AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

FEDERAL REGISTER

Vol. 78 Friday,

No. 245 December 20, 2013

Pages 76973–77326

OFFICE OF THE FEDERAL REGISTER

The **FEDERAL REGISTER** (ISSN 0097–6326) is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 is the exclusive distributor of the official edition. Periodicals postage is paid at Washington, DC.

The **FEDERAL REGISTER** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see *www.ofr.gov.*

The seal of the National Archives and Records Administration authenticates the Federal Register as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge at *www.fdsys.gov*, a service of the U.S. Government Printing Office.

The online edition of the **Federal Register** is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6:00 a.m. each day the **Federal Register** is published and includes both text and graphics from Volume 59, 1 (January 2, 1994) forward. For more information, contact the GPO Customer Contact Center, U.S. Government Printing Office. Phone 202-512-1800 or 866-512-1800 (toll free). E-mail, *gpocusthelp.com.*

The annual subscription price for the **Federal Register** paper edition is $749 plus postage, or $808, plus postage, for a combined **Federal Register, Federal Register** Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the **Federal Register** Index and LSA is $165, plus postage. Six month subscriptions are available for one-half the annual rate. The prevailing postal rates will be applied to orders according to the delivery method requested. The price of a single copy of the daily **Federal Register,** including postage, is based on the number of pages: $11 for an issue containing less than 200 pages; $22 for an issue containing 200 to 400 pages; and $33 for an issue containing more than 400 pages. Single issues of the microfiche edition may be purchased for $3 per copy, including postage. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard, American Express, or Discover. Mail to: U.S. Government Printing Office—New Orders, P.O. Box 979050, St. Louis, MO 63197-9000; or call toll free 1-866-512-1800, DC area 202-512-1800; or go to the U.S. Government Online Bookstore site, see *bookstore.gpo.gov.*

There are no restrictions on the republication of material appearing in the **Federal Register.**

How To Cite This Publication: Use the volume number and the page number. Example: 77 FR 12345.

Postmaster: Send address changes to the Superintendent of Documents, Federal Register, U.S. Government Printing Office, Washington, DC 20402, along with the entire mailing label from the last issue received.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche	**202–512–1800**
Assistance with public subscriptions	**202–512–1806**

General online information **202–512–1530; 1–888–293–6498**

Single copies/back copies:

Paper or fiche	**202–512–1800**
Assistance with public single copies	**1–866–512–1800 (Toll-Free)**

FEDERAL AGENCIES

Subscriptions:

Paper or fiche	**202–741–6005**
Assistance with Federal agency subscriptions	**202–741–6005**

Printed on recycled paper.

Contents

Federal Register

Vol. 78, No. 245

Friday, December 20, 2013

Agriculture Department
See Food and Nutrition Service
See Forest Service
See Rural Utilities Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 77094–77095

Air Force Department
NOTICES
United Launch Alliance Consent Order and Recent Change in Department of Defense Compliance Officer, 77106–77107

Alcohol, Tobacco, Firearms, and Explosives Bureau
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
National Firearms Act – Special Occupation Taxes, 77167
Supplemental Information on Water Quality Considerations, 77167–77168

Army Department
See Engineers Corps
NOTICES
Exclusive, Non-Exclusive, or Partially-Exclusive Licensing; Availability:
Invention Concerning Antibody-Dependent Cellular Cytoxicity-Mediating Antibodies, 77107
Invention Concerning Preoperative Recommendations Engine, 77107
Invention Concerning Therapeutic Peptides that Inhibit Rift Valley Fever Virus, Ebola Virus, Andes Virus and Vesicular Stomatitis Virus Infectivity, Compositions and Methods, 77107
Surplus Property at Military Installations Designated for Disposal:
Pueblo Chemical Depot, CO, 77108

Blind or Severely Disabled, Committee for Purchase From People Who Are
See Committee for Purchase From People Who Are Blind or Severely Disabled

Centers for Medicare & Medicaid Services
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 77133–77136

Coast Guard
PROPOSED RULES
Overhead Clearance Air-Draft Accidents, 77027–77029

Commerce Department
See International Trade Administration
See National Oceanic and Atmospheric Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 77098

Committee for Purchase From People Who Are Blind or Severely Disabled
NOTICES
Procurement List; Additions and Deletions, 77105–77106

Copyright Royalty Board
RULES
Adjustment of Determination of Compulsory License Rates for Mechanical and Digital Phonorecords, 76987

Defense Acquisition Regulations System
RULES
Defense Federal Acquisition Regulation Supplement: Photovoltaic Devices, 76993–76995

Defense Department
See Air Force Department
See Army Department
See Defense Acquisition Regulations System
See Engineers Corps

Education Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Guidance for All Grant Applications, 77110
Race to the Top – District Annual Performance Report, 77109–77110

Election Assistance Commission
NOTICES
Help America Vote Act:
Oklahoma State Plan, 77110–77111

Employment and Training Administration
NOTICES
Worker Adjustment Assistance; Eligibility Investigations, 77169

Energy Department
See Federal Energy Regulatory Commission
PROPOSED RULES
Energy Conservation Program:
Energy Conservation Standards for Certain Consumer Products, 77019–77023
NOTICES
Charter Renewals:
Biological and Environmental Research Advisory Committee, 77111

Engineers Corps
NOTICES
Environmental Impact Statements; Availability, etc.:
Middle Mississippi River Regulating Works Project, Missouri and Illinois, 77108–77109

Environmental Protection Agency
RULES
Pesticide Tolerances:
Mandipropamid, 76987–76992

NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Motor Vehicle Emissions; Revisions to Certification of Alternative Fuels Conversions, 77120–77121
Regulation of Fuels and Fuel Additives; 2011 Renewable Fuel Standards, etc., 77119–77120
Coastal Nonpoint Pollution Control Program:
Oregon; Failure to Submit an Approvable Program, 77104–77105
Cross-Media Electronic Reporting:
New York; Authorized Program Revision Approval, 77121
Environmental Impact Statements; Availability, etc.:
Weekly Receipts, 77121–77122
Meetings:
Environmental Laboratory Advisory Board, 77122
Permits:
National Pollutant Discharge Elimination System; Small Suction Dredging, 77122
Registration Reviews:
Pesticide Dockets Opened for Review and Comment, 77122–77125
Senior Executive Service Performance Review Board; Membership, 77125

Export-Import Bank
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 77125–77126

Federal Aviation Administration
RULES
Airworthiness Directives:
Eurocopter France Helicopters, 76984–76986
Special Conditions:
Airbus, A350–900 Series Airplane; Interaction of Systems and Structures, 76980–76984
PROPOSED RULES
Establishment of Class E Airspace:
Tucumcari, NM, 77023–77024
NOTICES
Random Drug and Alcohol Testing Percentage Rates of Covered Aviation Employees, 77196

Federal Communications Commission
RULES
Draft Guidance for Industry and Staff:
Accessibility of User Interfaces, and Video Programming Guides and Menus, 77210–77254
PROPOSED RULES
License Proposals:
600 MHz Band Using Partial Economic Areas, 77029–77074
Twenty-First Century Communications and Video Accessibility Act:
Accessibility of User Interfaces, and Video Programming Guides and Menus; Accessible Emergency Information, etc., 77074–77087
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 77126–77127

Federal Deposit Insurance Corporation
NOTICES
Financial Institutions in Liquidation; List Updates, 77127–77128
Terminations of Receiverships:
La Coste National Bank, La Coste, TX, 77128

Federal Energy Regulatory Commission
RULES
Version 5 Critical Infrastructure Protection Reliability Standards, 76986
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 77111–77112
Applications:
Bakken Hunter, LLC, 77113–77114
FirstEnergy Generation, LLC, 77112–77113
Lock 12 Hydro Partners, 77116
Lock 14 Hydro Partners, 77115–77116
Pacific Gas and Electric Co., 77114–77115
Combined Filings, 77116–77118
Initial Market-Based Rate Filings Including Requests for Blanket Section 204 Authorization:
Skylar Energy LP; Supplemental Notice, 77118
Preliminary Permit Applications:
KC Small Hydro, LLC, 77118–77119

Federal Highway Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 77196–77198
Final Federal Agency Actions on Proposed Highway in California, 77198–77199

Federal Reserve System
RULES
Financial Market Utilities, 76973–76980
Regulatory Capital:
Regulatory Capital, Implementation of Basel III, etc.; Correction, 76973
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 77128–77132

Federal Trade Commission
RULES
Children's Online Privacy Protection; Correction, 76986
PROPOSED RULES
Children's Online Privacy Protection:
iVeriFly, Inc., Application for Approval of Parental Consent Method, 77026–77027
Telemarketing Sales:
Termination of Caller ID Rulemaking, 77024–77026

Fish and Wildlife Service
RULES
Endangered and Threatened Wildlife and Plants:
Designation of Critical Habitat for Arctostaphylos franciscana (Franciscan Manzanita), 77290–77325
Threatened Status for Eriogonum codium (Umtanum Desert Buckwheat) and Physaria douglasii subsp. tuplashensis (White Bluffs Bladderpod); Designation of Critical Habitat, 76995–77005
PROPOSED RULES
Endangered and Threatened Wildlife and Plants:
Threatened Status for the Bi-State Distinct Population Segment of Greater Sage-Grouse With Special Rule and Designation of Critical Habitat, 77087–77089
NOTICES
Endangered and Threatened Wildlife and Plants Recovery Permit Applications, 77152–77153
Environmental Action Statement Screening Form and Proposed Amendment:
Candidate Conservation Agreement with Assurances; Lesser Prairie Chicken, Oklahoma, 77153–77154

