistle, Wright's | U.S.A. (AZ, NM), Mexico. |
| C* | 3 | R4 | *Dalea carthagenensis* var *floridana.* | Fabaceae | Prairie-clover, Florida | U.S.A. (FL). |
| C* | 5 | R5 | *Dichanthelium hirstii* | Poaceae | Panic grass, Hirst Brothers'. | U.S.A. (DE, GA, NC, NJ). |
| C* | 5 | R4 | *Digitaria pauciflora* | Poaceae | Crabgrass, Florida pineland. | U.S.A. (FL). |
| C* | 6 | R8 | *Eriogonum corymbosum* var. *nilesii.* | Polygonaceae | Buckwheat, Las Vegas | U.S.A. (NV). |
| C | 5 | R8 | *Eriogonum diatomaceum* | Polygonaceae | Buckwheat, Churchill Narrows. | U.S.A (NV). |

TABLE 1—CANDIDATE NOTICE OF REVIEW (ANIMALS AND PLANTS)—Continued

[Note: See end of SUPPLEMENTARY INFORMATION for an explanation of symbols used in this table.]

| Status | | Lead region | Scientific name | Family | Common name | Historical range |
|---|---|---|---|---|---|---|
| Category | Priority | | | | | |
| C* | 5 | R8 | *Eriogonum kelloggii* | Polygonaceae | Buckwheat, Red Mountain. | U.S.A. (CA). |
| C* | 8 | R6 | *Eriogonum soredium* | Polygonaceae | Buckwheat, Frisco | U.S.A. (UT). |
| C* | 2 | R1 | *Festuca hawaiiensis* | Poaceae | No common name | U.S.A. (HI). |
| C* | 11 | R2 | *Festuca ligulata* | Poaceae | Fescue, Guadalupe | U.S.A. (TX), Mexico. |
| C* | 2 | R1 | *Gardenia remyi* | Rubiaceae | Nanu | U.S.A. (HI). |
| PE | 5 | R4 | *Gonocalyx concolor* | Ericaceae | No common name | U.S.A. (PR). |
| C* | 2 | R1 | *Hedyotis fluviatilis* | Rubiaceae | Kampua'a | U.S.A. (HI). |
| PE | 2 | R4 | *Helianthus verticillatus* | Asteraceae | Sunflower, whorled | U.S.A. (AL, GA, TN). |
| PT | 5 | R8 | *Ivesia webberi* | Rosaceae | Ivesia, Webber | U.S.A. (CA, NV). |
| C* | 3 | R1 | *Joinvillea ascendens ascendens*. | Joinvilleaceae | 'Ohe | U.S.A. (HI). |
| PE | 5 | R4 | *Leavenworthia crassa* | Brassicaceae | Gladecress, fleshy-fruit | U.S.A. (AL). |
| PT | 3 | R4 | *Leavenworthia exigua* var. *laciniata*. | Brassicaceae | Gladecress, Kentucky | U.S.A. (KY). |
| C* | 8 | R6 | *Lepidium ostleri* | Brassicaceae | Peppergrass, Ostler's | U.S.A. (UT). |
| C* | 5 | R4 | *Linum arenicola* | Linaceae | Flax, sand | U.S.A. (FL). |
| PE | 3 | R4 | *Linum carteri* var. *carteri* | Linaceae | Flax, Carter's small-flowered. | U.S.A. (FL). |
| PE | 3 | R8 | *Mimulus fremontii* var. *vandenbergensis*. | Phrymaceae | Monkeyflower, Vandenberg. | U.S.A. (CA). |
| C* | 2 | R1 | *Myrsine fosbergii* | Myrsinaceae | Kolea | U.S.A. (HI). |
| C* | 2 | R1 | *Nothocestrum latifolium* | Solanaceae | 'Aiea | U.S.A. (HI). |
| C* | 2 | R1 | *Ochrosia haleakalae* | Apocynaceae | Holei | U.S.A. (HI). |
| PT | 2 | R6 | *Penstemon grahamii* | Scrophulariaceae | Beardtongue, Graham's | U.S.A. (CO, UT). |
| PT | 9 | R6 | *Penstemon scariosus* var. *albifluvis*. | Scrophulariaceae | Beardtongue, White River. | U.S.A. (CO, UT). |
| PE | 8 | R4 | *Physaria globosa* | Brassicaceae | Bladderpod, Short's | U.S.A. (IN, KY, TN). |
| C* | 2 | R6 | *Pinus albicaulis* | Pinaceae | Pine, whitebark | U.S.A. (CA, ID, MT, NV, OR, WA, WY), Canada (AB, BC). |
| C* | 8 | R4 | *Platanthera integrilabia* | Orchidaceae | Orchid, white fringeless | U.S.A. (AL, GA, KY, MS, NC, SC, TN, VA). |
| C* | 3 | R1 | *Pseudognaphalium* (=*Gnaphalium*) *sandwicensium* var. *molokaiense*. | Asteraceae | 'Ena'ena | U.S.A. (HI). |
| C* | 2 | R1 | *Ranunculus hawaiensis* | Ranunculaceae | Makou | U.S.A. (HI). |
| C* | 2 | R1 | *Ranunculus mauiensis* | Ranunculaceae | Makou | U.S.A. (HI). |
| C* | 8 | R8 | *Rorippa subumbellata* | Brassicaceae | Cress, Tahoe yellow | U.S.A. (CA, NV). |
| C* | 2 | R1 | *Schiedea pubescens* | Caryophyllaceae | Ma'oli'oli | U.S.A. (HI). |
| C* | 5 | R8 | *Sedum eastwoodiae* | Crassulaceae | Stonecrop, Red Mountain. | U.S.A. (CA). |
| C* | 2 | R1 | *Sicyos macrophyllus* | Cucurbitaceae | 'Anunu | U.S.A. (HI). |
| C | 12 | R4 | *Sideroxylon reclinatum austrofloridense*. | Sapotaceae | Bully, Everglades | U.S.A. (FL). |
| C* | 2 | R4 | *Solanum conocarpum* | Solanaceae | Bacora, marron | U.S.A. (PR). |
| C* | 8 | R1 | *Solanum nelsonii* | Solanaceae | Popolo | U.S.A. (HI). |
| C | 8 | R2 | *Streptanthus bracteatus* | Brassicaceae | Twistflower, bracted | U.S.A. (TX). |
| C* | 8 | R4 | *Symphyotrichum georgianum*. | Asteraceae | Aster, Georgia | U.S.A. (AL, FL, GA, NC, SC). |
| C* | 8 | R6 | *Trifolium friscanum* | Fabaceae | Clover, Frisco | U.S.A. (UT). |
| PT | 5 | R4 | *Varronia (=Cordia) rupicola*. | Boraginaceae | No common name | U.S.A. (PR), Anegada. |
| **FERNS AND ALLIES** | | | | | | |
| C* | 8 | R1 | *Cyclosorus boydiae* | Thelypteridaceae | No common name | U.S.A. (HI). |
| C* | 2 | R1 | *Huperzia* (= *Phlegmariurus*) *stemmermanniae*. | Lycopodiaceae | Wawae'iole | U.S.A. (HI). |
| C* | 3 | R1 | *Microlepia strigosa* var. *mauiensis* (= *Microlepia mauiensis*). | Dennstaedtiaceae | Palapalai | U.S.A. (HI). |
| C | 3 | R4 | *Trichomanes punctatum floridanum*. | Hymenophyllaceae | Florida bristle fern | U.S.A. (FL). |

TABLE 2—ANIMALS AND PLANTS FORMERLY CANDIDATES OR FORMERLY PROPOSED FOR LISTING

[Note: See end of SUPPLEMENTARY INFORMATION for an explanation of symbols used in this table.]

| Status | | Lead region | Scientific name | Family | Common name | Historical range |
|---|---|---|---|---|---|---|
| Code | Expl. | | | | | |
| **MAMMALS** | | | | | | |
| E | L | R4 | *Eumops floridanus* | Molossidae | Bat, Florida bonneted | U.S.A. (FL). |
| Rc | A | R1 | *Thomomys mazama couchi.* | Geomyidae | Pocket gopher, Shelton | U.S.A. (WA). |
| Rc | N | R1 | *Thomomys mazama douglasii.* | Geomyidae | Pocket gopher, Brush Prairie. | U.S.A. (WA). |
| Rc | A | R1 | *Thomomys mazama louiei.* | Geomyidae | Pocket gopher, Cathlamet. | U.S.A. (WA). |
| Rc | A | R1 | *Thomomys mazama melanops.* | Geomyidae | Pocket gopher, Olympic | U.S.A. (WA). |
| Rc | X | R1 | *Thomomys mazama tacomensis.* | Geomyidae | Pocket gopher, Tacoma | U.S.A. (WA). |
| **BIRDS** | | | | | | |
| T | L | R1 | *Eremophila alpestris strigata.* | Alaudidae | Horned lark, streaked | U.S.A. (OR, WA), Canada (BC). |
| Rc | A | R7 | *Brachyramphus brevirostris.* | Alcidae | Murrelet, Kittlitz's | U.S.A. (AK), Russia. |
| **AMPHIBIANS** | | | | | | |
| E | L | R2 | *Eurycea waterlooensis* | Plethodontidae | Salamander, Austin blind | U.S.A. (TX). |
| E | L | R2 | *Plethodon neomexicanus* | Plethodontidae | Salamander, Jemez Mountains. | U.S. A. (NM). |
| E | L | R2 | *Eurycea tonkawae* | Plethodontidae | Salamander, Jollyville Plateau. | U.S.A. (TX). |
| **FISHES** | | | | | | |
| E | L | R3 | *Cottus* sp. | Cottidae | Sculpin, grotto | U.S.A. (MO). |
| T | L | R4 | *Elassoma alabamae* | Elassomatidae | Sunfish, spring pygmy | U.S.A. (AL). |
| **CLAMS** | | | | | | |
| E | L | R4 | *Ptychobranchus subtentum.* | Unionidae | Kidneyshell, fluted | U.S.A. (AL, KY, TN, VA). |
| E | L | R4 | *Lampsilis rafinesqueana* | Unionidae | Mucket, Neosho | U.S.A. (AR, KS, MO, OK). |
| E | L | R4 | *Lexingtonia dolabelloides* | Unionidae | Pearlymussel, slabside | U.S.A. (AL, KY, TN, VA). |
| T | L | R4 | *Quadrula cylindrica cylindrica.* | Unionidae | Rabbitsfoot | U.S.A. (AL, AR, GA, IN, IL, KS, KY, LA, MS, MO, OK, OH, PA, TN, WV). |
| **SNAILS** | | | | | | |
| E | L | R1 | *Partulina semicarinata* | Achatinellidae | Snail, Lanai tree | U.S.A. (HI). |
| E | L | R1 | *Partulina variabilis* | Achatinellidae | Snail, Lanai tree | U.S.A. (HI). |
| E | L | R1 | *Newcombia cumingi* | Achatinellidae | Snail, Newcomb's tree | U.S.A. (HI). |
| E | L | R2 | *Pyrgulopsis texana* | Hydrobiidae | Springsnail, Phantom | U.S.A. (TX). |
| E | L | R2 | *Pseudotryonia adamantina.* | Hydrobiidae | Tryonia, Diamond | U.S.A. (TX). |
| E | L | R2 | *Tryonia circumstriata* | Hydrobiidae | Tryonia, Gonzales | U.S.A. (TX). |
| E | L | R2 | *Tryonia cheatumi* | Hydrobiidae | Tryonia, Phantom | U.S.A. (TX). |
| Rc | N | R2 | *Sonorella rosemontensis* | Helminthoglyptidae | Talussnail, Rosemont | U.S.A. (AZ). |
| **INSECTS** | | | | | | |
| E | L | R1 | *Drosophila digressa* | Drosophilidae | fly, Hawaiian Picture-wing | U.S.A. (HI). |
| E | L | R8 | *Plebejus shasta charlestonensis.* | Lycaenidae | Blue, Mt. Charleston | U.S.A. (NV). |
| E | L | R1 | *Euphydryas editha taylori* | Nymphalidae | Checkerspot butterfly, Taylor's (= Whulge). | U.S.A. (OR, WA), Canada (BC) |
| Rp | U | R6 | *Cicindela albissima* | Cicindelidae | Tiger beetle, Coral Pink Sand Dunes. | U.S.A. (UT). |

TABLE 2—ANIMALS AND PLANTS FORMERLY CANDIDATES OR FORMERLY PROPOSED FOR LISTING—Continued

[Note: See end of SUPPLEMENTARY INFORMATION for an explanation of symbols used in this table.]

| Status | | Lead region | Scientific name | Family | Common name | Historical range |
|---|---|---|---|---|---|---|
| Code | Expl. | | | | | |
| **CRUSTACEANS** | | | | | | |
| E | L | R2 | *Gammarus hyalleloides* | Gammaridae | Amphipod, diminutive | U.S.A. (TX). |
| E | L | R2 | *Gammarus pecos* | Gammaridae | Amphipod, Pecos | U.S.A. (TX) |
| E | L | R1 | *Vetericaris chaceorum* | Procaridae | Shrimp, anchialine pool | U.S.A. (HI). |
| **FLOWERING PLANTS** | | | | | | |
| E | L | R1 | *Bidens campylotheca pentamera*. | Asteraceae | Ko‘oko‘olau | U.S.A. (HI). |
| E | L | R1 | *Bidens campylotheca waihoiensis*. | Asteraceae | Ko‘oko‘olau | U.S.A. (HI). |
| E | L | R1 | *Bidens conjuncta* | Asteraceae | Ko‘oko‘olau | U.S.A. (HI). |
| E | L | R1 | *Bidens hillenbrandiana hillebrandina*. | Asteraceae | Ko‘oko‘olau | U.S.A. (HI). |
| E | L | R1 | *Bidens micrantha ctenophylla*. | Asteraceae | Ko‘oko‘olau | U.S.A. (HI). |
| E | L | R1 | *Calamagrostis hillebrandii* | Poaceae | Reedgrass, Hillebrand’s | U.S.A. (HI). |
| E | L | R1 | *Canavalia pubescens* | Fabaceae | ‘Awikiwiki | U.S.A. (HI). |
| E | L | R4 | *Chromolaena frustrata* | Asteraceae | Thoroughwort, Cape Sable. | U.S.A. (FL). |
| E | L | R4 | *Consolea corallicola* | Cactaceae | Cactus, Florida semaphore. | U.S.A. (FL). |
| E | L | R1 | *Cyanea asplenifolia* | Campanulaceae | Haha | U.S.A. (HI). |
| E | L | R1 | *Cyanea duvalliorum* | Campanulaceae | Haha | U.S.A. (HI). |
| E | L | R1 | *Cyanea horrida* | Campanulaceae | Haha | U.S.A. (HI). |
| E | L | R1 | *Cyanea kunthiana* | Campanulaceae | Haha | U.S.A. (HI). |
| E | L | R1 | *Cyanea magnicalyx* | Campanulaceae | Haha | U.S.A. (HI). |
| E | L | R1 | *Cyanea maritae* | Campanulaceae | Haha | U.S.A. (HI). |
| E | L | R1 | *Cyanea marksii* | Campanulaceae | Haha | U.S.A. (HI). |
| E | L | R1 | *Cyanea munroi* | Campanulaceae | Haha | U.S.A. (HI). |
| E | L | R1 | *Cyanea obtusa* | Campanulaceae | Haha | U.S.A. (HI). |
| E | L | R1 | *Cyanea profuga* | Campanulaceae | Haha | U.S.A. (HI). |
| E | L | R1 | *Cyanea solanacea* | Campanulaceae | Haha | U.S.A. (HI). |
| E | L | R1 | *Cyanea tritomantha* | Campanulaceae | ‘Aku | U.S.A. (HI). |
| E | L | R1 | *Cyrtandra ferripilosa* | Gesneriaceae | Ha‘iwale | U.S.A. (HI). |
| E | L | R1 | *Cyrtandra filipes* | Gesneriaceae | Ha‘iwale | U.S.A. (HI). |
| E | L | R1 | *Cyrtandra nanawaleensis* | Gesneriaceae | Ha‘iwale | U.S.A. (HI). |
| E | L | R1 | *Cyrtandra oxybapha* | Gesneriaceae | Ha‘iwale | U.S.A. (HI). |
| E | L | R1 | *Cyrtandra wagneri* | Gesneriaceae | Ha‘iwale | U.S.A. (HI). |
| E | L | R2 | *Echinomastus erectocentrus* var. *acunensis*. | Cactaceae | Cactus, Acuna | U.S.A. (AZ), Mexico. |
| T | L | R1 | *Eriogonum codium* | Polygonaceae | Buckwheat, Umtanum Desert. | U.S.A. (WA). |
| E | L | R1 | *Festuca molokaiensis* | Poaceae | No common name | U.S.A. (HI). |
| E | L | R1 | *Geranium hanaense* | Geraniaceae | Nohoanu | U.S.A. (HI). |
| E | L | R1 | *Geranium hillebrandii* | Geraniaceae | Nohoanu | U.S.A. (HI). |
| E | L | R4 | *Harrisia aboriginum* | Cactaceae | Pricklyapple, aboriginal (shellmound applecactus). | U.S.A. (FL). |
| Rc | A | R8 | *Hazardia orcuttii* | Asteraceae | Orcutt’s hazardia | U.S.A. (CA), Mexico. |
| T | L | R2 | *Hibiscus dasycalyx* | Malvaceae | Rose-mallow, Neches River. | U.S.A. (TX). |
| E | L | R2 | *Leavenworthia texana* | Brassicaceae | Gladecress, Texas golden. | U.S.A. (TX). |
| E | L | R1 | *Mucuna sloanei* var. *persericea*. | Fabaceae | Sea bean | U.S.A. (HI). |
| E | L | R1 | *Myrsine vaccinioides* | Myrsinaceae | Kolea | U.S.A. (HI). |
| E | L | R2 | *Pediocactus peeblesianus* var. *fickeiseniae*. | Cactaceae | Cactus, Fickeisen plains | U.S.A. (AZ). |
| E | L | R1 | *Peperomia subpetiolata* | Piperaceae | ‘Ala ‘ala wai nui | U.S.A. (HI). |
| Rc | A | R8 | *Phacelia stellaris* | Hydrophyllaceae | Phacelia, Brand’s | U.S.A. (CA), Mexico. |
| E | L | R1 | *Phyllostegia bracteata* | Lamiaceae | No common name | U.S.A. (HI). |
| E | L | R1 | *Phyllostegia floribunda* | Lamiaceae | No common name | U.S.A. (HI). |
| E | L | R1 | *Phyllostegia haliakalae* | Lamiaceae | No common name | U.S.A. (HI). |
| E | L | R1 | *Phyllostegia pilosa* | Lamiaceae | No common name | U.S.A. (HI). |

TABLE 2—ANIMALS AND PLANTS FORMERLY CANDIDATES OR FORMERLY PROPOSED FOR LISTING—Continued

[Note: See end of SUPPLEMENTARY INFORMATION for an explanation of symbols used in this table.]