Food and Nutrition Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
WIC Local Agency Directory Report, 77095–77096

Foreign Assets Control Office
NOTICES
Blocking or Unblocking of Persons and Property, 77203–77204

Forest Service
NOTICES
Newspapers Used for Publication of Legal Notices:
Southwest Region; Arizona, New Mexico, Oklahoma, Texas, 77096–77098

General Services Administration
NOTICES
Meetings:
Government Accountability and Transparency Board, 77132–77133

Health and Human Services Department
See Centers for Medicare & Medicaid Services
See Health Resources and Services Administration
See National Institutes of Health

Health Resources and Services Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 77136–77138

Homeland Security Department
See Coast Guard
See U.S. Citizenship and Immigration Services
See U.S. Customs and Border Protection

Housing and Urban Development Department
NOTICES
Federal Property Suitable as Facilities to Assist the Homeless, 77141–77144
Funding Awards:
Housing Choice Voucher Program, Fiscal Year 2013, 77144–77151

Indian Affairs Bureau
NOTICES
Grant Program to Assess, Evaluate, and Promote Development of Tribal Energy and Mineral Resources, 77155–77161
Grant Program to Build Tribal Energy Development Capacity, 77161–77165

Interior Department
See Fish and Wildlife Service
See Indian Affairs Bureau
See Land Management Bureau
NOTICES
Appointments:
Senior Executive Service Performance Review Board, 77151–77152

International Trade Administration
NOTICES
Antidumping and Countervailing Duty Administrative Reviews; Results, Extensions, Amendments, etc.:
Certain New Pneumatic Off-The-Road Tires from the People's Republic of China, 77101–77102
Diamond Sawblades and Parts Thereof from the People's Republic of China, 77098–77101
Requests for Nominations:
United States Travel and Tourism Advisory Board, 77103–77104

International Trade Commission
NOTICES
Investigations; Determinations, Modifications, Rulings, etc.:
Certain Optoelectronic Devices for Fiber Optic Communications, Components Thereof, and Products Containing the Same, 77166–77167

Justice Department
See Alcohol, Tobacco, Firearms, and Explosives Bureau
See Justice Programs Office

Justice Programs Office
NOTICES
Meetings:
Science Advisory Board, 77168

Labor Department
See Employment and Training Administration
See Workers Compensation Programs Office

Land Management Bureau
NOTICES
Environmental Impact Statements; Availability, etc.:
Monument Butte Area Oil and Gas Development Project, Duchesne and Uintah Counties, UT, 77165–77166

Library of Congress
See Copyright Royalty Board

Maritime Administration
NOTICES
Administrative Waivers of Coastwise Trade Laws:
Vessel AFFAIR, 77200–77201
Vessel BLUE, 77200
Vessel FIDELITY, 77199–77200
Vessel IRIEMYSTIC, 77202
Vessel MICJAY, 77201–77202
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 77202–77203
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
War Risk Insurance, Applications and Related Information, 77203

National Archives and Records Administration
NOTICES
Disposal of George H.W. Bush and Clinton Administration Electronic Backup Tapes, 77171
Privacy Act; Systems of Records, 77256–77288

National Institutes of Health
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Atherosclerosis Risk in Communities Study, 77138–77139

National Oceanic and Atmospheric Administration
RULES
Fisheries of the Northeastern United States:
Atlantic Surfclam and Ocean Quahog Fishery; 2014–2016 Fishing Quotas, 77005–77008
Summer Flounder Fishery; Quota Transfer, 77005

PROPOSED RULES
Pacific Island Fisheries:
2014 Annual Catch Limits and Accountability Measures, 77089–77093
NOTICES
Coastal Nonpoint Pollution Control Program:
Oregon; Failure to Submit an Approvable Program, 77104–77105
Meetings:
Gulf of Mexico Fishery Management Council, 77105

Pension Benefit Guaranty Corporation
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Termination of Single-Employer Plans, Missing Participants, 77171–77172

Personnel Management Office
NOTICES
Meetings:
National Council on Federal Labor–Management Relations, 77172

Postal Regulatory Commission
NOTICES
New Postal Products, 77172–77173

Rural Utilities Service
PROPOSED RULES
Section 306D Water Systems for Rural and Native Villages:
Alaska, 77009–77019

Securities and Exchange Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 77173–77175
Applications:
Catalyst Capital Advisors LLC and Mutual Fund Series Trust, 77175–77177
Self-Regulatory Organizations; Proposed Rule Changes:
BATS Exchange, Inc., 77177–77178
BOX Options Exchange LLC, 77185–77186
Chicago Board Options Exchange, Inc., 77188–77194
International Securities Exchange, LLC, 77178–77181
New York Stock Exchange LLC, 77186–77188
NYSE MKT LLC, 77183–77185
Options Clearing Corp., 77181–77183
Suspension of Trading Orders:
Golden Elephant Glass Technology, Inc., and Pacific Alliance Corp., 77194
The Enlightened Gourmet, Inc., Eternal Image, Inc., NMT Medical, Inc., and Wits Basin Precious Minerals, Inc., 77194

Small Business Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 77194–77195
Disaster Declarations:
California, 77195

State Department
NOTICES
Meetings:
Overseas Schools Advisory Council, 77195

Transportation Department
See Federal Aviation Administration
See Federal Highway Administration
See Maritime Administration

Treasury Department
See Foreign Assets Control Office

U.S. Citizenship and Immigration Services
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Application for Replacement/Initial Nonimmigrant Arrival–Departure Document, 77139

U.S. Customs and Border Protection
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Small Vessel Reporting System, 77139–77140
Customs Brokers User Fee Payment for 2014, 77140–77141
Meetings:
East Coast Trade Symposium; Increasing Economic Competitiveness Through Global Partnership and Innovation, 77141

Veterans Affairs Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
VA National Veterans Sports Programs and Special Event Surveys Data Collection, 77204–77205
Meetings:
Research Advisory Committee on Gulf War Veterans' Illnesses, 77205
Privacy Act; Systems of Records, 77205–77207

Workers Compensation Programs Office
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 77169–77171

Separate Parts In This Issue

Part II
Federal Communications Commission, 77210–77254

Part III
National Archives and Records Administration, 77256–77288

Part IV
Interior Department, Fish and Wildlife Service, 77290–77325

Reader Aids

Consult the Reader Aids section at the end of this page for phone numbers, online resources, finding aids, reminders, and notice of recently enacted public laws.

To subscribe to the Federal Register Table of Contents LISTSERV electronic mailing list, go to http://listserv.access.gpo.gov and select Online mailing list archives, FEDREGTOC-L, Join or leave the list (or change settings); then follow the instructions.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

7 CFR

Proposed Rules:

1784 77009

10 CFR

Proposed Rules:

430 77019

12 CFR

208 76973
217 76973
225 76973
234 76973

14 CFR

25 76980
39 76984

Proposed Rules:

71 77023

16 CFR

312 76986

Proposed Rules:

310 77024
312 77026

18 CFR

40 76986

33 CFR

Proposed Rules:

117 77027
161 77027
164 77027

37 CFR

385 76987

40 CFR

180 76987

46 CFR

Proposed Rules:

4 77027

47 CFR

79 77210

Proposed Rules:

27 77029
79 77074

48 CFR

252 76993

50 CFR

17 (2 documents) 76995, 77290
648 (2 documents) 77005

Proposed Rules:

17 77087
665 77089

Rules and Regulations

Federal Register

Vol. 78, No. 245

Friday, December 20, 2013

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

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

FEDERAL RESERVE SYSTEM

12 CFR Parts 208, 217, and 225 Regulations H, Q, and Y

[Docket No. R–1442]

RIN 7100–AD 87

Regulatory Capital Rules: Regulatory Capital, Implementation of Basel III, Capital Adequacy, Transition Provisions, Prompt Corrective Action, Standardized Approach for Risk-Weighted Assets, Market Discipline and Disclosure Requirements, Advanced Approaches Risk-Based Capital Rule, and Market Risk Capital Rule

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Correction, final rule.

SUMMARY: The Board of Governors of the Federal Reserve System published in the **Federal Register** of October 11, 2013, a document adopting a final rule that revises its risk-based and leverage capital requirements for banking organizations. This document adds an acceleration clause under the capital components and eligibility criteria for regulatory capital instruments and corrects an incorrect citation.

DATES: *Effective Date:* January 1, 2014.

FOR FURTHER INFORMATION CONTACT: Benjamin McDonough, Senior Counsel, (202) 452–2036; or David Alexander, Senior Attorney, (202) 452–2877.

SUPPLEMENTARY INFORMATION: The Board published a document in the **Federal Register** of October 11, 2013, adopting a final rule that revises its risk-based and leverage capital requirements for banking organizations. An allowance for additional circumstances under which an acceleration clause would be permitted under the capital components and eligibility criteria for regulatory capital instruments was inadvertently omitted from that notice.

In addition, this notice corrects an incorrect citation to the authority for 12 CFR part 208.

In the Final Rule, FR Doc. 2013–21653, published on October 11, 2013 (78 FR 62018), please correct the following:

PART 208—[AMENDED]

■ 1. Revise the authority for 12 CFR part 208 to read as follows:

Authority: 12 U.S.C. 24, 36, 92a, 93a, 248(a), 248(c), 321–338a, 371d, 461, 481–486, 601, 611, 1814, 1816, 1818, 1820(d)(9), 1823(j), 1828(o), 1831, 1831o, 1831p–1, 1831r–1, 1831w, 1831x, 1835a, 1882, 2901–2907, 3105, 3310, 3331–3351, 3905–3909, and 5371; 15 U.S.C. 78b, 78I(b), 78l(i), 780–4(c)(5), 78q, 78q–1, and 78w, 1681s, 1681w, 6801, and 6805; 31 U.S.C. 5318; 42 U.S.C. 4012a, 4104a, 4104b, 4106 and 4128.

■ 2. In § 217.20, under amendatory instruction 49A, revise paragraph (d)(1)(vi) to read as follows:

§ 217.20 Capital components and eligibility criteria for regulatory capital instruments.

* * * * *

(vi) The holder of the instrument must have no contractual right to accelerate payment of principal or interest on the instrument, except in the event of a receivership, insolvency, liquidation, or similar proceeding of the state member bank or depository institution holding company, as applicable, or of a major subsidiary depository institution of the depository institution holding company.

* * * * *

By order of the Board of Governors of the Federal Reserve System, December 11, 2013.

Robert deV. Frierson,

Secretary of the Board.

[FR Doc. 2013–29883 Filed 12–19–13; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

12 CFR Part 234

[Regulation HH; Docket No. R–1455]

RIN 7100 AD–94

Financial Market Utilities

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rulemaking.

SUMMARY: The Dodd-Frank Wall Street Reform and Consumer Protection Act (the ''Dodd-Frank Act'' or ''Act'') permits the Board of Governors of the Federal Reserve System (the ''Board'') to authorize a Federal Reserve Bank to establish and maintain an account for, and through the account provide certain financial services to, financial market utilities (''FMUs'') that are designated as systemically important by the Financial Stability Oversight Council (the ''Council''). In addition, the Dodd-Frank Act permits a Reserve Bank to pay interest on the balances maintained by or on behalf of a designated FMU. The Board is promulgating regulations to implement these provisions of the Dodd-Frank Act.

DATES: This final rule is effective February 18, 2014.

FOR FURTHER INFORMATION CONTACT: Jeff Stehm, Senior Associate Director (202) 452–2217 or Stuart Sperry, Assistant Director (202) 452–3832, Division of Reserve Bank Operations and Payment Systems; Christopher W. Clubb, Special Counsel (202) 452–3904 or Kara L. Handzlik, Counsel (202) 452–3852, Legal Division; for users of Telecommunications Device for the Deaf (TDD) only, contact (202) 263–4869.

SUPPLEMENTARY INFORMATION:

I. Background

A. Dodd-Frank Wall Street Reform and Consumer Protection Act

FMUs, such as payment systems, central securities depositories, and central counterparties, are critical components of the nation's financial system that provide the essential infrastructure to clear and settle payments and other financial transactions, upon which the financial markets and the broader economy rely to function effectively. FMUs operate multilateral systems in which financial institutions, such as banks, participate pursuant to a common set of rules and procedures, a technical infrastructure, and a risk-management framework.[1]

Title VIII of the Dodd-Frank Act, titled the ''Payment, Clearing, and Settlement Supervision Act of 2010,'' was enacted to mitigate systemic risk in the financial system and to promote

[1] Under section 803 of the Act, an FMU is defined as a person that manages or operates a multilateral system for the purpose of transferring, clearing, or settling payments, securities, or other financial transactions among financial institutions or between financial institutions and the person. 12 U.S.C. 5462(6).

financial stability, in part, through an enhanced supervisory framework for FMUs designated as systemically important by the Council.[2] Designation by the Council makes an FMU subject to the supervisory and risk reduction framework set out in Title VIII of the Dodd-Frank Act. This framework includes risk management standards, promulgated by the designated FMU's Supervisory Agency, that take into consideration relevant international standards and existing prudential requirements, with the objectives of promoting robust risk management and safety and soundness of the designated FMU, reducing systemic risks, and supporting the stability of the broader financial system.[3] The framework also includes *ex ante* review of changes to the rules, procedures, or operations of a designated FMU that could materially affect the nature or level of risk presented by the designated FMU, enhanced annual examinations of designated FMUs, and enhanced enforcement and information collection provisions.

In addition to these provisions, section 806(a) of the Act permits the Board to authorize a Federal Reserve Bank (''Reserve Bank'') to establish and maintain an account for a designated FMU and provide to the designated FMU the services listed in section 11A(b) of the Federal Reserve Act (12 U.S.C. 248a(b)) that the Reserve Bank is authorized to provide to a depository institution, subject to any applicable rules, orders, standards, or guidelines prescribed by the Board.[4] The services listed in Section 11A(b) include wire transfers, settlement, and securities safekeeping, as well as services regarding currency and coin, check clearing and collection, and automated clearing house transactions. Section 806(c) of the Dodd-Frank Act permits a Reserve Bank to pay earnings on balances maintained by or on behalf of a designated FMU in the same manner and to the same extent as the Reserve Bank may pay earnings to a depository institution under the Federal Reserve Act, subject to any applicable rules, orders, standards, or guidelines prescribed by the Board.

On March 4, 2013, the Board published a notice of proposed rulemaking (''NPRM'') to amend Regulation HH by adding two new sections set to out the conditions and requirements for a Reserve Bank to open and maintain accounts for and provide financial services to designated FMUs, as well as to set out provisions regarding a Reserve Bank's payment of interest on the balances maintained by a designated FMU at the Reserve Banks. The public comment period for the NPRM closed on May 3, 2013.

II. Summary of Public Comments and Analysis

The Board received five comment letters on the NPRM.[5] Comments were submitted by three entities that were designated FMUs or affiliates of designated FMUs, one banking trade association, and an individual at a university-based research center. The Board considered these comments in developing its final rule as discussed in more detail below.

A. Section 234.1(b)—Purpose and Scope

Proposed § 234.1(b) clarified that Part 234 also includes standards, restrictions, and guidelines for the establishment and maintenance of an account at, and provision of financial services from, a Reserve Bank for a designated FMU. Proposed § 234.1(b) also clarified that Part 234 confirms the terms under which a Reserve Bank may pay a designated FMU interest on the designated FMU's balances held at the Reserve Bank. The Board did not receive any comments regarding its proposed amendments to § 234.1(b) and is adopting revised § 234.1(b) as proposed.

B. Section 234.6—Access to Reserve Bank Accounts and Services

Generally sound financial condition. Proposed § 234.6 set out the conditions and requirements for a Federal Reserve Bank to establish and maintain an account for, and provide services to, a designated FMU pursuant to section 806(a) of the Act. As noted in the NPRM, the proposed terms and conditions are designed to provide the Federal Reserve Bank and the Board with sufficient information to assess a designated FMU's ongoing condition as it pertains to the FMU's ability to settle promptly and to manage its settlement process and Reserve Bank account(s) safely.[6] Proposed § 234.6(b) required that a Reserve Bank ensure that its establishment and maintenance of an account for, or provision of services to, a designated FMU does not create undue credit, settlement, or other risks to the Reserve Bank and, in this regard, sets out minimum conditions that a designated FMU must meet, in the Reserve Bank's judgment, in order for the Reserve Bank to establish and maintain an account for, or provide services to, a designated FMU. The minimum requirements are set out in proposed § 234.6(b)(1) through (4).

Proposed § 234.6(b)(1) required the designated FMU to be in generally sound financial condition. One commenter supported the proposed requirements regarding sound financial condition. Two commenters opposed adoption of the ''generally sound financial condition'' standard. The commenters opposed generally stated that the designated FMU's compliance with requirements imposed by its own supervisor regarding financial resources and risk management should suffice for the Board's standard for a Reserve Bank's maintenance of an account for and provision of services to the designated FMU. In addition, the commenters stated that the imposition of the additional subjective ''generally sound'' condition could cause confusion in the market as to whether the designated FMU will remain eligible to rely on the Reserve Bank account and services. Alternatively, the commenters argued that, if the Board believes that a

[2] The Dodd-Frank Act, Public Law. 111–203, 124 Stat. 1376, was signed into law on July 21, 2010. Section 803(9) of the Act authorizes the Council to designate an FMU for enhanced supervision when the Council finds, among other things, that the failure of, or a disruption to the functioning of, an FMU would create, or increase, the risk of significant liquidity or credit problems spreading among financial institutions or markets and thereby threaten the stability of the financial system of the United States. 12 U.S.C. 5462(3) and (9).

[3] Pursuant to section 803(8) of the Act, the ''Supervisory Agency'' generally means the Federal agency that has primary jurisdiction over a designated FMU under Federal banking, securities, or commodity futures law, including the Securities and Exchange Commission (SEC) with respect to a designated FMU that is a clearing agency registered with the SEC, the Commodity Futures Trading Commission (CFTC) with respect to a designated FMU that is a derivatives clearing organization registered with the CFTC, and the Board with respect to a designated FMU that is an institution subject to the Board's jurisdiction as described in section 3(q) of the Federal Deposit Insurance Act. The Board is also the Supervisory Agency for any designated FMU that is otherwise not subject to the jurisdiction of any agency as listed in section 803(8) of the Act.