| Status | | Lead region | Scientific name | Family | Common name | Historical range |
|---|---|---|---|---|---|---|
| Code | Expl. | | | | | |
| T | L | R1 | *Physaria douglasii tuplashensis.* | Brassicaceae | Bladderpod, White Bluffs | U.S.A. (WA). |
| E | L | R1 | *Pittosporum halophilum* | Pittosporaceae | Hoawa | U.S.A. (HI). |
| E | L | R1 | *Pittosporum hawaiiense* | Pittosporaceae | Hoawa | U.S.A. (HI). |
| E | L | R1 | *Platydesma remyi* | Rutaceae | No common name | U.S.A. (HI). |
| E | L | R1 | *Pleomele fernaldii* | Agavaceae | Hala pepe | U.S.A. (HI). |
| Rc | A | R8 | *Potentilla basaltica* | Rosaceae | Cinquefoil, Soldier Meadow. | U.S.A. (NV). |
| E | L | R1 | *Pritchardia lanigera* | Arecaceae | Loulu | U.S.A. (HI). |
| E | L | R1 | *Schiedea diffusa macraei* | Caryophyllaceae | No common name | U.S.A. (HI). |
| E | L | R1 | *Schiedea hawaiiensis* | Caryophyllaceae | No common name | U.S.A. (HI). |
| E | L | R1 | *Schiedea jacobii* | Caryophyllaceae | No common name | U.S.A. (HI). |
| E | L | R1 | *Schiedea laui* | Caryophyllaceae | No common name | U.S.A. (HI). |
| E | L | R1 | *Schiedea salicaria* | Caryophyllaceae | No common name | U.S.A. (HI). |
| Rc | U | R4 | *Solidago plumosa* | Asteraceae | Goldenrod, Yadkin River | U.S.A. (NC). |
| E | L | R2 | *Sphaeralcea gierischii* | Malvaceae | Mallow, Gierisch | U.S.A. (AZ, UT). |
| E | L | R1 | *Stenogyne cranwelliae* | Lamiaceae | No common name | U.S.A. (HI). |
| E | L | R1 | *Stenogyne kauaulaensis* | Lamiaceae | No common name | U.S.A. (HI). |
| E | L | R1 | *Wikstroemia villosa* | Thymelaeaceae | Akia | U.S.A. (HI). |

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# FEDERAL REGISTER

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Part III

## Department of Energy

Federal Energy Regulatory Commission

18 CFR Parts 38 and 284
Communication of Operational Information Between Natural Gas Pipelines and Electric Transmission Operators; Final Rule

**DEPARTMENT OF ENERGY**

**Federal Energy Regulatory Commission**

**18 CFR Parts 38 and 284**

**[Docket No. RM13–17–000; Order No. 787]**

# Communication of Operational Information between Natural Gas Pipelines and Electric Transmission Operators

**AGENCY:** Federal Energy Regulatory Commission.

**ACTION:** Final rule.

**SUMMARY:** In this Final Rule, the Federal Energy Regulatory Commission (Commission) amends the Commission's regulations to provide explicit authority to interstate natural gas pipelines and public utilities that own, operate, or control facilities used for the transmission of electric energy in interstate commerce to share non-public, operational information with each other for the purpose of promoting reliable service or operational planning on either the public utility's or pipeline's system. The revised regulations will help maintain the reliability of pipeline and public utility transmission service by permitting transmission operators to share information with each other that they deem necessary to promote the reliability and integrity of their systems. The Final Rule adopts the regulations proposed in the Notice of Proposed Rulemaking without modification.

**DATES:** This rule is effective December 23, 2013. The incorporation by reference of certain publications in this rule is approved by the Director of the Federal Register as of December 23, 2013.

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**SUPPLEMENTARY INFORMATION:**

**Order No. 787**

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**Order No. 787**

**Final Rule**

**(Issued November 15, 2013)**

1. In this Final Rule, the Federal Energy Regulatory Commission revises Parts 38 and 284 of the Commission's regulations to provide explicit authority to interstate natural gas pipelines and public utilities that own, operate, or control facilities used for the transmission of electric energy in interstate commerce to share non-public, operational information with each other for the purpose of promoting reliable service or operational planning on either the public utility's or pipeline's system.[1] The revised regulations will help maintain the reliability of pipeline and public utility transmission service by permitting transmission operators to share information with each other that they deem necessary to promote the reliability and integrity of their systems. The Final Rule adopts the regulations proposed in the Notice of Proposed Rulemaking without modification.[2]

## I. Introduction

### *A. Background*

2. In recent years, reliance on natural gas as a fuel for electric generation has steadily increased.[3] This trend is expected to continue into the future, resulting in greater interdependence between the natural gas and electric industries.[4] Several events over the last few years, such as the Southwest Cold Weather Event,[5] demonstrate the crucial interaction between natural gas pipelines and electric transmission systems and the need for robust communication between these industry sectors to ensure that both systems operate safely and effectively for the benefit of their customers.

3. Since February 2012, the Commission has requested comment and conducted multiple technical conferences on various aspects of gas-electric interdependence and coordination in order to better understand the interface between the electric and natural gas pipeline industries and identify areas for improved coordination.[6] In this proceeding, the Commission addresses one aspect of gas-electric interdependence and coordination: communication and information-sharing between the natural gas and electric industries.

4. On December 7, 2012, the Commission issued a Notice of Request for Comments and Technical Conference regarding information sharing and communication issues between the natural gas and electricity industries.[7] In response, natural gas and electric industry participants described a variety of actions that are currently being taken to improve communications and information sharing between the two industries. While several entities acknowledged that system reliability and contingency planning could be further enhanced by the sharing of non-public, operational information directly between transmission operators, several transmission operators pointed out that there is general reluctance to share such information because of concerns that doing so could be a violation of current laws, regulations or tariffs, including the Commission's prohibition on undue discrimination. Accordingly, multiple industry participants requested that, in order to facilitate the exchange of information between transmission operators, the Commission should more clearly identify the types of operational information that may be shared between transmission operators and clarify that the sharing of such information does not violate the prohibition against undue discrimination. While electric generators generally did not oppose the sharing of such information, they, together with other entities, expressed concern about the communication of generator-specific information between an electric transmission operator and an interstate natural gas pipeline operator without the generator's knowledge. Some entities also expressed concern regarding the potential harm to industry participants from the improper use of commercially sensitive information.[8]

### *B. NOPR*

5. On July 18, 2013, the Commission issued the NOPR, in which it proposed to revise Parts 38 and 284 of its regulations to provide explicit authority to interstate natural gas pipelines and public utilities that own, operate, or control facilities used for the transmission of electric energy in interstate commerce to share non-public, operational information with each other for the purpose of promoting reliable service or operational planning on either the public utility's or pipeline's system. As a protection against the disclosure of non-public,

[1] In this Final Rule, the Commission refers to interstate natural gas pipelines and public utilities that own, operate, or control facilities used for the transmission of electric energy in interstate commerce collectively as ''transmission operators.''

[2] *Communication of Operational Information Between Natural Gas Pipelines and Electric Transmission Operators,* 78 FR 44900 (July 25, 2013), FERC Stats. & Regs ¶ 32,699 (2013) (cross-referenced at 144 FERC ¶ 61,043 (2013) (NOPR)).

[3] *See, e.g.,* Energy Information Administration, *Fuel Competition in Power Generation and Elasticities of Substitution* (June 2012); Richard Smead, *All Industry Segments Working for Success in Growing Gas-Fired Generation* (Nov. 15, 2012); ISO–NE., *Addressing Gas Dependence* at 3 (July 2012) (reliance on natural gas-fired electricity in the region increased from five percent in 1990 to 51 percent in 2011).

[4] *See, e.g.,* North American Electric Reliability Corporation, *2013 Special Reliability Assessment: Accommodating an Increased Dependence on Natural Gas for Electric Power; Phase II: A Vulnerability and Scenario Assessment for the North American Bulk Power System* at 1 (May 2013) (''Over the past decade, natural gas-fired generation rose significantly from 17 percent to 25 percent of U.S. power generation and is now the largest fuel source for generation capacity. Gas use is expected to continue to increase in the future, both in absolute terms and as a share of total power generation and capacity.''), *available at http://www.nerc.com/pa/RAPA/ra/Reliability%20Assessments%20DL/NERC_PhaseII_FINAL.pdf;* Energy Information Administration, *Annual Energy Outlook 2013 Early Release Overview* (2013) (showing electric generation from natural gas rising from 13 percent in 1993 to 30 percent in 2040), *available at http://www.eia.gov/forecasts/aeo/er/early_elecgen.cfm;* The New England State Committee on Electricity, *Natural Gas Infrastructure and Electric Generation: A Review of Issues Facing New England* (Dec. 14, 2012), *available at http://www.nescoe.com/uploads/Phase_I_Report_12-17-2012_Final.pdf.*

[5] *See* FERC/NERC, *Report on Outages and Curtailments During the Southwest Cold Weather Event of February 1–5, 2011* (2011), *available at http://www.ferc.gov/legal/staff-reports/08-16-11-report.pdf.*

[6] The NOPR contains a detailed description of the Commission's various actions on gas-electric coordination and will not be repeated here.

[7] *Coordination between Natural Gas and Electricity Markets,* Docket No. AD12–12–000 (Dec. 7, 2012) (Notice of Request for Comments and Technical Conference) (*http://www.ferc.gov/EventCalendar/Files/20121207134434-AD12-12-000TC1.pdf*); 77 FR 74180 (Dec. 13, 2012) (*http://www.gpo.gov/fdsys/pkg/FR-2012-12-13/pdf/2012-30063.pdf*).

[8] A summary of these views was presented in the NOPR, and will not be repeated in detail here. *See* NOPR, FERC Stats. & Regs. ¶ 32,699 at PP 7–9 (cross-referenced at 144 FERC ¶ 61,043).

operational information, the Commission also proposed a No-Conduit Rule that prohibits subsequent disclosure of that information to a marketing function employee or to a third party.

6. Comments on the NOPR were due on August 26, 2013. Thirty-three parties filed comments. NGSA filed reply comments on September 30, 2013. Comments were received from Regional Transmission Organizations and Independent System Operators (RTOs/ISOs), electric utilities, interstate natural gas pipelines, LDCs, state regulators, generators, and other parties. Of these, 30 supported or did not oppose the NOPR [9] and three opposed it.[10] In general, most commenters support the proposed rule to help promote the reliability and efficiency of the natural gas and electric systems by eliminating legal uncertainty regarding the ability of interstate natural gas pipelines and electric transmission operators to exchange non-public, operational information. Some commenters request that the Commission modify or clarify the proposal in a number of respects.

## II. Discussion

7. In this Final Rule, the Commission is adopting the NOPR as proposed. The Commission is modifying Parts 38 and 284 of the Commission's regulations to provide explicit authority to interstate natural gas pipelines and public utilities that own, operate, or control facilities used for the transmission of electric energy in interstate commerce to share non-public, operational information with each other for the purpose of promoting reliable service or operational planning on either the pipeline's or public utility's system. The Commission also is adopting a No-Conduit Rule to provide additional protections against undue discrimination and ensure that the non-public, operational information shared under the rule remains confidential.

8. Communications between transmission operators serve a valuable and necessary purpose to help ensure reliability on both systems. With the increasing reliance on natural gas as a fuel for electric generation, ensuring robust communications between the transmission operators in the electric and natural gas industries is valuable to the ability of both systems to operate reliably and effectively. Electric transmission operators are continuously and near instantaneously balancing supply and demand to ensure the system remains in equilibrium.[11] In contrast, due to the physical characteristics of interstate natural gas pipelines, the pipelines require advance nominations to ensure they have sufficient line pack and storage available to meet scheduled daily load of all their customers, including the gas-fired generators, which may constitute significant load for a pipeline and which generally rely on a just-in-time natural gas supply and pipeline delivery. While pipeline line pack and storage provide some operational flexibility to pipelines to accommodate load swings throughout the day, short term swings in demand by gas-fired electric generators resulting from redispatch by electric transmission operators may be difficult to manage, particularly during times of coincident peak loads on interstate natural gas pipelines and electric transmission systems, such as during unusual cold weather events when end-use customers may rely on both natural gas and electricity. Communication between interstate natural gas pipelines and electric transmission operators can be invaluable to help ensure that electric transmission operators maintain grid reliability and that interstate natural gas pipelines can meet contractual and operational obligations to all of their shippers.

9. Currently, interstate natural gas pipelines and electric transmission operators share non-public information with other transportation or transmission operators. For example, interstate natural gas pipeline operators routinely exchange nomination and scheduling information with other interstate natural gas pipeline operators and with upstream and downstream entities to confirm transportation nomination requests and to coordinate flows between the parties.[12] Transmitting electric utilities similarly coordinate the sharing of non-public interchange schedule information on a routine basis through mechanisms such as, for example, e-Tags.[13] This coordination helps ensure the safe and reliable transmission of electric power across a region.

10. In Order No. 698, the Commission recognized the need for inter-industry communications by adopting industry-developed standards requiring the exchange of operational information between the natural gas and electric industries.[14] These standards require a generator and its directly connected natural gas pipeline(s) to ''establish procedures to communicate material changes in circumstances that may impact hourly flow rates.'' [15] In

[9] American Electric Power Service Corporation (AEP), American Gas Association (AGA), American Public Power Association (APPA), Boardwalk Pipeline Partners, LP (Boardwalk Pipelines), California Independent Operator (CAISO), Duke Energy Corporation (Duke), Edison Electric Institute (EEI), Electric Power Supply Association (EPSA), Electricity Consumers Resource Council (ELCON), Enable Interstate Pipelines (Enable), International Transmission Company (ITC), Interstate Natural Gas Association of America (INGAA), ISO New England Inc. (ISO–NE), ISO/RTO Council (IRC), Massachusetts Municipal Wholesale Electric Company (MMWEC), Midcontinent Independent System Operator (MISO), National Rural Electric Cooperative Association (NRECA), Natural Gas Supply Association (NGSA), New England Natural Gas Industry (NE Gas Industry), New England Power Generators Association Inc. (NEPGA), New England States Committee on Electricity (NESCOE), New York ISO (NYISO), New York Public Service Commission (NYPSC), New York Transmission Owners (NYTOs), North American Electric Reliability Corporation (NERC), Pacific Gas and Electric Company (PG&E), Process Gas Consumers (PGC), Public Utilities Commission of Ohio (PUCO), Tennessee Valley Authority (TVA), Washington Gas Light Company (Washington Gas).

[10] American Public Gas Association (APGA), Consumers Energy Company (Consumers Energy), and New Jersey Board of Public Utilities (NJBPU).

[11] Electric transmission systems currently have limited electric storage capabilities.

[12] The nomination process initiates the flow of gas with the natural gas transportation service provider. The natural gas transportation service provider then confirms the flow of natural gas with the corresponding upstream and downstream entities. Once the natural gas quantities are confirmed, the natural gas transportation service provider sends the scheduled quantities information to the shipper. *See* 18 CFR 284.12(a)(1)(1), NAESB Nomination Standard 1.3.2 (establishing the standards governing pipeline confirmations with upstream and downstream parties).

[13] e-Tags are used by applicable Balancing Authorities, Reliability Coordinators, Interchange Authorities, Transmission Service Providers, Purchasing-Selling Entities, Generator-Providing Entities, and Load-Serving Entities to coordinate interchange schedules. *See, e.g.,* NAESB Wholesale Electric Quadrant (WEQ) Business Practice Standards (Coordinate Interchange) requirement 004–2 (''Until other means are adopted by NAESB, the primary method of submitting the RFI [Request for Interchange] shall be an e-Tag communicated to and managed by the Sink BA's [Balancing Authority] registered e-Tag authority service using protocols compliant with the Version 1.8.1 Electronic Tagging Functional Specification.'') and applicability section (''The Coordinate Interchange Business Practice Standards apply to BA [Balancing Authority], RC [Reliability Coordinator], IA [Interchange Authority], Transmission Service Provider, PSE [Purchasing-Selling Entity], GPE [Generator-Providing Entity], Load-Serving Entity [LSE], and any TPSE [a PSE whose transmission approval rights are cited].'') NAESB WEQ Business Practice Standards (Version 003), published July 31, 2012.

[14] *Standards for Business Practices for Interstate Natural Gas Pipelines; Standards for Business Practices for Public Utilities,* Order No. 698, FERC Stats. & Regs. ¶ 31,251 (2007), *order on clarification and reh'g,* Order No. 698–A, 121 FERC ¶ 61,264 (2007). In Order No. 698, the Commission incorporated by reference NAESB WGQ Standard 0.3.12 into its regulations and NAESB WEQ Standard 011.

[15] NAESB WGQ Version 2.0 Business Practice Standard 0.3.12. See *also* Standards for Business Practices for Interstate Natural Gas Pipelines, Order No. 587–V, FERC Stats. & Regs. ¶ 31,332 (2012) (cross-referenced at 140 FERC ¶ 61,036) (2012), (incorporating by reference the Version 2.0 WGQ Business Practice Standards). *See also* 18 CFR 284.12(a) (2013).

addition, these standards ensure that interstate natural gas pipelines have relevant planning information to assist in maintaining the operational integrity and reliability of pipeline service, as well as to provide gas-fired generator operators with information as to whether hourly flow deviations can be honored. NAESB Wholesale Electric Quadrant (WEQ) Standard 011–1.6, also incorporated in the Commission's regulations,[16] requires that ISOs, RTOs, and other independent system operators establish written operational communication procedures with an appropriate interstate natural gas pipeline to be implemented when an extreme condition occurs.

11. Sharing of operational information between interstate natural gas pipelines and electric transmission operators is akin to the sharing of operational information among interconnected parties. Both interstate natural gas pipelines and electric transmission operators could benefit from information regarding whether scheduled transactions on the others' systems will be carried out because of the potential effect on reliable service and operational planning. In many cases, gas-fired generators do not take natural gas at a uniform flow rate over a 24 hour period, and the electric transmission operator may find it valuable to know whether the interstate natural gas pipeline will be able to provide a non-uniform flow rate to meet the demands on the electric system. By the same token, it may be valuable to an interstate natural gas pipeline to know the demands that may be placed on its transportation system by gas-fired generators and whether such demands may cause a problem with its ability to deliver gas to other customers. Similarly, a disruption on an electric transmission line may force the electric transmission operator to shut down a gas-fired generator, which could cause increased gas pressure on an interstate natural gas pipeline forced to terminate gas deliveries to that generator.

12. Commenters participating in the Commission staff technical conferences, as well as comments to this rulemaking, expressed concern that, without further clarification of the ability of interstate natural gas pipelines and electric transmission operators to exchange information, necessary communications may not take place. Comments have focused on the applicability of both the statutory prohibitions on undue discrimination and the Standards of Conduct. Both interstate natural gas pipelines and electric transmission operators have stated that clarification of their ability to exchange non-public information would assist them in efficiently and reliably planning the operations of their respective systems and addressing emergencies. The Commission provides the requested clarification in this Final Rule. Sharing of information valuable to reliable operations between transmission operations is not the type of preferential treatment the Federal Power Act (FPA) and Natural Gas Act (NGA) are intended to restrict. We find, as discussed below, that the FPA and NGA provisions regarding undue discrimination or unjust and unreasonable acts and practices do not prevent the exchange of information between operators of interstate natural gas pipeline transportation systems and electric transmission operators provided for in this Final Rule.