[4] Section 806(a) of the Act also permits the Board to authorize a Reserve Bank to establish deposit accounts under the first undesignated paragraph of section 13 of the Federal Reserve Act (12 U.S.C. 342).

[5] The comment letters are available at *http://www.federalreserve.gov/apps/foia/ViewComments.aspx?doc_id=R–1455&doc_ver=1.*

[6] As noted in the NPRM, unlike depository institutions, designated FMUs do not have regular access to discount window lending, so the Board expects that Reserve Banks will provide accounts and services, and designated FMUs will structure their settlement processes and use of Reserve Bank accounts and services, in a manner that would seek to avoid inadvertent intraday account overdrafts where possible. Nevertheless, there may be instances where a designated FMU could incur an inadvertent overdraft. In such cases, the Board would expect a designated FMU to have the resources to promptly rectify any such overdrafts.

designated FMU's eligibility to continue to benefit from a Reserve Bank account and services requires a financial condition standard in addition to that imposed by its supervisor, the Board should provide more clarity regarding the standard to permit the designated FMU and its participants to evaluate the risk that the designated FMU may lose access to the Reserve Bank account and services.

After considering the public comments, the Board continues to believe that the sound financial condition requirement should be retained as a minimum condition for access to Reserve Bank accounts and services. Such a requirement is a basic condition similar to requirements placed on state-member banks.[7] The condition makes clear that designated FMUs seeking to establish or maintain access to Reserve Bank accounts and services, at a minimum, must be solvent and capable of meeting their obligations arising through their use of Reserve Bank accounts and services. Although the requirements imposed by a designated FMU's Supervisory Agency regarding financial resources and risk management may be a key consideration, the design of the Supervisory Agency's financial requirements may not be focused on the impact of the designated FMU on its settlement bank. The Board believes that in order for the Reserve Bank to conduct its own risk management, it is important that the Reserve Bank have the ability to judge the financial condition of account holders on its balance sheet. A designated FMU's unexpected financial stress could have a negative impact on its ability to appropriately manage its Reserve Bank account.

In response to the comments recommending more clarity regarding the generally sound financial condition requirement, the Board has inserted additional detail regarding the standard in the final rule. For purposes of access to Reserve Bank accounts and services pursuant to Regulation HH, the final rule clarifies that ''generally sound financial condition'' includes maintenance of sufficient working capital and cash flow to permit the designated FMU to continue as a going concern and to meet its current and projected operating expenses under a range of scenarios. In judging whether a designated FMU is in generally sound financial condition, therefore, the Reserve Bank will look to both the overall balance sheet solvency of the designated FMU as a ''going concern'' as well as its ability to meet its general business obligations through current and projected cash flows to provide the Reserve Bank with some indication that the accountholder is operating on a reasonably sound financial basis and will continue as a going concern, even in various financial stress scenarios. In reaching this judgment, the Reserve Bank will take into account the designated FMU's compliance with relevant financial resource requirements of its Supervisory Agency and the views of the Supervisory Agency regarding the overall financial condition of the designated FMU.

Supervisory Agency requirements. Proposed § 234.6(b)(2) required the designated FMU to be in compliance, based on information provided by the Supervisory Agency, with requirements imposed by the Supervisory Agency regarding financial resources, liquidity, participant default management, and other aspects of risk management. One commenter pointed out that proposed § 234.6(b) made a designated FMU's compliance with the minimum conditions in proposed § 234.6(b)(1) through (4) ''in the Federal Reserve Bank's judgment,'' and this could be interpreted as the Reserve Bank exercising its own judgment as to whether the designated FMU was in compliance with requirements imposed by its Supervisory Agency. The commenter also recommended that the final rule require an explicit statement from the Supervisory Agency as evidence of compliance with its rules and requirements instead of imposing the judgment of the Federal Reserve Bank in this determination.

The Board did not intend the commenter's interpretation of these provisions and is revising the final rule to provide clarity. In the final rule, the requirement regarding compliance with the Supervisory Agency's requirements regarding financial resources, liquidity, participant default management, and other aspects of risk management has been moved to a separate sentence in the text of § 234.6(b) and thus is not subject to the phrase ''in the Federal Reserve Bank's judgment,'' which covers the remaining conditions set out in § 234.6(b)(1) through (3). In addition, the requirement in the final rule clarifies that the designated FMU's compliance with the Supervisory Agency's regulatory and supervisory requirements is to be ''determined by the Supervisory Agency.'' Compliance with the Supervisory Agency's regulatory and supervisory requirements regarding financial resources, liquidity, participant default management, and other aspects of risk management is an important consideration for a Reserve Bank account and services, but the Board intends for the Reserve Bank to consult with the Supervisory Agency only in this regard and not for the Reserve Bank to conduct its own review for accounts and services purposes.

Compliance with Board policies. Proposed § 234.6(b)(3) required that a designated FMU be in compliance with Board orders and policies, Federal Reserve Bank operating circulars, and other applicable Federal Reserve requirements regarding the establishment and maintenance of a Reserve Bank account and the receipt of financial services from a Reserve Bank. One commenter stated that it is necessary and appropriate to require a designated FMU to be in compliance with these provisions. Another commenter noted that, in some cases, Board orders for granting certain types of FMUs access to Reserve Bank services may need to be tailored in a manner different than existing provisions applied to depository institutions, such as permitting ongoing multiple accounts. As noted in the NPRM, the Board expects that Reserve Banks would enter into account and service agreements with designated FMUs that are generally consistent with the provisions of existing Reserve Bank operating circulars for such services, but recognizes that there may be a need for some flexibility to tailor certain parts of such agreements or provide for certain restrictions because of the wide variety of organizations, operations, and business models presented by designated FMUs. As set out in proposed §§ 234.6(a) and (b)(2), the Board's authorization order may, as necessary for a particular designated FMU, include authorization for the Reserve Bank to enter into an agreement with the designated FMU that provides for modification of the terms in existing operating circulars for the approved services and supersedes such operating circular terms. In order to provide clarity, the final rule states in § 234.6(b)(2) that a designated FMU must be in compliance with Reserve Bank account agreements and, as applicable, operating circulars and other Federal Reserve requirements.

Ongoing ability to meet account obligations. Proposed § 234.6(b)(4) required the Reserve Bank to determine that the designated FMU can demonstrate an ongoing ability, including during periods of market stress or a participant default, to meet all of its obligations under its agreement for a Reserve Bank account and services.

[7] Section 9(4) of the Federal Reserve Act (12 U.S.C. 322) requires the Board to consider the financial condition of any State bank applying for membership in the Federal Reserve System.

One commenter suggested that it would be useful for the Board to further clarify the criteria and expectations that will be used in assessing the adequacy of the demonstration of ongoing ability to meet account obligations and how such assessments will be conducted. This commenter expressed concern that inclusion of this requirement without further clarification presents the possibility of a new set of standards being established in parallel to the existing regulatory framework and substantially increasing regulatory uncertainty and burden for designated FMUs.

The Board believes that it is important that a designated FMU seeking Reserve Bank accounts and services demonstrate an ability to (1) Maintain well-managed and well-controlled settlement operations, including the ability to monitor and process transactions throughout the day in a timely and controlled manner to and from its Reserve Bank account, (2) monitor and maintain account balances at all times during the day sufficient to avoid intraday overdrafts, and (3) mobilize liquid resources in a timely manner to fund its account as necessary given its intended use of the account and any regulatory requirements for sound and timely settlement of its transactions. In order to support these objectives and in response to the public comments, the Board has included in § 234.6(b) of the final rule additional detail regarding the minimum condition for a designated FMU to have an ongoing ability to meet all of its obligations under its agreement for a Reserve Bank account and services. The final rule clarifies that a designated FMU's ongoing ability to meet its Reserve Bank account obligations includes maintaining (i) Sufficient liquid resources to meet its obligations under the account agreement; (ii) the operational capacity to ensure that such liquid assets are available to satisfy the account obligations on a timely basis in accordance with the account agreement; and (iii) sound money settlement processes designed to adequately monitor its Reserve Bank account on an intraday basis, process money transfers through its account in an orderly manner, and complete final money settlement no later than the value date.

In assessing the adequacy of a designated FMU's ongoing ability to meet account obligations, the Board will look in the first instance to existing requirements imposed by a designated FMU's Supervisory Agency with regard to settlement, liquidity risk management and default procedures as well as operational risk management. The Board, however, may impose additional conditions, such as minimum balance requirements, restrictions on outgoing payments that would cause a designated FMU's account to be overdrawn, or limitations on receipt of securities against payment, on a designated FMU's use of Reserve Bank accounts and services if in the Board's judgment it believes the designated FMU's settlement practices introduce risk to the Reserve Bank.

Termination of accounts or services. Proposed § 234.6(e) stated that, in addition to any right that a Reserve Bank has to limit or terminate an account or the use of a service pursuant to an agreement, the Board may direct the Reserve Bank to impose limits, restrictions, or other conditions on the availability or use of a Reserve Bank account or service by a designated FMU, including directing the Reserve Bank to terminate the use of a particular service or to close the account. One commenter supported the termination provisions stating that account or service termination or restriction are consistent with sound risk management and supervisory oversight. Another commenter raised concerns that a designated FMU's access to a Reserve Bank account and services may be terminated during periods in which the accounts and services are critical and would be difficult for the designated FMU to replace. This commenter stated that market stability demands a clear statement by the Board in the final rule that (i) Termination would be based on clearly defined standards, (ii) a decision to terminate will consider not only risks of continuing to maintain the Reserve Bank account and services, but also the systemic effects of terminating them, and (iii) in the event of such termination, the Board will cooperate with the designated FMU to provide for a transition to private sector services that is as smooth and seamless as is reasonably possible.