13. Both the FPA and the comparable provisions of the NGA prohibit undue discrimination or preference.[17] However, FPA section 205(b) and NGA section 4(b) do not forbid preferences, advantages and prejudices *per se.*[18] Rather, FPA section 205(b) and NGA section 4(b) prohibit ''undue'' preferences, advantages and prejudices.[19] A difference in treatment is not unduly discriminatory when the difference is justified.[20] In interpreting FPA section 205(b) and NGA section 4(b), the courts have held that transmission providers cannot treat similarly situated customers differently [21] and that the disparate treatment of two customer classes does not in and of itself result in an undue preference or advantage or in an unreasonable difference in service if the customer classes are not similarly situated.[22] Whether a preference is ''undue'' depends on the specific facts of the behavior and the circumstances to determine whether disparities exist and whether those disparities are rationally justified.[23]

14. We find that the sharing of non-public, operational information between public utilities that own, operate, or control facilities used for the transmission of electric energy in interstate commerce and interstate natural gas pipelines for the purpose of promoting reliable service or operational planning is reasonable and not unduly discriminatory or preferential. Undue discrimination provisions apply to ensure that similarly situated customers are not subject to disparate rates or terms and conditions of service. As noted above, transmission operators are not similarly situated to other customers because they require access to non-public scheduling and other types of information from a variety of sources to help them maintain the reliability and integrity of the transportation and transmission systems. In addition, interstate natural gas pipelines are generally not wholesale customers of electric transmission operators. Likewise, RTOs/ISOs are not shippers on pipelines. Thus, we find that it is appropriate and necessary, with adequate safeguards, to expressly permit the sharing of non-public, operational information between transmission operators.[24]

15. To protect against the potential for undue discrimination, the Commission is relying on existing safeguards as well as the adoption of a No-Conduit Rule. First, while non-public, operational information may be useful for planning, transmission operators cannot deviate from the terms of their tariffs, and cannot operate in an unduly discriminatory manner.[25] Transmission operators are also subject to the same limitations on sharing information with their marketing function employees as provided under the Standards of Conduct.[26] The Commission's Standards of Conduct were adopted with respect to one aspect of potentially

[16] 18 CFR Part 38 (2013).

[17] 16 U.S.C. 824d(b) (2012); 15 U.S.C. 717c(b) (2012).

[18] *See, e.g.,* Cities of Bethany *v.* FERC, 727 F.2d 1131, 1139 (D.C. Cir.), *cert. denied*, 469 U.S. 917, 105 S.Ct. 293, 83 L.Ed.2d 229 (1984).

[19] *See, e.g., Boroughs of Chambersburg* v. *FERC,* 580 F.2d 573, 577 (D.C. Cir. 1978).

[20] *See Metropolitan Edison Co.* v. *FERC*, 595 F.2d 851, 857 (D.C. Cir. 1979). *See also Transmission Agency of N. California* v. *FERC,* 628 F.3d 538, 549 (D.C. Cir. 2010) (citing *Ark. Elec. Energy Consumers* v. *FERC,* 290 F.3d 362, 367 (D.C. Cir. 2002) and *Elec. Consumers Res. Council v. FERC,* 747 F.2d 1511, 1515 (D.C. Cir. 1984)).

[21] *See Transmission Agency of N. California v. FERC,* 628 F.3d at 549 (citing *Sacramento Mun. Util. Dist.* v. *FERC,* 474 F.3d 797, 802 (D.C. Cir. 2007)).

[22] *See, e.g., Sw. Elec. Coop., Inc.* v. *FERC,* 347 F.3d 975, 981 (D.C. Cir. 2003). *See also Michigan Consolidated Gas Co.* v. *FPC,* 203 F.2d 895, 901 (3d Cir. 1953) and *Complex Consol. Edison Co. of New York, Inc.* v. *FERC,* 165 F.3d 992, 1012 (D.C. Cir. 1999).

[23] *See St. Michaels Utilities Comm'n* v. *Fed. Power Comm'n,* 377 F.2d 912, 915 (4th Cir. 1967).

[24] The Commission recognizes that some vertically-integrated transmission operators may have marketing function employees or affiliates, such as generators or local distribution companies that handle gas transactions. The Commission addresses concerns *infra* with respect to potential access and misuse of information shared pursuant to this Final Rule in the subsection entitled *Adequacy of No-Conduit Rule to Protect against Competitive Harm.*

[25] *See, e.g., ISO New England Inc.,* 142 FERC ¶ 61,058, at P 23 (2013) (available capacity must be dispatched ''consistent with the pipeline's tariff'' and ''[t]he pipelines are required to allocate available capacity on a not unduly discriminatory basis among the various requestors of capacity.'').

[26] 18 CFR 358.6 and 358.7 (2013).

undue discrimination which may occur through exchanges of information between transmission providers and their marketing functions in certain situations.

16. Second, the No-Conduit Rule included in the Final Rule will serve as an additional safeguard to ensure that transmission operators comply with the prohibitions against undue discrimination or preference with respect to their marketing function employees and third parties. The No-Conduit Rule prohibits recipients of non-public, operational information pursuant to the Final Rule from subsequently disclosing that information to a third party or a marketing function employee, as that term is defined in section 358.3(d) of the Commission's regulations. As discussed below, adoption of this No-Conduit Rule addresses many of the concerns regarding the sharing of commercially sensitive, customer-specific information among transmission operators.[27]

17. Based on the potential need for the exchange of information to promote the reliability and operational integrity of the transmission and transportation systems the Commission regulates, and the protections against undue discrimination, the Commission finds that the exchange of non-public, operational information between transmission operators does not violate the statutory prohibitions on undue discrimination or preference as discussed herein. As discussed in more detail *infra,* to the extent that an electric transmission operator or interstate natural gas pipeline has a tariff provision which precludes a communication that would otherwise be authorized under the Final Rule, it will have to make a filing under section 205 of the FPA or section 4 of the NGA to revise that tariff provision to allow the exchanges of information permitted by this Final Rule. Below, the Commission will address the comments received on the NOPR.

[27] As discussed further below, this No-Conduit Rule applies only to the information the interstate natural gas pipeline and electric transmission operator exchange pursuant to this Final Rule. It does not otherwise affect the ability of interstate natural gas pipelines and local distribution companies (LDCs) to exchange operational information regarding actual or potential pipeline or distribution system operational conditions affecting the gas flow between these physically interconnected parties. Nor does it affect the ability of an electric transmission operator to share its own information with an LDC, if otherwise permitted under its tariff. This Final Rule also does not prohibit electric transmission operators from sharing non-public, operational information received from a pipeline pursuant to this rule with LDCs, if otherwise provided for in tariff provisions approved by the Commission.

*A. Need For the Rule*

1. NOPR

18. In the NOPR, the Commission pointed out that, while several entities acknowledged that system reliability and contingency planning could be further enhanced by the sharing of non-public, operational information directly between transmission operators, several transmission operators pointed out that there is general reluctance to share such information because of concerns that doing so could be a violation of current laws, regulations or tariffs.[28] Accordingly, several entities, including interstate natural gas pipelines and electric transmission operators, requested that, in order to facilitate the exchange of information between transmission operators, the Commission should more clearly identify the types of operational information that may be shared between transmission operators and clarify that the sharing of such information does not violate the prohibition against undue discrimination.

19. In an effort to provide certainty to the industry and remove barriers—real or perceived—to the sharing of non-public, operational information, the Commission proposed to revise its regulations to authorize expressly the exchange of non-public, operational information between electric transmission operators and interstate natural gas pipelines. In consideration of the concerns regarding the exchange of non-public operational information, the Commission also proposed to adopt a No-Conduit Rule which prohibits recipients of the non-public, operational information from subsequently disclosing or being a conduit for subsequently disclosing that information to third parties or marketing function employees.

2. Comments

20. The large majority of commenters generally support or do not oppose the NOPR. Many commenters generally agree that the rule is needed to provide certainty to interstate natural gas pipelines and electric transmission operators so that they may exchange information needed to promote reliable service and operational planning. They also generally support the proposed scope of information that may be shared under the rule, as well as the limitations on disclosures of such information via the No-Conduit Rule.

21. For example, NERC states that, based on its extensive study of both industries and stakeholder discussions with electric and natural gas operators, transmission operators could make better informed operating decisions, particularly during seasonal peak electric system conditions, if they have the ability to obtain information about interstate natural gas pipeline flows and pipeline system conditions.[29] NESCOE states that the implementation of these revisions in the near-term would provide regions like New England with certainty and flexibility to put in place what has the strong potential to be an effective and low cost reliability measure.[30] INGAA states that the proposed scope of information transmission operators may share under the proposed regulations is appropriate and provides sufficient flexibility and guidance.[31]

22. Three commenters, APGA, Consumers Energy, and NJBPU, oppose the Commission's proposed rulemaking.

23. As a general matter, APGA believes that the proposed regulations in the NOPR open the door to the release of commercially sensitive, non-public information without adequate support for such action and without adequate guidelines for such release.[32] First, APGA contends that interstate natural gas pipelines have made clear that they do not need additional information to operate reliably and that they already make a significant amount of operational data available to the public on a non-discriminatory basis.[33] Second, APGA contends that most electric transmission operators are not experiencing reliability problems related to inadequate access to non-public, gas-related information and that much of the operational data electric transmission operators say they would like to have is already publicly available.[34] APGA contends that the other data electric transmission operators say they would like to have, such as confidential gas availability information indicating whether a specific generator can be dispatched reliably, is information that the interstate natural gas pipelines simply do not have. Third, APGA states that generators may be harmed by secret communications between transmission operators regarding whether a given generation facility may or may not have adequate gas supplies to operate because interstate natural gas pipelines do not have sufficient information to

[28] NOPR, FERC Stats. & Regs. ¶ 32,699 at P 7 (cross-referenced at 144 FERC ¶ 61,043).

[29] NERC Comments at 5–6.

[30] NESCOE Comments at 7.

[31] INGAA Comments at 2.

[32] APGA Comments at 1.

[33] *Id.* at 4.

[34] *Id.* at 4–5.

answer that question accurately. APGA argues that, given that the record fails to support a finding of a critical need for the exchange of non-public information to foster reliability and due to the importance of not permitting the sharing of confidential, non-public data absent a showing that such sharing would be beneficial, the NOPR should be abandoned.[35]

24. Instead, APGA argues that the Commission should conduct a case-by-case evaluation of what non-public information specific interstate natural gas pipelines and electric transmission operators may release and under what circumstances, rather than the sweeping rule proposed in the NOPR.[36] APGA also states that the real issue is the lack of interstate natural gas pipeline capacity to meet peak demand from electric generators resulting from electric generators' failure to subscribe to adequate firm transportation service.[37]

25. Similar to APGA, NJBPU is concerned about the potential for harm to industry participants, as well as the potential for improper use of non-public, operational information.[38] NJBPU does not believe that the Commission's proposed No-Conduit Rule adequately responds to the concerns of NJBPU and various others. NJBPU states that, while the proposed No-Conduit Rule may address subsequent disclosure to an affiliate or third party, it does not address the problem of abuse, gaming, and market manipulation by an initial recipient of non-public, operational information.

26. Consumers Energy argues that the proposed rule would do little to help ensure reliable service.[39] Consumers Energy points out that there has never been an attempt to incent discussion by or between coal producers, rail or barge transporters under the guise of increasing electric transmission reliability. Consumers Energy asserts that transmission operators can and will address reliability through the use of tariffs and contracts. Consumers Energy believes contractually specified flow rates and nominations limitations have provided and can continue to provide the information that is necessary to ensure a continued high level of reliability of interstate natural gas pipelines and that this will, in turn, ensure a continued high level of reliability of the electric transmission grid.[40] Consumers Energy further contends that RTOs' resource adequacy-related tariff provisions adequately inform them as to the availability of resources under their dispatch. Lastly, Consumers Energy states that, rather than permitting the communication of non-public, operational information between transmission operators to ensure service reliability, the appropriate solution to the problem of ensuring service reliability in the face of increased reliance on natural gas as a fuel for electric generation is to recognize the true cost of such reliability.[41] This, Consumers Energy contends, will serve to increase investment in the interstate natural gas pipeline and LDC infrastructure that will be needed to serve this expanding load.

3. Commission Determination

27. We conclude that we need to revise our existing regulations to provide greater certainty to electric transmission operators and interstate natural gas pipelines regarding the permissibility of sharing non-public, operational information, including customer-specific information, for the purpose of promoting reliable service or operational planning. As discussed above, the record and the operational realities of the two industries show that the exchange of non-public, operational information would be valuable to foster reliability. While interstate natural gas pipelines and electric transmission operators publicly post a significant amount of important information needed by interstate natural gas pipeline shippers and electric transmission customers, interstate natural gas pipelines and electric transmission operators need other operational information, including non-public information, in order to reliably manage the operations of these systems. Interstate natural gas pipelines already provide non-public operational information to other interconnected physical parties to ensure accurate scheduling of flows on their systems. Electric transmission operators similarly communicate non-public interchange scheduling information and other information among themselves and with Balancing Authorities. Permitting interstate natural gas pipelines and electric transmission operators to exchange non-public, operational information with each other will help them better plan for day-to-day operations as well as better manage their respective system needs during potential coincident peaks that may limit the flexibility of both systems.

28. Further, the adoption of a No-Conduit Rule, together with existing safeguards, reasonably addresses the concerns around the improper use of non-public, operational information.[42]

29. We disagree with APGA's characterization that the proposed rule lacks value. The majority of commenters expressly support the rule and in many of their comments they affirm that the rule would promote reliable service. We are persuaded by these comments that argue that expressly permitting the sharing of non-public, operational information will promote reliable service and operational planning. For example, representatives and members of the interstate natural gas pipeline industry, including INGAA and Boardwalk Pipelines, are among the many commenters that expressly support the rule. Also, several entities, including electric transmission operators, have specifically identified non-public information that they would like to receive from or share with interstate natural gas pipelines under the rule because they believe it would promote reliable service or operational planning on both systems. Such information includes real-time pipeline flow information, generator service nominations and priority, and generator outage information. Improved reliability and operational planning amongst transmission operators will benefit both electric and natural gas industries as well as ultimate consumers.

30. We do not agree with Consumers Energy and APGA that this rule is unnecessary because the exchange of information can be achieved solely through the use of tariffs and contracts or through a case-by-case evaluation. As explained above, interstate natural gas pipelines and electric transmission operators may need a variety of information from each other depending on individual circumstances and may not be in a position to anticipate in advance exactly what information needs to be exchanged. Despite this need, these transmission operators have expressed concerns that the Commission's current regulations and uncertainty over their ability to share non-public, operational information acts as an impediment to exchange of this information. Adopting regulations that

[35] *Id.* at 7.

[36] *Id.* at 8 and 11.

[37] *Id.* at 11 & n.28.

[38] NJBPU Comments at 3.

[39] Consumers Energy Comments at 3.

[40] *Id.* at 4.

[41] *Id.* at 5.

[42] As discussed earlier, interstate natural gas pipelines and electric transmission operators are not similarly situated to other customers since they (1) are not typically customers of each other; and (2) operate physical systems and require information about physically interconnected and interdependent systems in order to maintain efficient and reliable service to their customers.

eliminate transmission operator concerns about such exchanges will provide the flexibility that they require.

31. APGA also suggests that the real issue is the lack of pipeline capacity resulting from generators' failure to subscribe to adequate firm transportation service. That does not diminish the need for transmission operators to be able to exchange non-public, operational information. No one disputes that the electric industry has become increasingly dependent on gas-fired generation and coordination is integral to promoting reliable service. Natural gas and electric coordination has many facets including communications, scheduling, and capacity release.[43] In this Final Rule, the Commission is focused solely on communications.

32. The Commission also finds that existing safeguards, together with the adoption of a No-Conduit Rule, reasonably address APGA's and NJBPU's concerns regarding the improper use of non-public, operational information, whether by an initial recipient of non-public, operational information or in a subsequent disclosure. In addition, the Commission's regulations expressly preclude the type of abuse, gaming, and market manipulation that NJBPU warns against.[44] As we have noted, both interstate pipelines and electric transmission operators must comply with their tariffs and applicable Commission regulations when making capacity allocation and other operational determinations.[45] Moreover, under the Standards of Conduct and the No-Conduit Rule adopted in this proceeding, interstate natural gas pipelines and electric transmission operators cannot share this information with their marketing function employees.[46] Nor can they provide this information to third-parties. While any exchange of non-public information may pose some disclosure risks, we find that, on balance, the regulations adopted here, including the No-Conduit Rule, appropriately balance the significant benefits to be gained by robust information exchange among interdependent transmission operators against the potential risks from disclosure of non-public information.

*B. Scope of Information*

*1. NOPR*

33. In the NOPR, the Commission proposed to authorize public utilities providing transmission service and interstate natural gas pipelines to share non-public, operational information when such information is for the purpose of promoting reliable service or operational planning. The Commission stated that the term ''non-public, operational information'' is information that is not publicly posted, yet helps transmission operators to operate and maintain either a reliable pipeline system or a reliable electric transmission system on a day-to-day basis, as well as during emergency conditions or for operational planning. The NOPR stated that non-public, operational information may also include generator, pipeline, or transmission-specific information. In using the term ''non-public, operational information,'' the Commission intends that transmission operators would be permitted to share information dealing with actual, anticipated, or potential effects on the ability to provide electric and gas service based on the respective operator's experience and understanding of the operational capability and customer demands on their respective systems.

34. The NOPR sought comment on the scope of the non-public, operational information that transmission operators may share under the proposed regulations.[47] The Commission stated that the proposed regulations were structured to provide significant flexibility to individual transmission operators—who have the most insight and knowledge of their systems—to determine what non-public operational information, if any, would promote reliable service on their systems, without fear of violating the Commission's prohibitions on undue discrimination and undue preference or such an exchange being considered an unjust or unreasonable practice.[48] In proposing the regulations, the Commission stated its intent to remove barriers to the sharing of non-public, operational information, not just during emergencies, but also for day-to-day operations, planned outages, and scheduled maintenance.[49]

2. Comments

35. Several commenters express support for allowing transmission operators to determine the specific non-public, operational information to share, as opposed to the Commission providing a prescriptive, exhaustive list of information that may be shared.[50] In supporting the NOPR's proposed scope, these commenters state that the proposed rule would permit flexible communications that are appropriately suited to the differences in information needs of each region. For example, NEPGA states that the NOPR provides for an appropriate amount of deference by defining the categories and scope of information that may be shared without narrowly defining each type of information.[51]

36. AGA agrees with the Commission that the proposed communications are important not only during emergencies or critical situations, but also when conditions, or emerging conditions, could lead to events on either system that have the potential to threaten the integrity or reliability of one or both of the systems.[52] NERC contends that the exchange and availability of real-time, day-ahead, and season-ahead gas flow information and data to transmission system operators will best address electric vulnerabilities related to natural gas fuel disruptions.[53]

37. Beyond supporting the approach proposed in this rulemaking, some commenters warned of the dangers of trying to develop an exhaustive list of the permitted communications. For example, MMWEC expressed concern about the chilling effect on system operators that would result if the Commission issued a specific list of information permitted to be shared.