The Board is mindful of the critical role played by designated FMUs in the markets they serve and that an unanticipated termination of a designated FMU's access to an existing Reserve Bank account and services could have an adverse impact on the designated FMU and the market. The Board believes, however, that it must retain broad discretion to close an account or restrict services provided to an accountholder when it deems it necessary.[8] In making a decision to direct a Reserve Bank to terminate a designated FMU's account or services, the Board would consider, among other factors, the impact that termination of a designated FMU's account and services would have on participants in the designated FMU and financial markets more broadly, as well as the risk presented by the designated FMU's account to the Federal Reserve. The Board would expect to balance the various factors involved in the decision before directing the Reserve Bank to terminate the account or service. In order to reflect this process, § 234.6(d), the termination provision in the final rule, includes a sentence that requires a Reserve Bank to consult with the Board regarding continued maintenance of an account or provision of services if the Reserve Bank determines that a designated FMU no longer complies with one or more of the minimum conditions in § 234.6(b). A decision by the Board to direct a Reserve Bank to restrict or terminate an account or service will be made only after considering all the relevant facts and circumstances.

C. Section 234.7—Interest on Balances

Proposed § 234.7 clarified the authority of a Reserve Bank to pay interest on any balance that a designated FMU maintains in its account with that Reserve Bank. In particular, proposed § 234.7(b) provides that interest paid by a Reserve Bank on balances maintained by a designated FMU in its Reserve Bank account shall be at the rate paid on balances maintained by depository institutions or another rate determined by the Board from time to time, not to exceed the general level of short-term interest rates. One commenter supported this section as an implementation of the statutory provisions of section 806(c) of the Act. The Board did not receive any comments objecting to proposed § 234.7, and the Board is adopting it in the final rule as proposed.

D. Miscellaneous Issues

In addition to suggestions for revisions in the proposed text of the regulation as discussed above, commenters also raised various concerns regarding the impact of the proposal on various aspects of a designated FMU's business or operations and the financial markets more generally. These comments are discussed in more detail below.

[8] The account arrangements that the Reserve Banks have with depository institutions also provide the Reserve Bank with the discretion to terminate an account without substantive preconditions. Section 2.10 of the Reserve Banks' Operating Circular 1 (Account Relationships) permits the Reserve Bank to terminate an account ''at any time by notice to the Account Holder but will endeavor to give not less than five business days prior notice.''

Protection of confidential supervisory information. One commenter raised concerns that the proposed rule suggested that confidential information regarding the designated FMU necessary to determine compliance with the proposed conditions would be shared with Reserve Bank personnel responsible for offering priced services, such as the Fedwire Funds Transfer service. The commenter suggested that the Board should do its own evaluation of a designated FMU's compliance with the conditions and then certify to the Reserve Bank that the designated FMU meets all the requirements for an account.

Confidential information regarding a designated FMU that a Reserve Bank may assess to determine compliance with the proposed conditions generally cannot be shared with Reserve Bank personnel responsible for offering priced services under existing Board policies and requirements. The Federal Reserve has long exercised great care to avoid actual or apparent conflict between its role as a provider of services and its role as a regulator, supervisor, and lender.[9] In particular, Reserve Bank personnel involved in monetary policy, bank supervision, or the lending function are generally prohibited from providing confidential information obtained in the course of their duties to Reserve Bank priced-service personnel.[10] For example, in opening, maintaining, and terminating accounts for depository institutions, the Reserve Banks' credit risk management functions may review and assess certain confidential information, including confidential supervisory information, regarding the condition of the institution and risks it might pose to the Reserve Bank. The credit risk management function in a Reserve Bank, however, is prohibited from sharing such information with any priced-service personnel and must handle such information in accordance with the Board's requirements governing confidential information and its standards regarding price-service activities. The Board's policies and requirements with regard to handling of confidential information also apply to the opening, maintenance, and termination of an account for a designated FMU.

The Board also does not believe that doing its own evaluation of a designated FMU's compliance with the conditions for an account and then certifying to the Reserve Bank that the designated FMU meets all the requirements is the appropriate process. Accounts reflect deposit liabilities on the balance sheet of a Reserve Bank and risks associated with such accounts are borne by the Reserve Bank as the legal entity offering and maintaining such accounts. As such, the credit risk management functions in the Reserve Banks should have access to, and be able to perform, their own evaluation of a designated FMU's compliance with the conditions, both initially and on an ongoing basis.

Reserve Bank accounts not mandatory. One commenter stated that payment systems and other settlement arrangements have managed without their own Reserve Bank accounts for decades and designated FMUs should not be forced to shift their current account arrangements to Reserve Bank accounts under the Regulation HH framework. Title VIII of the Act allows the Board to authorize Reserve Bank accounts for designated FMUs, but it does not require them. A designated FMUs certainly may determine for business purposes that it does not have a need for an account offered at a Reserve Bank under the authority of § 806 of the Act. The Board or the Reserve Banks, however, may always require alteration of existing Reserve Bank account arrangements, even those maintained for designated FMUs under other authority, for legal, policy, or other purposes.

Reserve Bank accounts covered by protection of netting contracts. One commenter stated that the Board should state as part of Regulation HH that any accounts covered by the regulation (and the corresponding credit balance accounts that the FMU would hold for the participants) would be exempt from garnishment, attachment, or similar process because any such action would amount to a ''stay, injunction, avoidance, moratorium, or similar proceeding or order'' that would ''limit or delay application of otherwise enforceable netting contracts'' and thus prohibited under 12 U.S.C. 4405.

Under 12 U.S.C. 4405, the statutory protection is applicable only with respect to netting contracts governed by 12 U.S.C. 4403 and 4404. Moreover, the stay in 12 U.S.C. 4405 is self-actuating and applies as a matter of law. The Board does not have rulemaking authority with respect to that provision. There may be designated FMUs with Reserve Bank accounts established under the Board's final rule that use netting contracts protected by 12 U.S.C. 4405, as well as designated FMUs with Reserve Bank accounts that do not have such netting contracts. However, section 4405 does not provide the Board with the authority to determine whether a garnishment, attachment, or similar process against a particular Reserve Bank account would amount to a violation of § 4405.

Central counterparties under the Dodd-Frank Act regulatory regime. One commenter raised concerns regarding the new regulatory regime for central counterparties under the Dodd-Frank Act, the implications of granting these entities ''bank-like'' privileges at the Reserve Banks, and the possibility that one or more FMUs will be bailed out at taxpayer expense. The commenter suggested that the Board undertake an exhaustive regulatory analysis regarding designated FMUs having access to Reserve Bank accounts and services, and that such analysis should include the broader implications of the Dodd-Frank Act's transformation of the relationship between the Federal Reserve and designated FMUs, including Federal Reserve exposure to losses, such as through overdrafts, and competitive impacts. The commenter states that providing Reserve Bank accounts and services to designated FMUs would ''blur the line between FMUs and banks and thus make it easier for the Federal Reserve to provide support to these institutions without public notice or accountability.'' The commenter suggests that the Board, before proceeding with this rulemaking, should consider revisiting the regulatory structure put in place by the Dodd-Frank Act because of the risks it causes CCPs to take on that could ultimately be borne by taxpayers.

The Board does not believe that the provision of Reserve Bank accounts and services to designated FMUs grants these entities broad ''bank-like'' privileges or makes it easier for these entities to receive support.[11] The use of Reserve Bank accounts and services by designated FMUs is for the narrow purpose of providing these critical market infrastructures a safer and more transparent option to collect and hold the financial assets, such as margins,

[9] See ''Standards Related to Priced-Service Activities of the Federal Reserve Banks'' (1984), which can be found at *http://www.federalreserve.gov/paymentsystems/pfs_standards.htm.*

[10] The policy provides an exception to this restriction when such action fulfills an important supervisory objective, preserves the integrity of the payment mechanism, or protects the assets of the Reserve Bank. In such cases, information will be provided on a need-to-know basis and only with the approval of senior management.

[11] As noted above and in the NPRM, the Board expects that Reserve Banks will provide accounts and services, and designated FMUs will structure their settlement processes and use of Reserve Bank accounts and services, in a manner that would seek to avoid inadvertent intraday account overdrafts where possible. In addition, the Board would expect a designated FMU to have the resources to promptly rectify any such overdrafts.

required to cover their credit and liquidity risks. These financial assets are critical to the management of participant defaults and the mitigation of systemic risk in the financial system. Even within these narrow purposes, the Dodd-Frank Act provided authority to the Board to set any additional terms, conditions or limitations it believes necessary when authorizing a Reserve Bank to provide accounts and services to a designated FMU. The proposed rule in § 234.6(b) provides a set of minimum conditions in this regard that are intended to prevent any ''undue credit, settlement, or other risk to the Reserve Bank'' in providing accounts and services to designated FMUs. The Board may also set additional conditions on a case-by-case basis under § 234.6(a). The Board does not believe that a designated FMU's access to Reserve Bank accounts and services is intended to serve as a gateway for the FMU to offer general banking services or engage in financial activities unrelated to its market clearing and settlement activities.