[43] *Coordination between Natural Gas and Electricity Markets,* Docket No. AD12–12–000 (July 5, 2012) (Notice of Technical Conferences) (*available at* http://elibrary.ferc.gov/idmws/common/opennat.asp?fileID=13023450); 77 FR 41184 (July 12, 2012) (*available at http://www.gpo.gov/fdsys/pkg/FR-2012-07-12/pdf/2012-16997.pdf*); *Coordination between Natural Gas and Electricity Markets,* Docket No. AD12–12–000 (Dec. 7, 2012) (Notice Of Request for Comments and Technical Conference) (*http://www.ferc.gov/EventCalendar/Files/20121207134434-AD12-12-000TC1.pdf*); 77 FR 74180 (Dec. 13, 2012) (*http://www.gpo.gov/fdsys/pkg/FR-2012-12-13/pdf/2012-30063.pdf*); *Coordination between Natural Gas and Electricity Markets,* Docket No. AD12–12–000 (Mar. 5, 2013) (Notice of Technical Conference).

[44] The Commission would have jurisdiction to pursue violations of the Commission's Anti-Manipulation Rule, 18 CFR 1c (2013) if an entity (including a non-jurisdictional entity) uses a fraudulent scheme or makes a material misrepresentation that would operate as a fraud or deceit upon any entity or market; has the requisite scienter; and in connection with a transaction subject to the Commission's jurisdiction.

[45] *See ISO New England Inc.,* 142 FERC ¶ 61,058, at P 23 (2013) (available capacity must be dispatched ''consistent with the pipeline's tariff'' and ''[t]he pipelines are required to allocate available capacity on a not unduly discriminatory basis among the various requestors of capacity.'')

[46] *See* 18 CFR 358.6 and 358.7 (2013).

[47] NOPR, FERC Stats. & Regs. ¶ 32,699 at P 24 (cross-referenced at 144 FERC ¶ 61,043).

[48] *Id.* P 11.

[49] *Id.* P 10.

[50] MMWEC Comments at 4; NEPGA Comments at 3; PG&E Comments at 4 and 5; TVA Comments at 2; NYTOs Comments at 7; MISO Comments at 3; INGAA Comments at 2 and 4; Enable Comments at 1; APPA Comments at 5; PUCO Comments at 6; NRECA Comments at 7; CAISO Comments at 3; and EEI Comments at 4 and 5.

[51] NEPGA Comments at 3.

[52] AGA Comments at 5.

[53] NERC Comments at 6.

MMWEC states that under such a proscriptive approach, operators would be wary of violating Commission rules by sharing information not specifically identified.[54] MMWEC further argues that it is better to encourage a broad range of information sharing rather than a restrictive approach considering the critical situation in New England.[55] PG&E notes that the use of a specific list of information may also impede communications should such a list exclude a key type of information.[56]

38. A few commenters, however, oppose the generality of the proposed scope of communications permitted in the NOPR and request greater specificity of the non-public, operational information that may be shared between transmission operators.[57] For example, NGSA contends that the lack of specific parameters on what information sharing is acceptable creates further uncertainty and concern for market participants.[58] NGSA argues that the scope of the NOPR, which allows the sharing of any information for the purpose of promoting reliable service and operational planning, is overly broad and could allow operators to share commercially sensitive information.[59] NGSA proposes that the Commission limit interstate natural gas pipeline and electric transmission operators' ability to share non-public information by setting parameters for what information is acceptable for operators to share.[60] NGSA contends that providing parameters for what information can be shared would reduce confusion and give industry greater confidence that commercially sensitive information was not being disclosed without companies' knowledge. NJBPU states that the Commission should provide clear and explicit limits as to what information should be kept confidential and what information may be disclosed.[61]

39. Consumers Energy is concerned that because the proposed rule does not provide a specific list of non-public, operational information that can be shared, the proposal raises the potential for compliance issues related to interpreting what information may and may not permissibly be shared.[62] Consumers Energy is also concerned with the potential consequences for unknowingly receiving information that could not permissibly be shared and the consequences of taking action, or failing to act, based on the receipt of such information.

40. In addition, some commenters believe that the sharing of non-public, operational information should be limited to emergencies. In particular, ELCON urges the Commission to emphasize that the central purpose of information sharing between interstate natural gas pipelines and electric transmission operators is to address system reliability and information sharing and, therefore, should focus on unusual non-routine circumstances and not on normal day-to-day operations.[63] ELCON states that outages, potential delivery restrictions, or curtailments that could occur during extreme weather events are examples of such unusual circumstances that would warrant the information sharing between operators. NE Gas Industry states that the proposed communications are critical in emergency situations of imminent reliability concerns when the communications can have the most immediate and positive impact, but should not be relied upon by the RTOs/ISOs on a day-to-day basis in ensuring the reliability of the natural gas-fired generators in their service territories.[64]

3. Commission Determination

41. The Commission adopts the NOPR proposal to provide explicit authority to transmission operators to share non-public, operational information with each other for the purpose of promoting reliable service or operational planning on either the public utility or interstate natural gas pipeline's system. In adopting the NOPR proposal, the Commission is intentionally permitting the communication of a broad range of non-public, operational information to provide flexibility to individual transmission operators, who have the most insight and knowledge of their systems, to share that information which they deem necessary to promote reliable service on their system. The Commission is not persuaded by the requests of NGSA, AEP, and NJBPU that the Commission specify the communications that transmission operators may share under the rule. As described above, the exchange of non-public, operational information between transmission operators would be to promote the reliability and operational integrity of both the electric transmission and pipeline systems. Given the wide variety of non-public operational information that may be needed for this purpose both now and in the future, it is not practicable to develop a specific and exhaustive list defining the permissible communications.[65] The Commission finds that the inclusion of such a list in the regulations would unreasonably limit the flexibility of transmission operators to determine what information they need based upon the individual circumstances of their systems.

42. In addition, the Commission recognizes that the informational needs of system operators vary by region and, therefore, a specific and exhaustive list of permissive communications that may be relevant in one region may not address the communications and operational needs of transmission operators in another region. The Commission also recognizes that the informational needs of transmission operators may evolve over time as the generation mix in regions change and as transmission operators develop further insight into, and gain additional experience with, gas and electric coordination issues. In response to Consumers Energy's concern about what information may permissibly be shared, to the extent that a transmission operator is uncertain as to what information may and may not permissibly be shared, the Commission's compliance help desk is available to industry for informal guidance.[66]

43. The Commission reaffirms its intention, as stated in the NOPR, to remove barriers to the sharing of non-public, operational information between transmission operators not just during emergencies, but also for day-to-day operations, planned outages, and scheduled maintenance. The communication of non-public, operational information permitted under this Final Rule will be applicable in all operational situations, that is, during both emergency and non-emergency situations. While communications permitted under the rule will be especially valuable in emergency situations, transmission operators should feel confident in their ability to engage in robust communications with each other, subject to the No-Conduit Rule,

[54] MMWEC Comments at 4.

[55] *Id.*

[56] PG&E Comments at 5.

[57] AEP Comments at 4; NGSA Comments at 6–9; and NJBPU Comments at 3.

[58] NGSA Comments at 6.

[59] *Id.* at 7.

[60] *Id.* at 8.

[61] NJBPU Comments at 3.

[62] Consumers Energy Comments at 5.

[63] ELCON Comments at 2.

[64] NE Gas Industry Comments at 8.

[65] Below in section III.C we address comments regarding the examples of non-public operational information included in the NOPR.

[66] The Compliance Help Desk is available for persons seeking technical assistance involving compliance with the statutes, rules, regulations, and tariffs administered by the Commission. *See http://www.ferc.gov/contact-us/compliance-help-desk/compliance-help-desk.asp.*

whenever necessary to promote reliable service, including on a day-to-day basis.

44. The Commission disagrees with ELCON that information sharing permitted under the rule should focus on unusual, non-routine circumstances such as outages during extreme weather events. The Commission's intent in providing explicit authority to transmission operators to share non-public, operational information with each other is to provide certainty. In part, the rule is designed to permit exchanges of information that may limit or prevent extreme weather events from having the impacts about which ELCON is concerned. It could create further confusion or complexity to require transmission operators to decipher whether system conditions have risen to the level of unusual or non-routine before they engage in communications that promote reliable service or operational planning. Therefore, the Commission declines to limit communications or to create a new definition of what constitutes an emergency for the purpose of expressly authorizing communications under this rule.

45. In order to maintain reliability, it will be important for transmission operators to coordinate planned outages and scheduled maintenance on both natural gas and electric systems so that any potential challenges may be identified more quickly, thus allowing more time to develop reliable solutions. The Commission is encouraged by the ongoing efforts regions are undertaking to improve coordination of scheduled maintenance and planned outages, and is hopeful that this Final Rule will allow for greater collaboration between the industries. The Commission re-emphasizes that communications for both electric transmission operators and interstate natural gas pipelines are voluntary, and encourages regions to develop the communications processes or protocols appropriately tailored to the needs of transmission operators in each individual region.

*C. Entities Covered Under the Rule*

1. NOPR

46. In the NOPR, the Commission proposed to provide explicit authority to interstate natural gas pipelines and public utilities that own, operate, or control facilities used for the transmission of electric energy in interstate commerce to share non-public, operational information with each other for the purpose of promoting reliable service or operational planning on either the public utility's or pipeline's system.

47. The NOPR recognized the existing exchanges of information among pipelines and among electric transmission operators that promote reliable service or operational planning. It also noted that, while the Commission regulates interstate service provided by intrastate pipelines, Hinshaw pipelines, and LDCs, the companies themselves are subject to state regulation and may exchange information subject to any state regulations that govern their operations.

48. It was also noted in the NOPR that communications between transmission operators and generators are not covered by the proposed rule, but that transmission operators may always discuss generator-specific information with the relevant generator.

2. Comments

49. AGA and Duke urge the Commission to clarify that public utilities and interstate natural gas pipelines may share non-public, operational information with intrastate pipelines and LDCs for the purpose of promoting reliable service or operational planning.[67] In its reply comments, NGSA states that, to the extent that LDCs, intrastate pipelines, gatherers and generators are allowed to communicate with interstate natural gas pipelines and electric transmission operators, the Commission should require that the No-Conduit Rule be extended to them as a measure of protection for any non-public information that may have been inadvertently conveyed. Applying the No-Conduit Rule to all entities that are allowed to communicate under the proposed rule, NGSA asserts, could help protect commercially sensitive information.[68]

50. The NYTOs urge the Commission to make clear in the Final Rule that transmission operators may share non-public, operational information with LDCs on a confidential basis.[69] While the NYISO is aware that state regulations govern the operations of intrastate pipelines, Hinshaw pipelines, and LDCs,[70] the NYISO states that receiving information from intrastate and LDC pipelines would be helpful and urges the Commission to encourage the same shared communication between these entities and transmission operators.[71] The NYTOs state that, like transmission operators, LDCs are not similarly situated to other customers because they require access to non-public information from a variety of sources to assist in ensuring the reliability and integrity of their systems.[72] Further, the NYTOs state that LDCs are not generally customers of electric system operators and RTOs/ISOs are not customers of LDCs. The NYTOs state that, while LDCs are shippers on interstate natural gas pipelines, for the purposes of maintaining reliability and operational planning, LDCs' actions are more akin to a system operator than a gas customer—especially when evaluating fuel security risks for gas-fired generation located behind their city-gates.

51. AGA asserts that LDC employees directly responsible for operating the local gas system need access to such non-public, operational information to assist in ensuring the integrity of their system. Moreover, AGA believes that such communications are not currently prohibited under the NGA or the Commission's Standards of Conduct.[73]

52. Further, AGA states that the Commission's proposed revisions are unclear with respect to LDCs.[74] AGA states that proposed sections 38.2 and 284.12 refer to pipelines covered by section 284.12(b)(4) of the Commission's regulations as entities authorized to receive non-public, operational information for the purposes of promoting reliable service or operational planning. AGA states that it is unclear whether the term ''pipelines'' in that context is limited to interstate natural gas companies subject to the Commission's jurisdiction under section 1(b) of the NGA or includes any pipeline providing service under the Commission's Part 284 regulations implementing the Natural Gas Policy Act of 1978. AGA states that, if the former, LDCs would not be considered pipelines authorized to receive non-public, operational information and, if the latter, an LDC would only be considered a pipeline authorized to receive non-public, operational information to the extent the LDC provides interstate transportation or storage service under Part 284, Subpart C or G. AGA states that LDCs in their traditional role as bundled retail sales or gas service providers would not be considered ''pipelines'' under the Commission's proposal.[75] AGA,

[67] AGA Comments at 5–6, 8; Duke Comments at 3.

[68] NGSA Reply Comments at 4–5.

[69] NYTOs Comments at 6.

[70] NYISO Comments at 3.

[71] *Id.* at 2–3. NYISO asserts that the majority of New York Control Area gas-fired generators are located behind an LDC, as opposed to directly connected to the interstate pipelines.

[72] NYTOs Comments at 6.

[73] AGA Comments at 6.

[74] *Id.* at 7.

[75] *Id.* at 7–8.

therefore, recommends that the Commission clarify that public utilities and interstate natural gas pipelines may share non-public, operational information with LDCs for the purpose of promoting reliable service or operational planning.[76]

53. As a separate issue, AGA is also concerned that ''the interpretation that 'pipelines' under proposed sections 38.2 and 284.12(b)(4) would include an intrastate or Hinshaw pipeline providing interstate transportation or storage service under Part 284, Subpart C or G, may impose new obligations on LDCs contrary to the Commission's permissive approach in this proceeding.'' [77] AGA states that, currently, the Commission's Standards of Conduct apply to interstate natural gas pipelines and impose no regulatory obligations directly on LDCs. AGA further states that, if an intrastate or Hinshaw pipeline were to be considered a ''pipeline'' subject to revised section 284.12(b)(4), questions arise regarding whether and how it must comply with the proposed No-Conduit Rules, which prohibit disclosure to marketing function employees as defined in section 358.3(d). In light of the potential ambiguity, AGA urges the Commission to ''reiterate its intent not to impose new regulatory obligations in this proceeding and clarify that an intrastate or Hinshaw pipeline providing interstate service under Part 284 of the Commission's regulations is not a 'pipeline' for purposes of proposed section 284.12(b)(4).'' [78]

54. EEI and Duke Energy request confirmation that otherwise permissible communications will not be impacted by the NOPR.[79] Specifically, EEI requests that the Final Rule include regulatory text that expressly states that its scope does not and is not intended to prohibit otherwise permissible communication between market participants.[80] EEI states that this would include, for example, communications between: public utilities and their customers; interstate natural gas pipelines and their customers; interstate natural gas pipelines and LDCs; and LDCs and generators, as there are many generation units that are served by LDCs behind the city gate.

55. Similarly, Duke Energy requests that the Commission clarify that communication between interstate natural gas pipelines and LDCs, and LDCs and generators (served behind the city gate), as well as communications among the pipelines, transmission operators, generators being served by the interstate natural gas pipeline and transmission operator, and other non-marketing employees of the transmission operator, are not prohibited, provided that the Standards of Conduct No-Conduit Rule is followed and non-public transmission or customer information is not shared with marketing function employees.[81]

3. Commission Determination

56. In this Final Rule, the Commission adopts proposed sections 38.2 and 284.12(b)(4) as proposed in the NOPR. The Commission finds that the nature and scope of non-public, operational information that may expressly be shared under the rule, including commercially sensitive, customer-specific information, warrants limiting the blanket authorization of the exchange of such information granted herein to interstate natural gas pipelines and public utilities that own, operate, or control facilities used for the transmission of electric energy in interstate commerce subject to the Commission's jurisdiction.[82] As discussed below, we decline to authorize in this Final Rule the disclosure of non-public, operational information, which may include commercially sensitive, customer specific information, to LDCs, intrastate pipelines, or gatherers. However, we clarify that the No-Conduit Rule adopted in this Final Rule only applies to the non-public, operational information an electric transmission operator provides to the interstate pipeline pursuant to this rule or vice versa. Therefore, the No-Conduit Rule adopted in this Final Rule does not otherwise affect the ability of interstate natural gas pipelines to exchange operational information among themselves or with LDCs regarding actual or potential pipeline or distribution system operational conditions affecting the gas flow between these physically interconnected parties. Nor does it affect the ability of an electric transmission operator to share its own information with an LDC, if otherwise permitted under its tariff. Similarly, the No-Conduit Rule does not otherwise affect the ability of interstate natural gas pipelines and intrastate natural gas pipelines and gatherers to exchange operational information regarding operational conditions affecting the gas flows between these physically interconnected parties. Moreover, this Final Rule does not prohibit electric transmission operators from sharing non-public, operational information received from a pipeline pursuant to this Final Rule with LDCs, if the information sharing and appropriate safeguards to prevent inappropriate use or disclosure of shared information is separately authorized by the Commission, for example pursuant to a FPA section 205 tariff filing by an ISO or RTO.

57. We recognize that LDCs and other parties do have a significant role to play in maintaining reliability of both interstate natural gas pipeline transportation systems and electric transmission systems, as the commenters point out, particularly since many electric generators take service from LDCs, rather than directly from interstate pipelines. However, because the Commission generally does not have jurisdiction over LDCs, and because the scope of the authorized non-public, operational information exchange between interstate natural gas pipelines and electric transmission operators under this Final Rule is broad, we are reluctant to authorize blanket authority for interstate natural gas pipelines or electric transmission operators to pass such information to non-jurisdictional LDCs. Instead, we prefer to proceed on a case-by-case basis with respect to electric transmission operators sharing non-public, operational information received from a pipeline pursuant to this Final Rule with LDCs. Electric transmission operators that see the need for such communication given the circumstances on their systems may develop tariff provisions that establish acceptable procedures for the handling and protection from inappropriate disclosure or use of such information.[83]

58. For example, in a recent, unprotested tariff filing by the California Independent System Operator (CAISO),[84] CAISO amended its tariff to specifically authorize the CAISO to share, under a non-disclosure agreement, outage information with natural gas transmission and distribution utilities operating interstate and/or intrastate natural gas pipelines

[76] *Id.* at 8.

[77] *Id.*

[78] *Id.*

[79] Duke Comments at 2; EEI Comments at 3.

[80] EEI Comments at 3–4.

[81] Duke Comments at 2.

[82] *Wholesale Competition in Regions with Organized Electric Markets,* Order No. 719, FERC Stats. & Regs. ¶ 31,281 at P 423 (2008) (cross-referenced at 125 FERC ¶ 61,071 (2008)) (Commission determined that it was necessary to retain the practice of masking the identity of participants when releasing offer and bid data).

[83] For example, such tariff conditions might require the LDC to enter into a non-disclosure agreement (NDA).

[84] *Cal. Indep. Sys. Operator Corp.,* Docket No. ER12–278–000 (Dec. 8, 2011) (delegated letter order).

that serve natural gas-fired generation resources within the CAISO Balancing Authority Area, with or without notice to the affected market participant. The information CAISO may share includes, but is not limited to, the identity of individual natural gas-fired generation resources that are needed to support reliability of the CAISO Balancing Authority Area in the event of a natural gas shortage, natural gas pipeline testing and maintenance, or other curtailment of natural gas supplies. If they believe it necessary or appropriate, other electric transmission operators may make similar FPA section 205 tariff filings to facilitate greater sharing of non-public, operational information received from a pipeline pursuant to this Final Rule with entities such as LDCs. We encourage those electric transmission operators that are concerned about generators that are located behind an LDC to consider developing such tariff revisions.

59. AGA requests clarification as to the whether the term pipeline includes intrastate pipelines. The Commission clarifies that the term ''pipeline'' in section 284.12(b)(4) adopted in this Final Rule refers to interstate natural gas pipelines that transport gas under subparts B or G of Part 284.[85] Section 284.12(b)(4) is a new subsection of existing section 284.12(b). The first sentence of that section makes clear that the word ''pipeline'' as used throughout section 284.12(b) refers only to ''an interstate pipeline that transports gas under subparts B or G of this part.'' Thus, an intrastate or Hinshaw pipeline providing interstate service under Part 284 of the Commission's regulations is not a ''pipeline'' for purposes of section 284.12(b)(4).

*D. The No-Conduit Rule and Competitive Concerns*

1. NOPR

60. In the NOPR, the Commission proposed to adopt a No-Conduit Rule that would prohibit all public utilities and interstate natural gas pipelines, as well as their employees, contractors, consultants, or agents, from disclosing, or using anyone as a conduit for the disclosure of, non-public, operational information they receive under this rule to a third party or to its marketing function employees, as that term is defined in section 358.3 of the Commission's regulations. The Commission stated that the No-Conduit Rule, in addition to protections already in place, would ensure that any non-public, operational information shared under the proposed regulations remains confidential and is shared among transmission operators in a manner that is consistent with the prohibition on undue discrimination.[86]

61. In describing the need for the No-Conduit Rule, the Commission explained that the existing No-Conduit Rule under the Standards of Conduct would not sufficiently limit the disclosure of the information received under this proposed rule.[87] Therefore, the Commission proposed a No-Conduit Rule tailored to the entities and information covered by the proposed rule and extends the disclosure prohibition to non-affiliates.

62. The Commission also noted the concerns expressed by some entities that generator-specific, non-public information provided to a pipeline by an electric transmission operator could provide the pipeline with a competitive advantage over the generator in pricing transportation services.[88] The Commission found no need to propose additional protections regarding interstate natural gas pipeline transportation. The Commission reasoned that interstate pipelines are required to allocate service, on a not unduly discriminatory basis, based on their tariffs, at a rate not exceeding the just and reasonable rate on file. The Commission also explained that pipelines are not required to discount services, and if they choose to discount, are permitted to obtain information from any source to demonstrate that the shipper requesting the discount has competitive alternatives.[89]

63. The Commission stated that unauthorized disclosure of any non-public, operational information may subject the entity or individual making the prohibited disclosure to the enforcement provisions of the FPA and NGA, including potential civil penalties.[90]

64. Thirteen commenters filed in support of the proposed No-Conduit Rule.[91] Arguing that the No-Conduit Rule was either too strict or not strict enough, several commenters proposed modifications to or requested clarifications of the No-Conduit Rule. Those comments are discussed below.

2. Adequacy of No-Conduit Rule To Protect Against Competitive Harm

a. Comments

65. Several commenters are concerned that the proposed No-Conduit Rule is inadequate to prevent the misuse of non-public, operational information exchanged between electric transmission operators and pipelines and protect against competitive harm to generators, natural gas marketers, and others. These commenters recommend that the Commission adopt various modifications to the No-Conduit Rule or place additional limits on the information which transmission operators may share, as discussed below.[92]

66. EPSA and NGSA seek clarification that the No-Conduit Rule covers non-operational interstate natural gas pipeline employees that market transportation capacity.[93] NGSA states that giving access to non-public, operational information to pipeline capacity marketing employees that negotiate shipper discounts could be problematic.[94] NGSA states that, for example, a pipeline capacity marketing employee could decide not to discount interruptible capacity because they have prior knowledge of a transmission operator's intent to ramp up gas-fired generators, increasing demand on the pipeline. Or, the pipeline capacity marketing employee could use knowledge of upcoming generator outages to lower interruptible prices for a period to compete with capacity releases. NGSA states that, while the Commission correctly notes that its non-discrimination rules already forbid any discriminatory behavior, it still would seem prudent to limit access to non-public, operational information for pipeline transportation capacity sellers.[95]

67. Washington Gas is concerned that the NOPR does not explain how information can or cannot be shared within a public utility that receives non-public operating information.[96] Washington Gas contends that if the generator employees only serve the function of purchasing gas—rather than selling energy at wholesale—they may not come within the definition of

[85] *See* 18 CFR 284.12(b) (2013).

[86] NOPR, FERC Stats. & Regs. ¶ 32,699 at P 26 (cross-referenced at144 FERC ¶ 61,043).

[87] *Id.* P 26 & n. 50.

[88] *Id.* P 27.

[89] *Id.*

[90] *Id.* P 26 & n. 52 (citing section 22 of the NGA, 15 U.S.C. 717t2–1 (2012), and section 316A of the FPA, 16 U.S.C. 825o-1 (2012)).

[91] AEP Comments at 5–6; CAISO Comments at 5; Duke Energy Comments at 3; ELCON Comments at 3; EPSA Comments at 7; MISO Comments at 2; MMWEC Comments at 5; NESCOE Comments at 4,6; NRECA Comments at 5; NYTOs Comments at 1; PG&E Comments at 2–3; PUCO Comments at 5; TVA Comments at 3.

[92] AEP Comments at 6; APGA Comments at 2–3; Duke Comments at 3; NGSA Comments at 2–3; and PUCO Comments at 7.

[93] EPSA Comments at 4; NGSA Comments at 4–6.

[94] NGSA Comments at 4.

[95] *Id.* at 5.

[96] Washington Gas Comments at 10.

''marketing function employees'' because the currently effective Standards of Conduct do not consider gas purchasing to be a marketing function activity. Washington Gas argues, if non-public information is shared within a public utility, it would create a preference for public utility-owned generation over independent generators because independent generators would be ''third parties'' prohibited from information sharing. Washington Gas concludes that, if the Commission relies on a No-Conduit Rule to protect information from reaching beyond transmission function employees, the Commission should provide detailed examples of exactly how the No-Conduit Rule will be implemented to protect the fairness of the market and assure that no shipper is afforded an undue preference.[97]

68. Washington Gas claims that the best way to resolve the tension between information sharing and market fairness is to continue to make critical operating information public. Washington Gas contends that certain of the examples of ''non-public, operational information'' listed in the NOPR should never be considered non-public, operational information.[98] Rather, Washington Gas contends, this information should be considered public information to be promptly posted. Washington Gas believes that the only information properly shared on a non-public basis would be transaction-specific information.[99] Accordingly, Washington Gas urges the Commission to clarify that all pipeline facility outage and maintenance information needs to be made public and posted on the pipeline's internet Web site and to establish clear instructions as to what exact information must be posted and what can be shared voluntarily in a non-public way.[100]

69. Similar to Washington Gas, AGA states that it assumes that the Commission would continue to require interstate pipelines to provide all shippers with equal access to information regarding system conditions, maintenance schedules and outages, and available capacity so as not to create competitive advantages for certain shippers.[101]

70. PUCO supports the proposed No-Conduit Rule, but contends that proposed section 38.2 should be modified to include additional language to require that no non-public information be shared with any person or company affiliate except to ensure the reliable and efficient operations of the pipeline, transmission grid, and the delivery of generation service.[102]

71. Duke Energy notes that there are a number of small public utilities who currently have waivers of the requirement to abide by the Standards of Conduct or are otherwise not subject to the Standards of Conduct. Duke Energy requests that the Commission address its concern that these entities could receive commercially sensitive and non-public transmission information under the NOPR which could potentially give them an unfair advantage.[103]

72. To alleviate concerns of confidential information disclosure, TVA recommends that, in addition to the No-Conduit Rule, the Commission should encourage and support the execution of confidentiality agreements between electric transmission operators and natural gas pipelines relative to these discussions.[104]

73. ELCON proposes two modifications to the No-Conduit Rule. First, ELCON asserts that the Commission should require electric transmission operators and interstate natural gas pipelines to submit an annual filing with the Commission listing entities with whom they have entered into information sharing arrangements and further certify that they acknowledge and comply with the No-Conduit Rule. Second, ELCON argues that the Commission should require electric transmission operators and pipelines to maintain and implement a written compliance policy.[105]

74. PUCO also maintains that the Commission should, via an expansion of the instant proceeding, arrive at the appropriate requisite sanctions for the inappropriate sharing of potentially commercially sensitive, non-public information in violation of the No-Conduit Rule.[106]

75. Some commenters expressed concern about the scope of the non-public, operational information to be shared under the rule based on competitive concerns about the use of that information. NGSA is also concerned that the NOPR could allow transmission operators to share commercially sensitive information that could harm producers and marketers by revealing their positions in the market to outside parties.[107] NGSA states, for example, that a marketer's commercial strategy could be revealed if the confidential details of the scheduling priorities it has contracted with its clients were shared.[108] NGSA further contends that while it may be useful for utility operators to share information on overall pipeline capacity, sharing commercially sensitive information such as individual shipper nominations offers little insight into the reliability of deliveries and could cause significant harm to some market participants.[109]

76. Along the same lines, PUCO argues that electric transmission operators should be required to furnish pipelines with aggregated, non-unit specific generation data to ensure against inadvertently providing pipelines with confidential or proprietary information that could result in a competitive advantage concerning the pricing of gas to that facility.[110]

b. Commission Determination

77. In this Final Rule, the Commission adopts the proposed No-Conduit Rule as set forth in sections 38.2(b) and 284.12(b)(4)(ii) of the NOPR, without modification. The No-Conduit Rule prohibits all public utilities and interstate natural gas pipelines, as well as their employees, contractors, consultants, or agents, from disclosing, or using anyone as a conduit for the disclosure of, non-public, operational information they receive under this rule to a third party or to its marketing function employees, as that term is defined in § 358.3 of the Commission's regulations. The Commission concludes that the No-Conduit Rule, as proposed, is necessary to ensure that any non-public, operational information shared under the regulations in this Final Rule remains confidential and is shared among transmission operators in a manner that is consistent with the prohibition on undue discrimination. As several commenters, including generators, pointed out, the No-Conduit Rule addresses many of the concerns over the sharing of commercially sensitive, customer-specific information among transmission operators.

78. At this time, we do not see the need to expand the No-Conduit Rule to explicitly prohibit disclosures to other employees or entities. We believe that, through this Final Rule and other Commission rules and regulations, we have adequate safeguards in place. In

[97] *Id.* at 11.

[98] *Id.* at 3.

[99] *Id.* at 4.

[100] *Id.* at 3–4.

[101] AGA Comments at 5 & n. 14.

[102] PUCO Comments at 5.

[103] Duke Energy Comments at 3.

[104] TVA Comments at 3–4.

[105] ELCON Comments at 3.

[106] PUCO Comments at 5.

[107] NGSA Comments at 7.

[108] *Id.*

[109] *Id.*

[110] PUCO Comments at 7.

response to the comments received, we take this opportunity to explain the Commission's requirements associated with the sharing of information and remind industry of the information already made available by the Commission's regulations.

79. Washington Gas, NGSA, and EPSA assert that certain employees may fall outside the Standards of Conduct definition of ''marketing function employees'' and therefore may receive information under this Final Rule, and be in a position to use that information to provide an undue preference.

80. First, Washington Gas expresses concern that the proposed rule does not explain how non-public, operational information received by a public utility can or cannot be shared within that public utility, including with employees that fall outside the definition of ''marketing function employee,'' in particular, public utility employees that purchase gas. In Order Nos. 717 and 717–A, the Commission restricted its affiliate rule to cover only those employees that participate in electric sales markets and eliminated or rejected proposals that would have expanded the rule to cover other employees.[111] The Commission explained:

> The Commission agrees that restricting the definition of marketing functions to include only sales, rather than purchases, more closely matches the statutory prohibitions against undue preferences. Furthermore, the removal of purchases from the definition of marketing functions frees companies to conduct the informational exchanges necessary to engage in integrated resource planning . . . .[112]

For similar reasons, the Final Rule is limited and therefore we find it is not appropriate to expand the No-Conduit Rule adopted here to include employees who are not ''marketing function employees,'' such as gas purchasing employees.

81. In addition, Washington Gas has not provided sufficient reason to expand the No-Conduit Rule to gas purchasing employees or other employees of the public utility who are not marketing function employees. In this Final Rule the Commission's intent is to remove barriers to the sharing of non-public, operational information between transmission operators for the purpose of promoting reliable service and operational planning. While certain gas purchasing employees may fall outside the definition of marketing function employees, within a vertically integrated utility, it may be necessary for an electric transmission operator, based on information received by an interstate natural gas pipeline, to inform its gas purchasers that it needs additional natural gas at another generating unit. Restricting such internal disclosure may limit the effectiveness of any such communication in responding to operational problems.

82. Moreover, under section 284.13(d) of the Commission regulations,[113] pipelines are already required to post important capacity and outage information at each scheduling opportunity. This includes ''equal and timely access to information relevant to the availability of all transportation services whenever capacity is scheduled, including, but not limited to, the availability of capacity at receipt points, on the mainline, at delivery points, and in storage fields; whether the capacity is available directly from the pipeline or through capacity release; the total design capacity of each point or segment on the system; the amount scheduled at each point or segment whenever capacity is scheduled; and all planned and actual service outages or reductions in service capacity.'' Washington Gas has not provided sufficient justification that, given the extent of these posting requirements, the potential risks it identifies associated with permitting the exchange of non-public, operational information between transmission operators, outweighs the efficiency and reliability benefits of permitting such communications.

83. While non-public, operational information falls outside of the posting requirements, we are not convinced such information needs to be disclosed to all shippers. For example, certain information may be relevant only to the operations of the public utility and may not need to be disclosed to all shippers.

84. We also deny EPSA's and NGSA's requests to expand the No-Conduit Rule to prohibit disclosures to interstate natural gas pipeline employees who market pipeline capacity, as well as PUCO's request to require electric transmission operators to furnish pipelines aggregated, non-unit specific generation data to ensure against providing pipelines with confidential or proprietary information that could result in a competitive advantage concerning the pricing of gas to that facility. The Commission agrees with NGSA that ''marketing function employees,'' as that termed is defined in the Standard of Conduct, does not include employees that market transportation capacity. However, EPSA and NGSA have not shown that employees who market pipeline capacity can use non-public, operational information shared under this Final Rule to provide an undue preference or unduly discriminate in a manner inconsistent with the Commission's policies or regulations. NGSA's specific concern is that employees who market transportation capacity could use non-public, operational information shared under this rule to discriminate in their allocation or pricing of capacity. In response, we note that interstate natural pipelines are required by the NGA and their tariffs to allocate service on a not unduly discriminatory basis at a rate not exceeding the just and reasonable rate on file. Further, the Commission does not require pipelines to discount services below the pipeline's maximum tariff rate, which the Commission has found just and reasonable. If a pipeline chooses to provide selective discounts based on the elasticity of demand of its customers,[114] the pipeline needs to obtain information to demonstrate that a shipper requesting a discount does have competitive alternatives justifying the discount in order to ensure that it treats all similarly situated customers on a comparable basis.[115]

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[111] *See Standards of Conduct for Transmission Providers,* Order No. 717, FERC Stats. & Regs. ¶ 31,280 at PP 77, 103 (cross-referenced at 125 FERC ¶ 61,064 (2008)); Order No. 717–A, FERC Stats. & Regs. ¶ 31,297 at P 35 (cross-referenced at 129 FERC ¶ 61,043 (2009)).

[112] Order No. 717, FERC Stats. & Regs ¶ 31,280 at P 77 (cross-referenced at 129 FERC ¶ 61,043 (footnotes omitted). *See also* Order No. 717–A, FERC Stats. & Regs. ¶ 31,297 at P 35 (cross-referenced at 129 FERC ¶ 61,043) (explaining that restricting the definition of marketing function to include only sales more closely matches the statutory prohibitions against undue preference. Specifically, sections 205 and 206 of the Federal Power Act prohibit undue preference or advantage to any person with respect to ''any transmission or sale subject to the jurisdiction of the Commission. . . .'' Similarly, sections 4 and 5 of the Natural Gas Act prohibit undue preference with respect to ''any transportation or sale of natural gas subject to the jurisdiction of the Commission.).

[113] 18 CFR 284.13(d) (2013).

[114] *See Associated Gas Distributors* v. *FERC,* 824 F.2d 981 (D.C. Cir. 1987) (permitting selective discounting only when justified by competitive alternatives and elastic demand conditions); *Williston Basin Interstate Pipeline Co.,* 85 FERC ¶ 61,247 (1998) (finding that a pipeline does not necessarily have to offer the same discount to all customers at a point when the pipeline knows, if some customers at the point have elastic demand, while others have inelastic demand).

[115] *See, e.g., Panhandle Eastern Pipe Line Co.,* Opinion No. 395, 71 FERC ¶ 61,228, at 61,867 (1995) (Commission cited to pipeline's policy of requiring documentation from its customers detailing the competitive circumstances justifying their need for a discount, such as potentially sensitive information concerning the end use customer for whom the gas will be transported, and competitive energy supplies, including the customer's source and cost of alternative natural gas supplies or the type and cost of alternative fuels); *Panhandle Eastern Pipe Line Co.,* Opinion No. 404, 74 FERC ¶ 61,109, at 61,405 (1996).

85. We also deny PUCO's request to expand the No-Conduit Rule to require that non-public, operational information not be shared with any person or company affiliate except to ensure the reliable and efficient operations of the pipeline, transmission grid, and the delivery of generation service. As we explain elsewhere in this Final Rule, the Commission is concerned that adding further qualifiers to the definition of operational information will restrict the flexibility of transmission operators to determine what information it must share to promote reliable service and engage in effective operational planning. Moreover, adding further qualifiers is unnecessary, given our conclusion that the existing safeguards (e.g., the Standards of Conduct, prohibition against undue discrimination or preference, prohibition on market manipulation) together with the third-party limitation in the No-Conduit Rule we are putting in place are sufficient to protect against unnecessary disclosure.

86. TVA proposes that, in addition to the No-Conduit Rule, the Commission require confidentiality agreements, while ELCON proposes that the Commission also require annual filings and written compliance procedures. Under this Final Rule, communication and sharing of non-public, operational information is voluntary. While the Commission will not embed such a requirement in its regulations, we note that CAISO and ISO–NE have both adopted such practices, and this Final Rule does not prescribe the mechanics of how voluntary sharing will be conducted. To the extent a transmission operator has a need for additional or changed information sharing procedures such as confidentiality agreements, the Commission will evaluate such requests on a case-by-case basis. With respect to PUCO's comments regarding sanctions, the Commission reiterates that unauthorized disclosure of any non-public, operational information may subject the entity or individual making the prohibited disclosure to the enforcement provisions of the FPA and NGA, including potential civil penalties.[116] The Commission declines to further delineate the specific sanctions that might apply in the event of an unauthorized disclosure, as any sanctions would need to be tailored to the facts and circumstances of the disclosure at issue.

87. Duke argues that some small public utilities that currently have waivers of the requirement to abide by the Standards of Conduct could be given an unfair advantage if they receive commercially sensitive and non-public transmission information under the Final Rule. The Commission clarifies that existing waivers from the Standards of Conduct do not automatically apply to the No-Conduit Rule adopted in this Final Rule. That is, an existing waiver of the Standards of Conduct does not waive the No-Conduit Rule adopted here. In this Final Rule, the Commission is expressly authorizing the exchange of non-public, operational information that could include commercially sensitive, customer-specific information. The No-Conduit Rule was developed to address concerns that broadly sharing this kind of information with marketing function employees or third parties could cause competitive harm. Given that the information covered by this rule is potentially commercially sensitive, the Commission finds that a determination as to whether a waiver of the No-Conduit Rule adopted here is appropriate is best made on an individual basis, pursuant to a filing under FPA section 205 or NGA section 4.