The Board also does not believe that it can revisit the structure regarding central counterparties put in place by the Dodd-Frank Act. Rather, the Board is adopting regulations, as authorized by the Dodd-Frank Act, to achieve the intended benefits of such accounts and services, while preventing any undue risks to the Reserve Banks.

III. Administrative Law Matters

A. Final Regulatory Flexibility Act Analysis

The Regulatory Flexibility Act (the ''RFA'') (5 U.S.C. 601 *et seq.*) generally requires an agency to perform an initial and a final regulatory flexibility analysis on the impact a rule is expected to have on small entities. However, under section 605(b) of the RFA, the regulatory flexibility analysis otherwise required under section 604 of the RFA is not required if an agency certifies, along with a statement providing the factual basis for such certification, that the rule will not have a significant economic impact on a substantial number of small entities. In this case, the final rule may apply to FMUs that are designated by the Council as systemically important to the U.S. financial system. Based on current information, the Board believes that the FMUs that have been and would likely be designated by the Council would not be ''small entities'' for purposes of the RFA, and so, the proposed rule likely would not have a significant economic impact on a substantial number of small entities (5 U.S.C. 605(b)). The authority to designate systemically important FMUs, however, resides with the Council, rather than the Board, and the Board cannot therefore be assured of the identity of the FMUs that the Council may designate in the future. Accordingly, a Final Regulatory Flexibility Analysis has been prepared in accordance with 5 U.S.C. 603, based on current information.

1. *Statement of the need for, objectives of, and legal basis for, the final rule.* The Board is finalizing additional regulations to implement certain provisions of Title VIII of the Dodd-Frank Act. Pursuant to section 806(a) of the Act, § 234.6 sets out conditions under which the Board would authorize a Federal Reserve Bank to establish and maintain an account for a designated FMU and provide the designated FMU services through the account. Pursuant to section 806(c) of the Dodd-Frank Act, § 234.7 sets out conditions for a Reserve Bank to pay interest on the balances maintained by a designated FMU at the Reserve Banks.

Under section 806 of the Act, all of these authorities are subject to any applicable rules or regulations that the Board may prescribe. The Board believes that the final regulations herein are necessary to provide guidance to the Federal Reserve Banks in implementing these authorities of the Act in an appropriate and uniform manner and to inform the affected institutions and the public of the conditions for obtaining Reserve Bank accounts and services. These regulations do not address Reserve Bank lending to designated FMUs in unusual or exigent circumstances pursuant to Dodd-Frank Act section 806(b).

2. *Small entities affected by the final rule.* The final rule affects FMUs that the Council designates as systemically important to the U.S. financial system. The Council has designated eight FMUs that would meet these conditions and be affected by this final rule. Pursuant to regulations issued by the Small Business Administration (the ''SBA'') (13 CFR 121.201), a ''small entity'' includes an establishment engaged in (i) Financial transaction processing, reserve and liquidity services, and/or clearinghouse services with an average revenue of $35.5 million or less (NAICS code 522320); (ii) securities and/or commodity exchange activities with an average revenue of $35.5 million or less (NAICS code 523210); and (iii) trust, fiduciary, and/or custody activities with an average revenue of $35.5 million or less (NAICS code 523991). Based on current information, the Board does not believe that any of the FMUs that have been or would likely be designated by the Council would be ''small entities'' pursuant to the SBA regulation.

3. *Summary of the significant issues raised by public comment on Board's initial Analysis, the Board's assessment of such issues, and a statement of any changes made as a result of such comments.* The Board did not receive any public comments regarding its initial regulatory flexibility analysis for this rulemaking. In addition, the Board did not receive any comments from the Chief Counsel for Advocacy of the Small Business Administration in response to the proposed rule.

4. *Reporting, recordkeeping, and other compliance requirements.* The final rule does not impose any explicit reporting or recordkeeping requirements, but does impose certain other compliance requirements for a designated FMU in order to receive the benefits of a Reserve Bank account and services. As noted above, section 234.6(b) establishes minimum conditions for a designated FMU to establish and maintain an account with a Reserve Bank or receive financial services from a Reserve Bank, such as being in generally good financial condition, being in compliance with Federal Reserve policies and other requirements regarding accounts and services, and having an ongoing ability to meet all its obligations under its agreement for a Reserve Bank account and services. In addition, pursuant to Dodd-Frank Act section 806(a) and section 234.6(a) of the final rule, the Board may impose other limitations, restrictions, or other requirements in its authorization to the Reserve Bank to establish the account for a particular designated FMU. Finally, other compliance requirements may be contained in the Reserve Bank's agreements for the account and services, including notice, reporting, or recordkeeping requirements with respect to particular designated FMU. The types of professional skills necessary to comply with these requirements may include accounting, legal, payments, and risk management. All of these skill sets should be available within a designated FMU's corporate structure.

5. *Significant alternatives to the final rule.* The Board considered several alternatives to the provisions being adopted by this final rulemaking. As noted above, the Board believes promulgation of regulations is necessary to provide guidance to the Federal Reserve Banks in implementing sections 806(a) and (c) of the Dodd-Frank Act in an appropriate and uniform manner and to inform the affected institutions and the public of the minimum conditions

for obtaining Reserve Bank accounts and services. The Board considered alternatives forms of the regulations, in particular balancing the amount of detail included in the minimum requirements for Reserve Bank accounts and services to inform the designated FMUs of the minimum conditions as well as preserve flexibility for the Reserve Banks in applying the minimum conditions to designated FMUs that vary considerably in corporate structures, business models, and risk profiles. As discussed above in this notice, the Board has included more detail regarding specific minimum conditions in response to public comments that requested the designated FMUs be provided with more clarity regarding how the requirements would be applied. The Board believes that the provisions in the final rule strike the appropriate balance between these objectives.

B. Paperwork Reduction Act Analysis

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506; 5 CFR part 1320, Appendix A.1), the Board reviewed the final rule under the authority delegated to the Board by the Office of Management and Budget. The final rule contains no requirements subject to the PRA.

IV. Statutory Authority

Pursuant to the authority in Title VIII of the Dodd-Frank Act and particularly sections 806(a) and (c) (12 U.S.C. 5465(a) and (c)), the Board proposes two new sections to part 234 (Regulation HH).

Text of Final Rules

List of Subjects in 12 CFR Part 234

Banks, Banking, Commodity futures, Credit, Electronic funds transfers, Financial market utilities, Securities.

Authority and Issuance

For the reasons set forth in the preamble, the Board is amending 12 CFR part 234, as set forth below.

PART 234—DESIGNATED FINANCIAL MARKET UTILITIES (REGULATION HH)

■ 1. The authority citation for part 234 continues to read as follows:

Authority: 12 U.S.C. 5461 *et seq.*

■ 2. In § 234.1 revise paragraph (b) to read as follows:

234.1 Authority, purpose, and scope.

* * * * *

(b) *Purpose and scope.* This part establishes risk-management standards governing the operations related to the payment, clearing, and settlement activities of designated financial market utilities. In addition, this part sets out requirements and procedures for a designated financial market utility that proposes to make a change to its rules, procedures, or operations that could materially affect the nature or level of risks presented by the designated financial market utility and for which the Board is the Supervisory Agency (as defined below). The risk management standards do not apply, however, to a designated financial market utility that is a derivatives clearing organization registered under section 5b of the Commodity Exchange Act (7 U.S.C. 7a–1) or a clearing agency registered with the Securities and Exchange Commission under section 17A of the Securities Exchange Act of 1934 (15 U.S.C. 78q–1), which are governed by the risk-management standards promulgated by the Commodity Futures Trading Commission or the Securities and Exchange Commission, respectively, for which each is the Supervisory Agency. This part also sets out standards, restrictions, and guidelines regarding a Federal Reserve Bank establishing and maintaining an account for, and providing services to, a designated financial market utility. In addition, this part sets forth the terms under which a Reserve Bank may pay a designated financial market utility interest on the designated financial market utility's balances held at the Reserve Bank.

■ 3. Add §§ 234.6 and 234.7 to read as follows:

§ 234.6 Access to Federal Reserve Bank accounts and services.

(a) This section applies to any designated financial market utility for which the Board may authorize a Federal Reserve Bank to open an account or provide services in accordance with section 806(a) of the Dodd-Frank Act. Upon receipt of Board authorization and subject to any limitations, restrictions, or other requirements established by the Board, a Federal Reserve Bank may enter into agreements governing the details of its accounts and services with a designated financial market utility, consistent with this section and any other applicable Board direction. The agreements may include, among other things, provisions regarding documentation to establish the account and receive services, conditions imposed on the account and services, service charges, reporting, accounting for activity in the account, liability and duty of care, and termination.