88. In response to comments raising general concerns about the competitive impact of the use of non-public, operational information exchanged under this rule, the Commission finds that the No-Conduit Rule is sufficient to address these concerns. For example, NGSA asserts that a natural gas marketer's commercial strategy could be revealed if the confidential details of the scheduling priorities it has contracted with its clients are revealed. While the Commission recognizes that a natural gas marketer's scheduling priorities for its downstream clients are commercially sensitive, the No-Conduit Rule should ensure that the electric transmission operators, with whom pipelines may share such information, do not disclose that information to third party participants in the natural gas sales market. NGSA has not explained how a pipeline's sharing of a natural gas marketer's nominations with an electric transmission operator would cause competitive harm to the natural gas marketer, so long as the electric transmission operator complies with the No-Conduit Rule.

89. The Commission similarly is not persuaded by PUCO's concern that an electric transmission operator's sharing of confidential unit-specific generator information with interstate pipeline providers could result in ''a competitive advantage concerning the pricing of gas to that facility.'' [117] Interstate natural gas pipelines only provide unbundled transportation service and do not sell gas except for incidental sales required for the conduct of their transportation service. As discussed above, there are protections already in place to prevent undue discrimination or preference in the pipeline's sale of transportation service.[118] Given the protections already in place, we see no need to propose additional protections regarding pipeline transportation at this time.

3. Exceptions to the No-Conduit Rule

a. Comments

90. Several parties contend that the No-Conduit Rule is too restrictive and recommend that the Commission adopt various modifications, as discussed below. For example, NE Gas Industry and INGAA request that the proposed No-Conduit Rule be modified in the Final Rule to include an exception to allow sharing of non-public, operational information between all relevant industry participants in an emergency.[119] INGAA, for example, states that there should be no limit on sharing of non-public, operational information between transmission operators during an emergency, including communications between third parties, subject to a record of the exchange as soon as practicable after the fact.[120] NE Gas Industry and INGAA propose that communications in such emergencies could include RTOs and ISOs, interstate natural gas pipelines, generators of all fuel types, LDCs, liquefied natural gas suppliers, producers, marketers, asset managers, and other relevant participants in the energy industry.[121] Alternatively, NE Gas Industry requests that the Commission clarify that the No-Conduit Rule does not prohibit such larger group discussions and apart from the Final Rule, pipelines and public utilities are permitted to share non-public, operational information with all relevant entities as necessary to mitigate or solve an emergency that threatens the reliability of electric or natural gas service.

91. In its reply comments, NGSA states that the Commission should deny requests to suspend the communications rules during emergencies or clearly define what

[116] *See* Section 22 of the NGA, 15 U.S.C. 717t2–1 (2012), and section 316A of the FPA, 16 U.S.C. 825o–1 (2012).

[117] PUCO Comments at 7.

[118] *See, e.g.,* 18 CFR 284.286 (2013).

[119] NE Gas Industry at 3–4, INGAA Comments at 7. NE Gas Industry states that existing focus groups and joint industry task forces in New England can serve as the mechanisms to facilitate such open communication in times of emergency.

[120] INGAA Comments at 7.

[121] NE Gas Industry Comments at 5; INGAA Comments at 7.

constitutes an emergency.[122] NGSA is concerned that identifying what situations constitute an emergency can be subjective. NGSA states that at a minimum, the Commission should strictly maintain the No-Conduit Rule, restricting communications to operational (i.e. non-marketing) employees, at all times, regardless of any relaxation of the associated communications rules.

92. Enable contends that the Commission should adopt a modified version of the No-Conduit Rule that allows interstate pipelines to share non-public, operational information with non-marketing function employee third parties for the purpose of promoting reliable service and operational planning.[123] Enable asserts that the NOPR provides no rational basis for distinguishing between (A) ''non-public, operational information'' received from electric public utilities through this new regime, which interstate natural gas pipelines are barred from disclosing to anyone, and (B) general ''non-public, operational information,'' which pipelines may share with non-marketing function employees for operational reasons.[124] Enable asserts that currently, interstate pipelines receive non-public, operational information from a variety of sources and the NOPR sets forth no evidence that such information, when received from public utilities, would not be sufficiently protected by the current No-Conduit Rule as stated in the Standards of Conduct or by a less restrictive No-Conduit Rule.[125] Enable states that the NOPR gives interstate gas pipelines access to information from electric public utilities for the purpose of improving reliability, but at the same time bars those pipelines from sharing such information with third parties with whom they would normally share operational information for that purpose (e.g., interconnected intrastate and gathering lines).[126]

93. Enable also contends that the NOPR's No-Conduit Rule creates two classifications of ''non-public, operational information'' and different rules regarding interstate pipelines' sharing of each, thereby imposing significant administrative burdens and compliance challenges on the pipelines.[127] Enable states that under the current rules, interstate pipelines may exchange information with employees of their intrastate pipeline and gathering affiliates, provided those employees are not marketing function employees. Enable states that the proposed No-Conduit Rule creates an inconsistency and potential compliance difficulty because these employees of the non-jurisdictional affiliates would be allowed to receive some operational information but not the new category of non-public information received from electric public utilities.[128] Enable states that the proposed No-Conduit Rule renders impractical—if not impossible—interstate pipelines' otherwise-appropriate sharing of non-marketing function employees with affiliated intrastate pipelines and gatherers.[129] Additionally, Enable states that interstate pipelines will need to implement two separate compliance walls regarding operational information: one wall to prevent the disclosure of non-public transmission function information or customer information (directly or through a conduit) to the pipeline's marketing function employees; and another wall to prevent the disclosure of non-public, operational information received from public utilities to the pipeline's marketing function employees or to any third party (including the pipeline's own intrastate pipeline and gathering affiliates).[130]

94. Enable maintains that the NOPR does not identify a need for the absolute prohibition against interstate pipelines' disclosure of operational information to non- marketing function employee third parties for the purpose of system reliability.[131] Enable argues that the NOPR points only to the theoretical threat of harmful disclosure of the electric public utility's non-public information and undue discrimination or preference and provides no explanation of how the potential danger of improper disclosure by interstate pipelines, unsupported by a record of abuse, justifies such a broad and burdensome prophylactic rule.

95. AGA and Duke Energy express concern that the proposed No-Conduit Rule could be interpreted to prohibit communications that are currently permitted under the Standards of Conduct.[132] Specifically, AGA and Duke maintain the rule should not prevent a public utility or interstate pipeline from disclosing non-public, operational information to a third-party LDC, especially where such information would promote reliable service or operational planning with regard to gas-fired generators located on an LDC's system.

b. Commission Determination

96. As stated above, the Commission adopts the No-Conduit Rule as set forth in the NOPR, without modification. The non-public, operational information permitted to be shared under this Final Rule could include the exchange of confidential generator information, and as explained below, the scope of the information allowed to be shared under this Final Rule warrants the restrictions in the No-Conduit Rule, as proposed.

97. AGA, Duke Energy and Enable request exceptions to the third party restriction in the No-Conduit Rule. The Commission denies these requests. As stated earlier, the No-Conduit Rule does not prohibit transmission operators from sharing their own operational information with other interconnecting entities involved in ensuring the reliability of system operations, such as LDCs, intrastate pipelines or gathering facilities. The No-Conduit Rule only applies to the subsequent disclosure of non-public, operational information, including commercially sensitive, customer-specific information, received by an interstate natural gas pipeline or electric transmission operator under the rule and does not otherwise affect the ability of an interstate natural gas pipeline or electric transmission operator to exchange operational information about its own system with its customers/stakeholders or members under the same rules and conditions as it currently does. Moreover, the information that may permissibly be shared under this rule is not limited to ''transmission function'' information covered under the Standards of Conduct. The scope of information that transmission operators may permissibly share under this rule is broader than transmission function information and, as a result therefore warrants the restriction on disclosure to third parties,

[122] NGSA Reply Comments at 5.

[123] Enable Comments at 9–10.

[124] *Id.* at 6.

[125] *Id.*

[126] *Id.*

[127] *Id.* at 7.

[128] *Id.*

[129] *Id.* at 8.

[130] *Id.*

[131] *Id.* at 9 (citing *National Fuel Gas Supply Corp.* v. *FERC,* 468 F.3d 831, 844 (D.C. Cir. 2006) (indicating that FERC must supply a factual basis for its administrative actions or, in the absence of such a basis, explain how potential dangers, unsupported by a record of abuse, justifies costly rules); 5 U.S.C. 553(c) (''After consideration of the relevant matter presented [through notice and comment], the agency shall incorporate in the rules adopted a concise general statement of their basis and purpose.''); *Motor Vehicle Mfrs. Ass'n of U.S, Inc.* v. *State Farm Mut. Auto. Ins. Co.,* 463 U.S. 29, 56 (1983) (requiring agency to explain reasons for decision); *St. James Hosp.* v. *Heckler,* 760 F.2d 1460, 1469 (7th Cir. 1985) (finding explanation for rule not adequately supported by evidence offered as justification)).

[132] AGA Comments at 7, Duke Energy Comments at 3.

as well as marketing function employees, via the No-Conduit Rule.

98. The Commission similarly denies NE Gas Industry's and INGAA's requests that, if the Commission does not eliminate the third-party prohibition, the Commission at least include an exception to permit sharing of non-public, operational information between all relevant industry participants during emergencies. We see little reason to create an emergency exception since, as we explained, the Final Rule does not otherwise affect the ability of an interstate natural gas pipeline or electric transmission operator to exchange operational information about its own system with its customers/stakeholders or members under the same rules and conditions as it is currently does, including during an emergency. In addition, the Commission clarifies that the proposed No-Conduit Rule does not prohibit, either during routine or emergency circumstances, electric transmission or interstate natural gas pipeline operators from jointly and simultaneously communicating non-public, operational transmission or transportation information (except for customer-specific information) with all market participants. Because such information is being shared contemporaneously with all market participants, it would not be considered non-public and its disclosure would not be unduly preferential or discriminatory. Undue discrimination concerns only arise when communications take place with some, but not all, market participants.

99. Enable is concerned that the proposed No-Conduit Rule creates a new compliance issue for pipeline companies that have operational personnel who are involved in operational planning for an interstate pipeline and affiliated gathering facilities or intrastate pipelines. While the No-Conduit Rule would prohibit such disclosures to the employees shared with the affiliated gathering facilities or intrastate pipeline, we do not find that a broad exemption for communication of the non-public, operational information is warranted. To the extent that interstate natural gas pipelines share operational employees with LDCs or other affiliates, which makes compliance with the No-Conduit Rule difficult, the interstate natural gas pipelines can seek a waiver of this Final Rule's No-Conduit Rule.

## III. Questions Posed by the Commission

### *A. Generator to Electric Transmission Operator Communications*

1. NOPR

100. In the NOPR, the Commission recognized that although the proposal applies only to communications between interstate natural gas pipelines and electric transmission operators, natural gas-fired generators may have relevant information regarding their own capabilities to acquire natural gas (or other fuels) not available to the interstate natural gas pipeline serving the generator.[133] Therefore, the Commission sought comments on whether additional regulations were needed to require a generator to inform its electric transmission operator of the possibility its natural gas service may be disrupted. As an example, the Commission asked whether a generator should be required, at the request of the electric transmission operator, to provide its electric transmission operator with information pertaining to any communications received from an interstate natural gas pipeline regarding potential failures by the generator to conform to flow rates or nominations.

2. Comments

101. EEI, EPSA, MISO, MMWEC, NEPGA, NRECA, and PG&E believe that additional regulations requiring information sharing between generators and electric transmission operators are not necessary.[134] On the other hand, the IRC, ISO–NE., NYISO, and NYPSC support additional regulations requiring generators to share information regarding their fuel status with an electric transmission operator.[135] Likewise, in the absence of cooperative information sharing, APPA, MMWEC, NRECA and the NE Gas Industry believe that additional regulations should be implemented to ensure information sharing.[136]

102. Along the same lines, TVA and Ohio PUC believe that electric transmission operators should be allowed to require any critical information that may impact electric reliability.[137]

103. In support of such a requirement, NYISO states that, while it expects that its generators will react to fuel availability concerns by derating their capacity when circumstances dictate, additional detailed information, particularly during cold weather events, is desirable.[138] Similarly, ISO–NE states that although it often learns about gas interruptions only after a generator is offline, it understands that information regarding potential interruptions due to insufficient gas supply is available much earlier.[139]

104. CAISO and EEI point out that some electric transmission operators already have the ability to work with their stakeholders and/or to file tariff changes that may be necessary to require generators to provide this information.[140] CAISO, EEI, EPSA, IRC, MISO, and NEPGA also point out that some electric transmission operators already require generators to share this type of information.[141] EEI, for example, states that PJM Interconnection L.L.C. (PJM) already requires capacity resources to report fuel data to enable PJM to assist the market in providing solutions in emergency situations.[142] NEPGA stated that, under the ISO–NE tariff, generators have an existing obligation to report to ISO–NE when they are unable to operate due to pipeline disruptions or otherwise.[143] Similarly, MISO states that in its markets, generator owners and/or operators are required to notify MISO of anticipated fuel supply disruptions.[144] CAISO states that its tariff currently requires generators to inform it of any change or potential change in the generators status, including any fuel supply concerns of which the generator is aware.[145] EPSA asserts that each transmission operator already has rules regarding communication between the transmission operator and generators which obligates generators to provide the type of information discussed in the NOPR.[146] IRC notes that providing electric transmission operators with timely information regarding a

[133] NOPR, FERC Stats. & Regs. ¶ 32,699 at P 25 (cross-referenced at 144 FERC ¶ 61,043).

[134] EEI Comments at 5–6; EPSA Comments at 4–5; MISO Comments at 4; MMWEC Comments at 4; NEPGA Comments at 4–5; NRECA Comments at 8; PG&E Comments at 5.

[135] IRC Comments at 4, ISO–NE Comments at 8–9, NYISO Comments at 2; NYPSC Comments at 5. NYPSC states that if the Commission requires a generator to provide its electric transmission operator communications received from a natural gas pipeline, the NYPSC would also include communications from the LDC. NYPSC at 4–5.

[136] APPA Comments at 7, NRECA Comments at 8, NE Gas Industry Comments at 9; MMWEC at 4.

[137] TVA Comments at 3; Ohio PUC Comments at 7.

[138] NYISO Comments at 4.

[139] ISO–NE Comments at 8–9.

[140] EEI Comments at 5–6.

[141] EEI Comments at 5–6, EPSA Comments at 4; NEPGA Comments at 4–5, MISO Comments at 4; CAISO Comments at 4.

[142] EEI Comments at 5 (citing PJM Manual 13, Emergency Operations, Section 6.4 Fuel Limitation Reporting. Effective date June 1, 2013).

[143] NEPGA Comments at 4.

[144] MISO Comments at 4.

[145] CAISO Comments at 4.

[146] EPSA Comments at 5.

generator's fuel status is consistent with existing reliability standards.[147] CAISO states that, if the Commission adopts a regulation applicable to generators, it should apply that requirement across all fuel types.[148]

3. Commission Determination

105. Based upon the comments received, the Commission finds that it is unnecessary in this proceeding to require a generator to notify its electric transmission operator that its natural gas service may be disrupted. However, to the extent they do not already exist, electric transmission operators may file tariff provisions pursuant to FPA section 205 to require generators to notify electric transmission operators of information they require to maintain reliable service, such as anticipated fuel supply disruptions. As noted by several commenters, some electric transmission operator tariffs require generators to notify electric transmission operators of anticipated fuel supply disruptions. While some entities would prefer that the Commission adopt generic regulations requiring the provision of this type of information from a generator to an electric transmission operator, those entities do not explain why current tariff requirements are, or new tariff requirements would be, inadequate. Consistent with the Final Rule, this approach would give electric transmission operators significant flexibility to determine what information they require from generators to promote reliable service on their systems.

*B. Three-Way Communication of Non-Public Operational Information*

1. NOPR

106. In the NOPR, the Commission sought comments on whether the proposed rule should require transmission operators to include the customer as part of a three-way communication to the extent the non-public, operational information exchanged between transmission operators involves customer-specific information (such as information about individual generators) and if so, how such a requirement could be implemented.[149]

2. Comments

107. Commenters were split on this issue, with slightly more commenters opposed to requiring three-way communications when customer-specific information is shared. AEP, APPA, Duke, EEI, EPSA, MMWEC, NERC, NEGPA, and NRECA support requiring three-way communications,[150] while CAISO, INGAA, ISO–NE, IRC, MISO, NE Gas Industry, NYISO, NYTO, PG&E and Washington Gas oppose such a requirement.[151]

108. Many of the commenters that support such a requirement contend that including the relevant customer or generator would prove more efficient, as well as ensure the accuracy of the communications. NEPGA contends that generator access to these communications is vital to allow the generator to guarantee that the transmission operator does not take dispatch actions based on incomplete information held by either the interstate natural gas pipeline or electric transmission operator.[152] EEI, for example, notes that a public utility would not know if a generator has back-up supply or other fuel arrangements without contacting the generator.[153] NRECA states that involving individual customers could prove more efficient than excluding them from the sharing of their information because individual customers and generators can have information relevant to operations that transmission operators do not have or do not have available as early in time as the individual customers and generators.[154] Duke and EPSA believe that, in the event transmission operators cannot contact the customer prior to sharing customer-specific information, the transmission operators must inform the generator of what information was shared so that the generator can respond to or correct any misinformation.[155] AEP argues that a stakeholder's non-public data should only be shared with the explicit consent of that stakeholder.[156]

109. Many of the commenters that oppose such a requirement maintain that requiring three-way communications would prove impracticable and hamper reliability. The IRC and ISO–NE express concern that including generators in the discussions with pipelines and electric transmission operators would be inappropriate and difficult to implement for real-time operations when decisions need to be made quickly.[157] The IRC and ISO–NE also state that gas and electric system contingencies usually affect multiple generators receiving gas from one interstate natural gas pipeline that are competitors with each other. They argue that it may not be practical in real-time to schedule separate discussions with each generator and to the extent discussions involved multiple generators, it would be inappropriate to discuss confidential, generator-specific information with other generators.[158] INGAA and the NE Gas Industry believe that such a requirement would serve to limit conversations and have a chilling effect on communications the Commission intends to foster through the proposed regulations.[159]

110. Likewise, PG&E states that its gas transmission operators already communicate daily with CAISO and incorporating every individual customer into these calls would be logistically difficult and hamper effective communications with CAISO.[160] PG&E also asserts that such communications may be unnecessary, as their gas transmission operators already communicate daily with their generation customers and as a result, those customers are frequently informed regarding relevant non-public, operational information.

111. The NYTOs are also concerned that such three-way conversations may unnecessarily result in the disclosure of market sensitive information to generators or fuel managers.[161] Similarly, Washington Gas argues that the NOPR has not made a convincing case for giving one class of shipper preferential access to non-public pipeline information in a three-way meeting.[162] Washington Gas argues that if a need exists for three-party communications, the pipeline could arrange ''all shipper'' meetings, which have been used for the release of critical information since open access and are often supplemented by handouts

[147] IRC Comments at n.7 (citing reliability standards EOP–001, EOP–004, IRO–010, and TOP–002).

[148] CAISO Comments at 4.

[149] NOPR, FERC Stats. & Regs. ¶ 32,699 at P 25 (cross-referenced at 144 FERC ¶ 61,043).

[150] AEP Comments at 5–6; APPA Comments at 6–7; Duke Comments at 4; EEI Comments at 6; EPSA Comments at 6–7; MMWEC Comments at 5; NERC Comments at 8; NEGPA Comments at 5–6; NRECA Comments at 5–6.

[151] CAISO Comments at 4–5; INGAA Comments at 5; ISO–NE Comments at 9–10; IRC Comments at 5; MISO Comments at 4–5; NE Natural Gas Industry Comments at 9; NYISO Comments at 4; NYTO Comments at 8–9; PG&E Comments at 5–6, and Washington Gas Comments at 9.

[152] NEPGA Comments at 5.

[153] EEI Comments at 6.

[154] NRECA Comments at 6.

[155] Duke Comments at 4; EPSA Comments at 6–7.

[156] AEP Comments at 5.

[157] ISO–NE Comments at 9; IRC Comments at 5.

[158] ISO–NE Comments at 9–10; IRC Comments at 5.

[159] INGAA Comments at 5; NE Gas Industry Comments at 9.

[160] PG&E Comments at 5–6.

[161] NYTOs Comments at 9.

[162] Washington Gas Comments at 9.

simultaneously posted on electronic bulletin boards (EBBs).

112. Several commenters, including MISO, NYISO, NYTO, INGAA and NE Gas Industry, oppose a mandatory three-way communication rule but acknowledge the value of three-way communication in some situations and thus, support a permissive approach to three-way communications.[163] For instance, the NYISO states that it may be appropriate to have three-way communications regarding the availability of gas transmission capability, particularly if the generator's dispatch is critical to reliability, but stresses that transmission operators need flexibility in deciding whether to include generators in different circumstances.[164] The NYTOs believe that electric generators and their fuel managers are the sole source of reliable information about many fuel-related concerns and should be permitted to participate in three-way communications involving those concerns, especially during emergency conditions. However, the NYTOs state there is the potential for misuse of non-public, operational information to the extent it is shared as part of three-way communications since generators and their fuel managers are merchant entities in New York. Thus, the NYTOs maintain that the NOPR's proposed No-Conduit Rule should be extended to the generator and fuel manager in those instances and the Commission should clarify that the generator and fuel manager may not enter into unrelated transactions based upon such information.[165] NE Gas Industry argues that generators should be included in broader industry communications in the event of an emergency.[166] MISO suggests that, rather than require mandatory three-way communications, necessary information could be shared through alternate means such as through a designated representative or EBB.[167] WGL suggests that rather than engage in three-way communications, all shippers could be given the opportunity to receive critical information simultaneously either by phone, webcast or in person.[168]

113. Regarding implementation of a requirement for three-way communications, commenters suggest various approaches. EEI suggests that public utilities and pipelines should discuss with stakeholders the best way to enact such a requirement in the various regions.[169] TVA suggests that NERC and NAESB standards could serve as implementation mechanisms with allowances for regional differences through organized market rules.[170]

114. AEP recommends the use of three-party confidentiality agreements that include the electric generators, interstate natural gas pipelines and electric transmission operators or, in lieu of a confidentiality agreement, commercially sensitive data should be handled in a manner in which the generator is the central point of contact, i.e., only the generator would have ''all of the information regarding commercially sensitive fuel supply options, gas transportation contracts, power obligations, etc.'' [171] NRECA suggests that either electric transmission operators have in place a non-disclosure agreement, through which customers could pre-approve timely sharing of their non-public information provided they are made aware of the disclosure within a reasonable period of time, or the adoption of notice provisions by electric transmission operators and pipelines, ''whereby disclosure will not be made until the customer is provided with notice and opportunity to oppose the release (e.g., 5 days).'' [172]

3. Commission Determination

115. The Commission will not require three-way communications when customer-specific information is shared between electric transmission owners and interstate natural gas pipelines. The Commission is concerned that implementing such a requirement would prove impracticable and could discourage interstate natural gas pipelines and electric transmission operators from sharing valuable information. Moreover, the inclusion of the No-Conduit Rule in this Final Rule should ensure that any customer-specific information shared between transmission operators is not disclosed to other market participants, addressing many of the concerns of those commenters supporting a three-way communication requirement.

116. The Commission is also concerned that three-way communications conducted with one customer could result in the electric transmission operator or interstate natural gas pipeline inadvertently sharing non-public, operational information with only that customer. Selectively sharing information with a limited class of shippers or market participants without a rational justification could be characterized as permitting a public utility or interstate natural gas pipeline to make or grant an undue preference. Further, as noted in the NOPR, transmission operators may always discuss customer-specific information with the relevant customer and transmission operators but cannot deviate from the terms of their tariffs and cannot operate in an unduly discriminatory manner.

*C. Examples of Non-Public Operational Information*

1. NOPR

117. In the NOPR, the Commission stated that the term ''non-public, operational information'' is information that is not publicly posted, yet helps transmission operators to operate and maintain either a reliable pipeline system or a reliable electric transmission system.[173] The Commission noted that non-public, operational information may also include generator, pipeline, or transmission-specific information. The Commission further stated that, in using the term ''non-public, operational information,'' the Commission intended that transmission operators would be permitted to share information dealing with actual, anticipated, or potential effects on the ability to provide electric and gas service based on the respective operator's experience and understanding of the operational capability and customer demands on their respective systems.

118. The Commission provided examples of the types of information that non-public, operational information could include, but emphasized in the NOPR that the Commission was not proposing a specific list of information that can be shared in order to provide flexibility to individual operators. Examples of such information included, but were not limited to, the following types of information:

- Real-time and anticipated system conditions that have or are anticipated to impact natural gas transportation by changing near term gas flows;
- Actual and anticipated electric service interruptions to gas compressor locations;
- Verification that there is sufficient pipeline operational capability available at a specific delivery point to change the quantity of natural gas delivered to the generator as identified by the electric transmission operator;

[163] NYISO Comments at 4; NE Gas Industry Comments at 9; NYTOs at 9; and INGAA Comments at 5.

[164] NYISO Comments at 4.

[165] NYTO Comments at 8–9.

[166] NE Gas Industry Comments at 9.

[167] MISO Comments at 5.

[168] WGL Comments at 9.

[169] EEI Comments at 6.

[170] TVA Comments at 3.

[171] AEP Comments at 6.

[172] NRECA Comments at 5–6.

[173] NOPR, FERC Stats. & Regs. ¶ 32,699 at P 23 (cross-referenced at144 FERC ¶ 61,043).

• Actual and projected gas transportation restrictions to electric generators;

• Real-time actual flow and operational capacity data at all receipt and delivery points; real-time pipeline pressure at all receipt and delivery points;

• Nominated and scheduled quantities of shippers who are or who supply gas-fired generators; and,

• scheduled dates and duration of generator, pipeline, and transmission maintenance and planned outages.

The Commission sought comment on the specific categories of information identified.

2. Comments

119. EEI, NERC, NYISO, CAISO, APPA and IRC support the examples of non-public, operational information provided in the NOPR.[174] IRC states that, as a general matter, the more information that interstate natural gas pipelines can provide the electric transmission operator regarding pipeline system conditions, the better position the electric transmission operator will be in to use that information to address system contingencies.[175] EEI states that the NOPR's general definition and examples of non-public, operational information provide sufficient guidance to public utilities and interstate natural gas pipelines as to the types of information that the Commission contemplates could be conveyed under the proposal.[176]

120. Some commenters provide comments specific to the examples included in the NOPR and describe in detail the importance of particular categories of information for promoting reliable service or operational planning.[177] Other commenters express concern with some of the examples of non-public, operational information provided in the NOPR.[178] Some commenters also recommend that other types of information be shared in addition to the examples listed in the NOPR.[179]

121. A few commenters request clarification regarding the list of examples in the NOPR, or propose modifications to the list of examples in the NOPR.[180] The NYTOs, for example, request that the Commission clarify that RTOs and ISOs are permitted to share unit-specific, generator dispatch schedules with interstate natural gas pipelines (and LDCs) for the purpose of promoting reliable service or operational planning, subject to the No-Conduit Rule.[181] In addition, INGAA seeks further clarification regarding what non-public, operational information regarding future ''operational planning'' transmission operators may share under the proposed rule.[182]

122. Finally, PGC and Washington Gas state that many of the examples of information proposed to be shared between pipelines and transmission operators could be made public and shared with all market participants.[183]

3. Commission Determination

123. The Commission finds that the term ''non-public, operational information'' is sufficiently clear to describe the information that may be shared under this Final Rule. The examples provide guidance to public utilities and interstate natural gas pipelines as to the types of information that may be communicated under the rule. In general, we respond to comments regarding the specific list of examples provided in the NOPR with the guidance that we expect transmission operators to exchange that information which they find relevant to promote reliable service or operational planning on their systems. As explained in the NOPR, and reaffirmed here, the Commission is providing flexibility to transmission operators—who have the most insight and knowledge of their systems—to determine what non-public, operational information, if any, they deem valuable to maintain the reliability and integrity of their systems.

124. Regarding concerns of onerous requests by one transmission operator to another, we reiterate that the communications permitted under the Final Rule are voluntary and to the extent a transmission operator chooses not to share the requested non-public, operational information, the transmission operator is free to do so. For example, the Commission does not anticipate that an interstate natural gas pipeline will automatically share with an electric transmission operator all of the pipeline's non-public operational information in its possession. Rather, the interstate natural gas pipeline will share non-public operational information as necessary to promote reliable service and operational planning.

125. In response to PGC and Washington Gas, the Commission disagrees that the non-public, operational information transmission operators are permitted to share with one another should generally be made public. The Commission is providing explicit authority to transmission operators to exchange confidential and potentially commercially sensitive information, including generator-specific information, with one another for the purpose of promoting reliable service or operational planning. As discussed in more detail *infra,* the Commission is adopting a No-Conduit Rule due to concerns regarding the improper use of such information if disclosed to a third party or to a transmission operator's marketing function employees.

## IV. Clarification Regarding Table-Top Exercises

*A. NOPR*

126. In the NOPR, the Commission provided clarification of the applicability of the Standards of Conduct and statutory prohibition against undue discrimination to exchanges of information with regard to table-top exercises involving market affiliates of transmission providers and inter-industry participants.[184] The Commission clarified that, under the Standards of Conduct, marketing function employees may participate in table-top exercises that include a wide range of industry participants who will have equal access to non-public transmission information. However, the Commission re-emphasized that non-public transmission information cannot be provided during private table-top exercises involving only the transmission provider and marketing function employees since they would receive preferential access to non-public transmission information or preferential access to transmission facilities.

*B. Comments*

127. EEI and NGSA request that the Commission clarify the meaning of a ''tabletop exercise.'' [185] EEI also requests that the Commission clarify that marketing function employees can continue to participate in these

[174] EEI Comments at 4–5; NERC Comments at 7; NYISO Comments at 3; CAISO Comments at 3; APPA Comments at 5; and IRC Comments at 3.

[175] IRC Comments at 3.

[176] EEI Comments at 4–5.

[177] *See e.g.,* ISO–NE Comments at 5–8; ITC Comments at 4; NERC Comments at 7; NYISO Comments at 3; ISO–NE Comments at 4–8; Washington Gas Comments at; and NGSA Comments at 6–7.

[178] *See, e.g.,* NE Gas Industry Comments at 8; NGSA Comments at 7.

[179] ITC Comments at 4; NYISO Comments at 3–4; NYPSC Comments at 6.

[180] NERC Comments at 7; NYPSC Comments at 4.

[181] NYTOs Comments at 7–8.

[182] INGAA Comments at 4.

[183] PGC Comments at 3 and 4; Washington Gas Comments at 2–4.

[184] NOPR, FERC Stats. & Regs. ¶ 32,699 at PP 20–21 (cross-referenced at 144 FERC ¶ 61,043).

[185] EEI Comments at 7; NGSA Comments at 11.

exercises without violating the No-Conduit Rule in the NOPR.[186] NGSA also requests that the Commission clarify that commercially sensitive information should not be disclosed at these events without consent of the relevant companies.[187]

*C. Commission Determination*

128. As used in the NOPR, the term ''table-top exercise'' refers to an exercise used to assess inter- or intra-industry coordination and communications, usually during an emergency situation. For example, the NYTOs stated in earlier comments that the electric and gas industries in New York regularly participate in separate ''tabletop'' reliability drills. They stated that the NYISO and NYTOs conduct drills prior to each summer season to simulate the restoration of service after a gas supply-related outage and the Northeast Gas Association holds annual emergency communications exercises among gas utilities and interstate pipelines serving the northeast that simulate conditions following major system emergencies.[188]

129. As requested by EEI, we clarify that under the Standards of Conduct and under the Final Rule, marketing function employees may participate in table-top exercises that include a wide range of industry participants who will have equal access to non-public transmission or operational information. However, non-public transmission or operational information cannot be provided during private table-top exercises involving only the transmission provider or operator and marketing function employees since they would receive preferential access to non-public transmission or operational information or preferential access to transmission facilities.

130. The Commission also clarifies that, under the Standards of Conduct and the Final Rule, the disclosure of commercially sensitive, customer-specific information at these events is not permitted without the consent of the relevant entities.

**V. Miscellaneous**

*A. Monitoring, Existing Tariff Requirements, Document Destruction*

1. Comments

131. AEP requests that the Commission designate an entity to ensure that reliability and market protections are in place because of the potential for disagreement between the two industries with regard to confidential information sharing.[189]

132. NRECA states that the Commission should maintain in the Final Rule the explicit requirement that ''to the extent that an electric transmission operator or interstate natural gas pipeline has a tariff provision which precludes a communication that would otherwise be authorized under the proposed regulations, it [must] make a filing under the FPA or NGA to revise that provision to permit such exchanges of information.'' [190] However, NRECA states that the Commission should clarify that to the extent market participants' confidential information is required by tariff to be protected from public disclosure, the Final Rule in this proceeding cannot be deemed to supersede those tariff provisions.[191] NRECA states that in addition to protecting against disclosure of confidential information which is subject to existing tariff provisions, the Final Rule should also provide assurance that existing notice provisions regarding disclosure of confidential information will be followed for sharing of non-pubic operational information.[192] NRECA states that the Final Rule should adopt the Commission's proposal to clarify that existing tariffs must be complied with absent a Commission-approved revision.

133. NEPGA asserts that the Commission should establish rules for the destruction or return of written or recorded information within six months to protect generators' commercial interests.[193] NEPGA contends that this requirement is an important protection against the potentially harmful effects of the distribution of generator-specific, commercially sensitive information.

2. Commission Determination

134. In response to AEP, the Commission reaffirms that the communications permitted under the Final Rule are voluntary and that to the extent a transmission operator chooses not to share the requested non-public, operational information, the transmission operator is free to do so. To the extent this voluntary approach proves inadequate to promote reliable service or operational planning, the Commission may revisit the need to require certain communications or information sharing between transmission operators in the future. However, the Commission finds that providing explicit authority to transmission operators—who have the most insight and knowledge of their systems—to share non-public, operational information with each other will promote reliable service or operational planning on both the public utility's and pipeline's system. Furthermore, the Commission declines to adopt AEP's proposal to designate an entity to supervise interstate natural gas pipeline-electric transmission operator communications. We see no need for such supervision of this voluntary information sharing program at this time. With regard to requests for added market protections, as discussed above, we conclude that the No-Conduit Rule, together with the requirements that natural gas pipelines and electric transmission operators abide by their tariffs, provides a reasonable balance between the exchange of important information and protection against the disclosure of non-public operational information, including confidential information.

135. In response to NRECA's comments regarding the relationship of this Final Rule to existing tariff provisions, we note that this Final Rule does not supersede any existing tariff provisions.[194] Thus, to the extent an electric transmission operator or interstate natural gas pipeline has an existing tariff provision that precludes a communication that would otherwise be authorized under the regulations adopted here, before it may share such precluded information under the express authorization provided in this Final Rule, it must make a filing under the FPA or NGA to revise that provision to permit such exchanges of information. In short, if a transmission operator wants to take advantage of the explicit authority provided by the Commission under the Final Rule, and that transmission operator has tariff provisions prohibiting the communications permitted under this rule, it must make a filing with the Commission to revise the relevant tariff provisions to permit such exchanges of information. Similarly, we clarify that any existing tariff provisions requiring

[186] EEI Comments at 7.

[187] NGSA Comments at 11.

[188] NYTOs Comments, Docket No. AD12–12–000, at 5 (filed Jan. 7, 2013).

[189] AEP Comments at 7.

[190] NRECA Comments at 5 (citing NOPR, FERC Stats. & Regs. ¶ 32,699 at P 10 (cross-referenced at 144 FERC ¶ 61,043).

[191] NRECA provides as an example PJM's Amended and Restated Operating Agreement which prohibits disclosure of confidential information except in defined circumstances, including to NERC and applicable regional entities for reliability.

[192] NRECA states that PJM's Operating Agreement requires notice to the affected Member before PJM can make any disclosure of confidential information if required by law.

[193] NEPGA Comments at 3–4.

[194] *Regulation of Short-Term Natural Gas Transportation Services, and Regulation of Interstate Natural Gas Transportation Services,* 101 FERC ¶ 61,127, at P 36 (2002).

notice regarding the disclosure of confidential information, including the non-public, operational information at issue here, remain in place unless proposed revisions to those tariffs are approved by the Commission.

136. In response to NEPGA, the Commission declines to generically establish rules for the destruction or return of written or recorded information within six months to protect generator's commercial interests. As discussed previously, the Commission is adopting a No-Conduit Rule which, together with the requirements that natural gas pipelines and electric transmission operators abide by their tariffs, should adequately protect against the harmful disclosure or distribution of non-public operational information, including generator-specific, commercially sensitive information.

*B. Costs of Information Sharing*

1. Comments

137. ELCON suggests that Commission require natural gas pipelines and electric transmission operators to account for the costs of information sharing.[195] ELCON requests that the Commission direct natural gas pipelines and electric transmission operators to not incur costs that are not commensurate with an identified benefit. ELCON suggests that the NOPR's flexibility and non-binding examples of information sharing raise the specter that the Commission contemplates implementation of extensive information sharing systems whose costs outweigh the benefits to system reliability and contingency planning. ELCON requests that the Commission explicitly state that it is not intending to encourage the development and implementation of information sharing systems whose costs are not commensurate with their benefits.[196]

2. Commission Determination

138. The Commission finds that ELCON's request for transmission operators to account for the costs of information sharing are premature and outside the scope of this Final Rule. In this Final Rule, the Commission is providing explicit authority for transmission operators to share non-public, operational information with each other for the purpose of promoting reliable service or operational planning. In addition, the Commission reiterates that in adopting the proposed regulations, the Commission is providing flexibility to individual transmission operators—who have the most insight and knowledge of their systems—to share that information which they deem necessary to promote reliable service and operational planning on their system. Issues related to the costs of systems or procedures developed to allow for the information sharing permitted by this Final Rule may be appropriately raised in other proceedings, including transmission operators' rate cases.