(b) A Federal Reserve Bank should ensure that its establishment and maintenance of an account for or provision of services to a designated financial market utility does not create undue credit, settlement, or other risk to the Reserve Bank. In order to establish and maintain an account with a Federal Reserve Bank or receive financial services from a Federal Reserve Bank, the designated financial market utility must be in compliance with the Supervisory Agency's regulatory and supervisory requirements regarding financial resources, liquidity, participant default management, and other aspects of risk management, as determined by the Supervisory Agency. In addition, at a minimum, the designated financial market utility must, in the Federal Reserve Bank's judgment—

(1) Be in generally sound financial condition, including maintenance of sufficient working capital and cash flow to permit the designated financial market utility to continue as a going concern and to meet its current and projected operating expenses under a range of scenarios;

(2) Be in compliance with Board orders and policies, Federal Reserve Bank account agreements and, as applicable, operating circulars, and other applicable Federal Reserve requirements regarding the establishment and maintenance of an account at a Federal Reserve Bank and the receipt of financial services from a Federal Reserve Bank; and

(3) Have an ongoing ability, including during periods of market stress or a participant default, to meet all of its obligations under its agreement for a Federal Reserve Bank account and services, including by maintaining—

(i) Sufficient liquid resources to meet its obligations under the account agreement;

(ii) The operational capacity to ensure that such liquid resources are available to satisfy the account obligations on a timely basis in accordance with the account agreement; and

(iv) Sound money settlement processes designed to adequately monitor its Federal Reserve Bank account on an intraday basis, process money transfers through its account in an orderly manner, and complete final money settlement no later than the value date.

(c) The Board will consult with the Supervisory Agency of a designated financial market utility prior to authorizing a Federal Reserve Bank to open an account, and periodically thereafter, to ascertain the views of the Supervisory Agency regarding the

designated financial market utility's compliance with the requirements in paragraph (b) of this section.

(d) In addition to any right that a Reserve Bank has to limit or terminate an account or the use of a service pursuant to its account agreement, the Board may direct the Federal Reserve Bank to impose limits, restrictions, or other conditions on the availability or use of a Federal Reserve Bank account or service by a designated financial market utility, including directing the Reserve Bank to terminate the use of a particular service or to close the account. If the Reserve Bank determines that a designated financial market utility no longer complies with one or more of the minimum conditions in subsection (b), the Reserve Bank will consult with the Board regarding continued maintenance of the account and provision of services.

§ 234.7 Interest on balances.

(a) A Federal Reserve Bank may pay interest on balances maintained by a designated financial market utility at the Federal Reserve Bank in accordance with this section and under such other terms and conditions as the Board may prescribe.

(b) Interest on balances paid under this section shall be at the rate paid on balances maintained by depository institutions or another rate determined by the Board from time to time, not to exceed the general level of short-term interest rates.

(c) For purposes of this section, ''short-term interest rates'' shall have the same meaning as the meaning provided for that term in § 204.10(b)(3) of this chapter.

By order of the Board of Governors of the Federal Reserve System, December 5, 2013.

Robert deV. Frierson,

Secretary of the Board.

[FR Doc. 2013–29711 Filed 12–19–13; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2013–0894; Notice No. 25–13–16–SC]

Special Conditions: Airbus, A350–900 Series Airplane; Interaction of Systems and Structures

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final special conditions, request for comments.

SUMMARY: These special conditions are issued for Airbus Model A350–900 series airplanes. These airplanes will have novel or unusual design features when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes. These designs features include systems that, directly or as a result of failure or malfunction, affect structural performance. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These proposed special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: The effective date of these special conditions is December 20, 2013. We must receive your comments by February 3, 2014.

ADDRESSES: Send comments identified by docket number FAA–2013–0894 using any of the following methods:

- *Federal eRegulations Portal:* Go to *http://www.regulations.gov/* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30, U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 8 a.m. and 5 p.m., Monday through Friday, except federal holidays.
- *Fax:* Fax comments to Docket Operations at 202–493–2251.

Privacy: The FAA will post all comments it receives, without change, to *http://www.regulations.gov/*, including any personal information the commenter provides. Using the search function of the docket Web site, anyone can find and read the electronic form of all comments received into any FAA docket, including the name of the individual sending the comment (or signing the comment for an association, business, labor union, etc.). DOT's complete Privacy Act Statement can be found in the **Federal Register** published on April 11, 2000 (65 FR 19477–19478), as well as at *http://DocketsInfo.dot.gov/*.

Docket: Background documents or comments received may be read at *http://www.regulations.gov/* at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except federal holidays.

FOR FURTHER INFORMATION CONTACT: Todd Martin, FAA, Airframe/Cabin Safety, ANM–115, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington, 98057–3356; telephone (425) 227–1178; facsimile (425) 227–1320.

SUPPLEMENTARY INFORMATION: The substance of these special conditions has been subject to the public comment process in several prior instances with no substantive comments received. The FAA therefore finds that good cause exists for making these special conditions effective upon issuance.

Comments Invited

We invite interested people to take part in this rulemaking by sending written comments, data, or views. The most helpful comments reference a specific portion of the special conditions, explain the reason for any recommended change, and include supporting data.

We will consider all comments we receive by 45 days after publication of these special conditions in the **Federal Register**. We may change these special conditions based on the comments we receive.

Background

On August 25, 2008, Airbus applied for a type certificate for their new Model A350–900 series airplane. Later, Airbus requested and the FAA approved an extension to the application for FAA type certification to June 28, 2009. The Model A350–900 series has a conventional layout with twin wing-mounted Rolls-Royce Trent engines. It features a twin aisle 9-abreast economy class layout, and accommodates side-by-side placement of LD–3 containers in the cargo compartment. The basic Model A350–900 series configuration will accommodate 315 passengers in a standard two-class arrangement. The design cruise speed is Mach 0.85 with a Maximum Take-Off Weight of 602,000 lbs. Airbus proposes the Model A350–900 series to be certified for extended operations (ETOPS) beyond 180 minutes at entry into service for up to a 420-minute maximum diversion time.

Special conditions have been applied on past airplane programs in order to require consideration of the effects of systems on structures. The regulatory authorities and industry developed standardized criteria in the Aviation

Rulemaking Advisory Committee (ARAC) forum based on the criteria defined in Advisory Circular 25.672, dated November 11, 1983. The ARAC recommendation has been incorporated in European Aviation Safety Agency (EASA) Certification Specifications (CS) 25.302 and CS 25 Appendix K. FAA rulemaking on this subject is not complete, thus the need for the special conditions.

Type Certification Basis

Under Title 14, Code of Federal Regulations (14 CFR) 21.17, Airbus must show that the Model A350–900 series meets the applicable provisions of 14 CFR part 25, as amended by Amendments 25–1 through 25–129.

If the Administrator finds that the applicable airworthiness regulations (i.e., 14 CFR part 25) do not contain adequate or appropriate safety standards for the Model A350–900 series because of a novel or unusual design feature, special conditions are prescribed under § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate for that model be amended later to include any other model that incorporates the same novel or unusual design feature, the special conditions would also apply to the other model.

In addition to the applicable airworthiness regulations and special conditions, the Model A350–900 series must comply with the fuel vent and exhaust emission requirements of 14 CFR part 34 and the noise certification requirements of 14 CFR part 36, and the FAA must issue a finding of regulatory adequacy under § 611 of Public Law 92–574, the ''Noise Control Act of 1972.''

The FAA issues special conditions, as defined in 14 CFR 11.19, under § 11.38, and they become part of the type-certification basis under § 21.17(a)(2).

Novel or Unusual Design Features

The Airbus Model A350–900 series will incorporate the following novel or unusual design features: Systems that affect the airplane's structural performance, either directly or as a result of failure or malfunction. That is, the airplane's systems affect how it responds in maneuver and gust conditions, and thereby affect is structural capability. These systems may also affect the aeroelastic stability of the airplane. Such systems include flight control systems, autopilots, stability augmentation systems, load alleviation systems, and fuel management systems. These systems represent novel and unusual features when compared to the technology envisioned in the current airworthiness standards.

Discussion

Airbus A350 series airplanes are equipped with systems that directly or as a result of failure or malfunction, affect their structural performance. Current regulations do not take into account the effects of systems on structural performance including normal operation and failure conditions. Special conditions are needed to account for these features.

These special conditions define criteria for assessing the effects of these systems on structures. The general approach of accounting for the effect of system failures on structural performance would be extended to include any system whose partial or complete failure, alone or in combination with other system partial or complete failures, would affect structural performance.

The proposed special conditions are similar to those previously applied to other airplane models and to CS 25.302. The major differences between the proposed special conditions and the current CS 25.302 are as follows:

1. Both the special conditions and CS 25.302 specify the design load conditions to be considered. In paragraphs e.(1) and f.(2)(i), the special conditions clarify that, in some cases, different load conditions are to be considered due to other special conditions or equivalent level of safety findings.

2. The special conditions include the additional ground handling conditions of Title 14 Code of Federal Regulations (14 CFR) §§ 25.493(d) and 25.503 in paragraph (f)(2)(i). These conditions are needed because the A350 has systems that affect braking and pivoting.

3. Both the special condition (see paragraph (h) below) and CS 25.302 allow consideration of the probability of being in a dispatched configuration when assessing subsequent failures and potential ''continuation of flight'' loads. The special conditions, however, also allow using probability when assessing failures that induce loads at the ''time of occurrence,'' whereas CS 25.302 does not.

Applicability

As discussed above, these special conditions apply to Airbus Model A350–900 series airplanes. Should Airbus apply later for a change to the type certificate to include another model incorporating the same novel or unusual design feature, the special conditions would apply to that model as well.

Conclusion

This action affects only certain novel or unusual design features on the Airbus Model A350–900 series airplanes. It is not a rule of general applicability.