*C. Implementation*

1. Comments

139. NGSA suggests that the Commission implement its proposed rule on an interim basis and reassess the impacts of allowing the proposed communication between utilities after some experience under the new communications regime. NGSA states that this approach would be similar to past rulemaking proceedings such as the natural gas capacity release rulemaking.[197] NGSA proposes that after an interim period of one year, transmission operators should report to the Commission what information was shared and how this information sharing promoted reliable service or operational planning.[198] NGSA suggests that the information would need to be provided in a manner that protects confidential or proprietary data. After the interim period, transmission operators would also report what actions were taken based on information exchanges to allow the Commission to more accurately assess the benefits of increased communications. NGSA also suggests that the Commission release a report summarizing the impacts of this information sharing rule and hold a technical conference for industry to assess the impacts of the rule. NGSA states that at the technical conference, the Commission and industry should assess whether: (1) The scope of allowed communications should be narrowe; (2) additional protections are needed to ensure commercially sensitive information is not released; and (3) transmission operators should be required to publicly post shared information that is not commercially sensitive.[199]

140. NGSA suggests that the assessment and technical conference would allow the Commission to determine whether further improvements to the communications rules are needed. After receiving reports from transmission operators and pipelines, the Commission could consider whether some publicly available and not commercially sensitive communications should be publicly posted, for example, on a pipeline EBB. NGSA contends that the Commission could also determine whether market participants' information is sufficiently protected under the proposed rule. NGSA suggests that requiring pipelines and transmission operators to report what information they communicated during an interim test period will allow the Commission and industry to determine what additional protections might be needed. NGSA suggests that market participants would have greater confidence in expanded communications knowing that there would be an opportunity to learn what information was shared and that the Commission would make changes to the rule if needed.[200]

[195] ELCON Comments at 2–3.

[196] *Id.*

[197] NGSA Comments at 9–10 (citing *Regulation of Short-Term Natural Gas Transportation Services and Regulation of Interstate Natural Gas Transportation Services,* Order No. 637, FERC Stats. & Regs. ¶ 31,091 (2000) (cross-referenced at 90 FERC ¶ 61,109 (2000))).

[198] *Id.* at 10.

[199] *Id.* at 10–11.

[200] NGSA Comments at 11.

141. NRECA suggests that the Commission require ''status report'' filings by transmission operators to explain progress made in the sharing of non-public, operational information.[201] NRECA states that the reports could be part of a comprehensive submission to be submitted at regular intervals (e.g., quarterly or semi-annually), similar to the reports required by RTOs and ISOs on gas-electric coordination issues, or could focus only on implementation of the Final Rule in this proceeding. Either way, NRECA suggests that the Final Rule include a mechanism for the Commission to gauge response and outcome of the Final Rule, and its impact on gas-electric coordination efforts.[202]

142. APPA suggests that, after a period of time, the Commission could revisit its revised regulations in this area to determine whether it needs to further define the term ''non-public, operational information'' and to evaluate how the voluntary approach is working.[203] PUCO also states that it would be appropriate for the Commission to periodically review which non-public information is shared and whether that exchange of information is adequate to maintain reliability.[204] PUCO further states that because different regions will have diverse practices concerning the level and type of non-public information shared, the Commission should use the collection of such data to arrive at a proposed best practices solution that is most effective to ensure efficient operations and to promote reliability. NESCOE also encourages the Commission to undertake periodic assessments of the efficacy of the changes made in the Final Rule, the extent to which impediments to communications and information sharing remain, and consider additional actions if needed. [205]

[201] NRECA Comments at 5.

[202] *Id.*

[203] APPA Comment at 5.

[204] PUCO Comments at 6.

[205] NESCOE Comments at 6.

2. Commission Determination

143. The Commission will not adopt NGSA's suggestion of implementing the proposed rule on an interim basis. The Commission is concerned that existing barriers—real or perceived—to the sharing of non-public, operational information could impede transmission operators' ability to reliably manage the operation of interstate natural gas pipeline and electric transmission systems. Therefore, the Commission is taking action to ensure that transmission operators covered by this rule may communicate non-public, operational information, subject to the No-Conduit Rule.

144. The Commission declines to adopt the suggestion of NRECA, APPA, PUCO and NESCO that transmission operators submit status report filings describing progress made in the sharing of non-public, operational information. We fully expect market participants in both industries, as they experience the communications contemplated by this Final Rule, to keep the Commission informed about progress, issues and areas of possible improvement. We see no reason to impose a requirement for status reports at this time.

## VI. Information Collection Statement

145. The collection of information contained in this Final Rule is being submitted to the Office of Management and Budget (OMB) for review under Section 3507(d) of the Paperwork Reduction Act of 1995 (PRA).[206] OMB's regulations require approval of certain information collection requirements imposed by agency rule.[207] Upon approval of a collection of information, OMB will assign an OMB control number and an expiration date. Respondents subject to the filing requirements of a rule will not be penalized for failing to respond to this collection of information if the collection of information does not display a valid OMB control number.

146. Public Reporting Burden: The communications and information sharing (described in new 18 CFR 38.2 and 18 CFR 284.12(b)(4)) are voluntary, take place between various industry entities (and are not submitted to the Commission), and are intended to promote reliable service or operational planning. In the NOPR, the Commission solicited comments on the need for this information and the frequency of providing it (number of responses per respondent). No filed comments addressed the proposed Information Collection Statement, including the estimated public reporting burden, or the proposed Regulatory Flexibility Act Certification, including the estimated impact on small entities. Commenters acknowledged that reliability and operational planning on interstate natural gas pipelines and electric transmission systems could be further enhanced by information sharing. While the extent of such communications likely will vary significantly across the country, the annual estimates represent an expected average and reflect the burden for operational planning and emergencies.

147. In the Final Rule, the Commission explains that to the extent an electric transmission operator or interstate natural gas pipeline has a tariff provision which precludes a communication that would otherwise be authorized under the proposed regulations, it must make a filing under section 205 of the FPA or section 4 of the NGA to revise that provision to permit such exchanges of information.

148. The reporting requirements in the Final Rule include: the voluntary communication of non-public, operational information among interstate natural gas pipelines and electric transmission operators, and possibly necessary tariff filings by electric transmission operators and natural gas pipelines. The additional estimated annual burden and cost follow.

[206] 44 U.S.C. 3507(d) (2012).

[207] 5 CFR 1320.

FERC–923, COMMUNICATION OF OPERATIONAL INFORMATION BETWEEN NATURAL GAS PIPELINES AND ELECTRIC TRANSMISSION OPERATORS, FINAL RULE IN DOCKET NO. RM13–17 [208]

| Type of entity (1) | Number of respondents (2) | Number of responses per respondent (3) | Average burden hours per response (4) | Total annual burden hours (2)*(3)*(4)=(5) | Total annual cost ($) (5)*($/hr)=(6) [209] |
|---|---|---|---|---|---|
| Public Utility Transmission Operator, communications | [210] 167 | [211] 12 | 0.50 | 1002 | $60,531 |
| Interstate Natural Gas Pipelines, communications | [212] 137 | 12 | 0.50 | 822 | 49,657 |
| Public Utility Transmission Operator (tariff change) | [213] 4 | 2 | [214] 8 | 64 | 2,832 |
| Interstate Natural Gas Pipelines (tariff change) | [215] 4 | 1 | [216] 8 | 32 | 1,416 |
| Total | | | | 1,920 | 114,436 |

*Title:* FERC–923, ''Communication of Operational Information between Natural Gas Pipelines, and Electric Transmission Operators.''

*Action:* Proposed FERC–923.

*OMB Control Nos.:* 1902–0265 (FERC–923).

*Respondents:* Public utility transmission operators and interstate natural gas pipelines.

*Frequency of Responses:* FERC–923, as needed.

*Necessity of the Information:* In this Final Rule, the Commission is revising Parts 38 and 284 of the Commission's regulations to authorize interstate natural gas pipelines and public utilities that own, operate, or control facilities used for the transmission of electric energy in interstate commerce to share non-public, operational information for the purpose of promoting reliable service and operational planning on either the public utility's or pipeline's system. Such sharing is voluntary.

149. The revised regulations will help promote the reliability of pipeline and public utility transmission service by permitting transmission operators to share information that they deem necessary to promote the reliability and integrity of their systems with each other.

150. *Internal Review:* The Commission has reviewed the requirements and determined that the proposed amendments are necessary. These requirements conform to the Commission's need for efficient information collection, communication, and management within the energy industry. The Commission has assured itself, by means of internal review, that there is specific, objective support for the burden estimates associated with the information collection requirements. Interested persons may obtain information on the reporting requirements by contacting the following: Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426 [Attention: Ellen Brown, Office of the Executive Director, email: *DataClearance@ferc.gov,* phone: (202) 502–8663, fax: (202) 273–0873].

151. Please send comments concerning the collection of information and the associated burden estimates to the Commission, and to the Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, DC 20503 [Attention: Desk Officer for the Federal Energy Regulatory Commission, phone: (202) 395–4638, fax: (202) 395–7285]. For security reasons, comments to OMB should be submitted by email to: *oira_submission@omb.eop.gov*. Comments submitted to OMB should include Docket Number RM13–17–000, FERC–923 (OMB Control No. 1902–0268).

## VII. Environmental Analysis

152. The Commission is required to prepare an Environmental Assessment or an Environmental Impact Statement for any action that may have a significant adverse effect on the human environment.[217] The Commission concludes that neither an Environmental Assessment nor an Environmental Impact Statement is required for this Final Rule under section 380.4(a)(2)(ii) of the Commission's regulations, which provides a categorical exemption for proposals for legislation and promulgation of rules that are clarifying, corrective, or procedural, or that do not substantively change the effect of legislation or regulations being amended.[218]

## VIII. Regulatory Flexibility Act

153. The Regulatory Flexibility Act of 1980 (RFA) [219] generally requires a description and analysis of rules that will have significant economic impact on a substantial number of small entities. The RFA mandates

[208] Columns 5 and 6 are rounded.

[209] For communications, the estimated hourly cost (for salary plus benefits) is $60.41; estimated annual costs are $125,647 (based on 2,080 hours per year). It is based on data from the Bureau of Labor Statistics Occupational Outlook Handbook, 2012–2013 edition for the top 10% of ''Power Plant Operators, Distributors, and Dispatchers'' (at http://www.bls.gov/ooh/).

For tariff filings, the average hourly cost (for salary plus benefits) is $44.25. This hourly estimate will be used for public utility transmission operators and interstate natural gas pipelines. It is based on data provided by the Bureau of Labor Statistics Occupational Outlook Handbook, 2012—2013 edition for the median for ''Lawyers,'' ''Paralegal and Legal Assistants,'' and ''Secretaries and Administrative Support'' (at http://www.bls.gov/ooh/). The estimated annual costs (salary plus benefits) for Lawyers, Paralegal and Legal Assistance, and Secretaries and Administrative Support are $160,398, $66,401, and $49,303, respectively. The hourly cost (based on 2080 hours per year) is $77.11, $31.92 and $23.70 for the three occupations, respectively.

For the estimate of the benefits component, see http://www.bls.gov/news.release/ecec.nr0.htm.

[210] The estimate for the number of respondents is based on the North American Electric Reliability Corporation (NERC) Compliance Registry as of April 30, 2013, minus the Transmission Operators within ERCOT. Using the Small Business Administration (SBA) definition, 31 of the 167 Public Utility Transmission Operators are considered ''small.''

[211] The Commission estimates an annual average per entity of 12 responses (including electric and gas emergency and/or operational contacts).

[212] The 2012 filings of the FERC Forms 2 and 2A indicated that there are 137 interstate natural gas pipelines. Of those pipelines, eight (8) are considered small using the definition of the Small Business Administration (at 13 CFR 121.301), including the affiliates.

[213] Of the 167 Public Utility Transmission Operators, the Commission estimates that four will make tariff filings.

[214] The Commission estimates that the public utility transmission operator will require eight work hours to file the amendment to the tariff from a team that consists of a ''Lawyer,'' a ''Paralegal and Legal Assistant,'' and a ''Secretary and Administrative Support.''

[215] Of the 137 interstate natural gas pipelines, the Commission estimates that four will make tariff filings.

[216] The Commission estimates that an interstate natural gas pipeline will require eight work hours to file the amendment to the tariff from a team that consists of a ''Lawyer,'' a ''Paralegal and Legal Assistant,'' and a ''Secretary and Administrative Support.''

[217] *Regulations Implementing the National Environmental Policy Act of 1969,* Order No. 486, 52 FR 47897 (Dec. 17, 1987), FERC Stats. & Regs., Regulations Preambles 1986–1990 ¶ 30,783 (1987).

[218] 18 CFR 380.4(a)(2)(ii) (2013).

[219] 5 U.S.C. 601–612 (2012).

consideration of regulatory alternatives that accomplish the stated objectives of a rule and that minimize any significant economic impact on a substantial number of small entities. The Small Business Administration's (SBA's) Office of Size Standards develops the numerical definition of a small business.[220] The SBA has established a size standard, for electric utilities, electric power distribution, and electric bulk power transmission and control, stating that a firm is small if, including its affiliates, it is primarily engaged in the transmission, generation and/or distribution of electric energy for sale and its total electric output for the preceding fiscal year did not exceed four million megawatt hours.[221] For pipeline transportation of natural gas, the SBA defines a small entity as having a maximum annual receipt of $25.5 million dollars.[222] For a ''Natural Gas Distribution'' company, the SBA defines a small entity as having less than 500 employees.[223]

154. The Commission estimates a total of 39 ''small'' entities [224] (or 12.8 percent of the total of 304 entities), and an average annual cost for each entity of $376.[225] This proposal will enable entities of all sizes to communicate voluntarily and to share non-public, operational information for the purpose of promoting reliable service or operational planning, thereby easing and improving the normal business process. Accordingly, the Commission certifies that this rule will not have a significant impact on a substantial number of small entities and no regulatory flexibility analysis is required.

## IX. Document Availability

155. In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the Internet through FERC's Home Page (*http://www.ferc.gov*) and in FERC's Public Reference Room during normal business hours (8:30 a.m. to 5:00 p.m. Eastern time) at 888 First Street NE., Room 2A, Washington, DC 20426.

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## X. Effective Date and Congressional Notification

158. These regulations are effective December 23, 2013. The incorporation by reference of certain publications in this rule is approved by the Director of the Federal Register as of December 23, 2013. The Commission has determined, with the concurrence of the Administrator of the Office of Information and Regulatory Affairs of OMB, that this rule is not a ''major rule'' as defined in section 351 of the Small Business Regulatory Enforcement Fairness Act of 1996.

## List of Subjects

*18 CFR Part 38*

Conflict of interests, Electric power plants, Electric utilities, Incorporation by reference, Reporting and recordkeeping requirements.

*18 CFR Part 284*

Natural gas, Reporting and recordkeeping requirements.

By the Commission.

**Nathaniel J. Davis, Sr.,**

*Deputy Secretary.*

In consideration of the foregoing, the Commission amends Part 38 and Part 284, Chapter I, Title 18, *Code of Federal Regulations,* as follows:

## PART 38—STANDARDS FOR PUBLIC UTILITY BUSINESS OPERATIONS AND COMMUNICATIONS

■ 1. The authority citation for Part 38 continues to read as follows:

**Authority:** 16 U.S.C. 791–825r, 2601–2645; 31 U.S.C. 9701; 42 U.S.C. 7101–7352.

■ 2. The heading of Part 38 is revised to read as set forth above:

### § 38.1 [Removed]

■ 3. Remove § 38.1.

### § 38.2 [Redesignated as § 38.1]

■ 4. Redesignate § 38.2 as § 38.1

■ 5. In newly redesignated § 38.1, paragraph (a) is revised to read as follows:

### § 38.1 Incorporation by reference of North American Energy Standards Board Wholesale Electric Quadrant standards.

(a) Any public utility that owns, operates, or controls facilities used for the transmission of electric energy in interstate commerce or for the sale of electric energy at wholesale in interstate commerce and any non-public utility that seeks voluntary compliance with jurisdictional transmission tariff reciprocity conditions must comply with the following business practice and electronic communication standards promulgated by the North American Energy Standards Board Wholesale Electric Quadrant, which are incorporated herein by reference:

* * * * *

■ 6. New § 38.2 is added to read as follows:

### § 38.2 Communication and information sharing among public utilities and pipelines.

(a) Any public utility that owns, operates, or controls facilities used for the transmission of electric energy in interstate commerce is authorized to share non-public, operational information with a pipeline, as defined in § 284.12(b)(4) of this chapter, or another public utility covered by this section for the purpose of promoting reliable service or operational planning.

(b) Except as permitted in paragraph (a) of this section, a public utility, as defined in this section, and its employees, contractors, consultants, and agents are prohibited from disclosing, or using anyone as a conduit for the disclosure of, non-public, operational information received from a pipeline pursuant to § 284.12(b)(4) of this chapter to a third party or to its marketing function employees as that term is defined in § 358.3(d) of this chapter.

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[220] 13 CFR 121.101 (2012).

[221] 13 CFR 121.201, Sector 22, Subsector 221, Utilities & n.1.

[222] Based on 13 CFR 121.201, Sectors 48–49, Subsector 486, Pipeline Transportation, the annual receipts indicate the maximum allowed for a concern and its affiliates to be considered ''small.''

[223] 13 CFR 121.201, Sector 22, Subsector 221, Utilities, NAICS code 221210.

[224] Based on the SBA definitions and including affiliates, the number of ''small'' entities is estimated to be: (1) for public utility transmission operators, 31 small public utilities; and (2) for interstate natural gas pipelines, eight small interstate natural gas pipelines.

[225] The information sharing and communications permitted in this Final Rule are voluntary. For small entities which do not serve or take service from natural gas-fired electric generators, no such communications are necessary or required and their burden will effectively be zero. For small entities which do not wish to participate in communications among transmission operators serving or being served by natural gas-fired electric generators, their burden is also zero.

## PART 284—CERTAIN SALES AND TRANSPORTATION OF NATURAL GAS UNDER THE NATURAL GAS POLICY ACT OF 1978 AND RELATED AUTHORITIES

■ 7. The authority citation for Part 284 continues to read as follows:

**Authority:** 15 U.S.C. 717–717z, 3301–3432; 42 U.S.C. 7101–7352; 43 U.S.C. 1331–1356.

■ 8. In § 284.12, paragraph (b)(4) is added to read as follows:

**§ 284.12 Standards for pipeline business operations and communications.**

* * * * *

(b) * * *

(4) *Communication and information sharing among pipelines and public utilities.* (i) A pipeline is authorized to share non-public, operational information with a public utility, as defined in § 38.2(a) of this chapter or another pipeline covered by this section, for the purpose of promoting reliable service or operational planning.

(ii) Except as permitted in paragraph (b)(4)(i) of this section, a pipeline and its employees, contractors, consultants, and agents are prohibited from disclosing, or using anyone as a conduit for the disclosure of, non-public, operational information received from a public utility pursuant to § 38.2 of this chapter to a third party or to its marketing function employees as that term is defined in § 358.3(d) of this chapter.

[FR Doc. 2013–28078 Filed 11–21–13; 8:45 am]

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