The substance of these special conditions has been subjected to the notice and comment period in several prior instances and has been derived without substantive change from those previously issued. It is unlikely that prior public comment would result in a significant change from the substance contained herein. Therefore, the FAA has determined that prior public notice and comment are unnecessary and impracticable, and good cause exists for adopting these special conditions upon issuance. The FAA is requesting comments to allow interested persons to submit views that may not have been submitted in response to the prior opportunities for comment described above.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701, 44702, 44704.

The Special Conditions

Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Airbus Model A350–900 series airplanes.

1. Interaction of systems and structures.

For airplanes equipped with systems that affect structural performance, either directly or as a result of a failure or malfunction, the influence of these systems and their failure conditions must be taken into account when showing compliance with the requirements of Title 14 Code of Federal Regulations (14 CFR) part 25 subparts C and D.

The following criteria must be used for showing compliance with these special conditions for airplanes equipped with flight control systems, autopilots, stability augmentation systems, load alleviation systems, flutter control systems, fuel management systems, and other systems that either directly or as a result of failure or malfunction affect structural performance. If these special conditions are used for other systems, it may be necessary to adapt the criteria to that specific system.

(a) The criteria defined herein only address the direct structural

consequences of the system responses and performances and cannot be considered in isolation but should be included in the overall safety evaluation of the airplane. These criteria may in some instances duplicate standards already established for this evaluation. These criteria are only applicable to structure whose failure could prevent continued safe flight and landing. Specific criteria that define acceptable limits on handling characteristics or stability requirements when operating in the system degraded or inoperative mode are not provided in this special condition.

(b) Depending upon the specific characteristics of the airplane, additional studies may be required that go beyond the criteria provided in these special conditions in order to demonstrate the capability of the airplane to meet other realistic conditions such as alternative gust or maneuver descriptions for an airplane equipped with a load alleviation system.

(c) The following definitions are applicable to this special condition.

(1) Structural performance: Capability of the airplane to meet the structural requirements of 14 CFR part 25.

(2) Flight limitations: Limitations that can be applied to the airplane flight conditions following an in-flight occurrence and that are included in the flight manual (e.g., speed limitations, avoidance of severe weather conditions, etc.).

(3) Operational limitations: Limitations, including flight limitations, that can be applied to the airplane operating conditions before dispatch (e.g., fuel, payload and Master Minimum Equipment List limitations).

(4) Probabilistic terms: The probabilistic terms (probable, improbable, extremely improbable) used in this special condition are the same as those used in § 25.1309.

(5) Failure condition: The term failure condition is the same as that used in § 25.1309, however this special condition applies only to system failure conditions that affect the structural performance of the airplane (e.g., system failure conditions that induce loads, change the response of the airplane to inputs such as gusts or pilot actions, or lower flutter margins).

(d) General. The following criteria will be used in determining the influence of a system and its failure conditions on the airplane structure.

(e) System fully operative. With the system fully operative, the following apply:

(1) Limit loads must be derived in all normal operating configurations of the system from all the limit conditions specified in Subpart C (or defined by special condition or equivalent level of safety in lieu of those specified in Subpart C), taking into account any special behavior of such a system or associated functions or any effect on the structural performance of the airplane that may occur up to the limit loads. In particular, any significant nonlinearity (rate of displacement of control surface, thresholds or any other system nonlinearities) must be accounted for in a realistic or conservative way when deriving limit loads from limit conditions.

(2) The airplane must meet the strength requirements of part 25 (static strength, residual strength), using the specified factors to derive ultimate loads from the limit loads defined above. The effect of nonlinearities must be investigated beyond limit conditions to ensure the behavior of the system presents no anomaly compared to the behavior below limit conditions. However, conditions beyond limit conditions need not be considered when it can be shown that the airplane has design features that will not allow it to exceed those limit conditions.

(3) The airplane must meet the aeroelastic stability requirements of § 25.629.

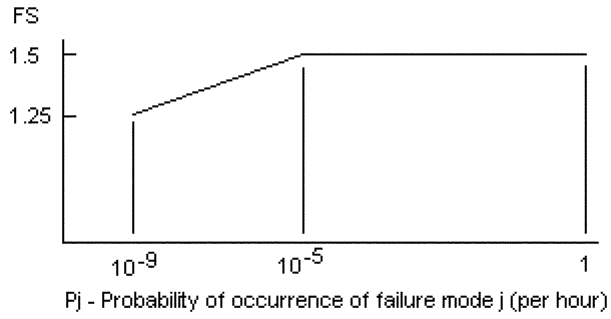
(f) System in the failure condition. For any system failure condition not shown to be extremely improbable, the following apply:

(1) At the time of occurrence. Starting from 1-g level flight conditions, a realistic scenario, including pilot corrective actions, must be established to determine the loads occurring at the time of failure and immediately after failure.

(i) For static strength substantiation, these loads, multiplied by an appropriate factor of safety that is related to the probability of occurrence of the failure, are ultimate loads to be considered for design. The factor of safety (FS) is defined in Figure 1.

Figure 1

Factor of safety at the time of occurrence



(ii) For residual strength substantiation, the airplane must be able to withstand two thirds of the ultimate loads defined in subparagraph (f)(1)(i). For pressurized cabins, these loads must be combined with the normal operating differential pressure.

(iii) Freedom from aeroelastic instability must be shown up to the speeds defined in § 25.629(b)(2). For failure conditions that result in speeds beyond V_C/M_C, freedom from aeroelastic instability must be shown to increased speeds, so that the margins intended by § 25.629(b)(2) are maintained.

(iv) Failures of the system that result in forced structural vibrations (oscillatory failures) must not produce loads that could result in detrimental deformation of primary structure.

(2) For the continuation of the flight. For the airplane, in the system failed state and considering any appropriate reconfiguration and flight limitations, the following apply:

(i) The loads derived from the following conditions (or defined by special condition or equivalent level of safety in lieu of the following conditions) at speeds up to V_C/M_C, or the speed limitation prescribed for the remainder of the flight, must be determined:

(A) The limit symmetrical maneuvering conditions specified in § 25.331 and in § 25.345.

(B) the limit gust and turbulence conditions specified in § 25.341 and in § 25.345.

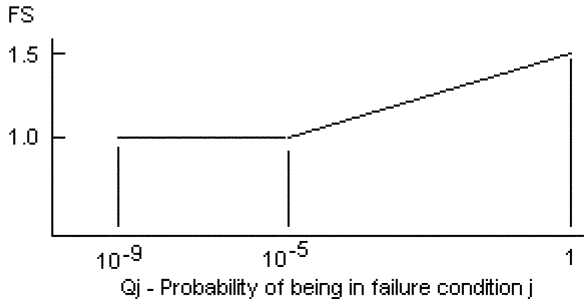
(C) the limit rolling conditions specified in § 25.349 and the limit unsymmetrical conditions specified in § 25.367 and § 25.427(b) and (c).

(D) the limit yaw maneuvering conditions specified in § 25.351.

(E) the limit ground loading conditions specified in §§ 25.473, 25.491, 25.493(d) and 25.503.

(ii) For static strength substantiation, each part of the structure must be able to withstand the loads in paragraph (f)(2)(i) of the special condition multiplied by a factor of safety depending on the probability of being in this failure state. The factor of safety is defined in Figure 2.

Figure 2
Factor of safety for continuation of flight



Qj = (Tj)(Pj)
Where:
Tj = Average time spent in failure condition j (in hours)
Pj = Probability of occurrence of failure mode j (per hour)

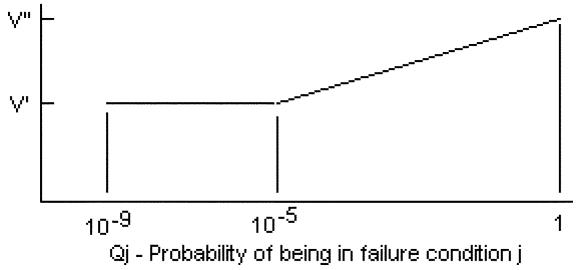
Note: If Pj is greater than 10^{-3} per flight hour then a 1.5 factor of safety must be applied to all limit load conditions specified in Subpart C.

(iii) For residual strength substantiation, the airplane must be able to withstand two thirds of the ultimate loads defined in paragraph (f)(2)(ii) of the special condition. For pressurized cabins, these loads must be combined with the normal operating differential pressure.

(iv) If the loads induced by the failure condition have a significant effect on fatigue or damage tolerance then their effects must be taken into account.

(v) Freedom from aeroelastic instability must be shown up to a speed determined from Figure 3. Flutter clearance speeds V′ and V″ may be based on the speed limitation specified for the remainder of the flight using the margins defined by § 25.629(b).

Figure 3
Clearance speed



V′ = Clearance speed as defined by § 25.629(b)(2).

V″ = Clearance speed as defined by § 25.629(b)(1).

Qj = (Tj)(Pj) where:

Tj = Average time spent in failure condition j (in hours)

Pj = Probability of occurrence of failure mode j (per hour)

Note: If Pj is greater than 10^{-3} per flight hour, then the flutter clearance speed must not be less than V″.

(vi) Freedom from aeroelastic instability must also be shown up to V′ in Figure 3 above, for any probable system failure condition combined with any damage required or selected for investigation by § 25.571(b).

(3) Consideration of certain failure conditions may be required by other sections of 14 CFR part 25 regardless of calculated system reliability. Where analysis shows the probability of these failure conditions to be less than 10^{-9}, criteria other than those specified in this paragraph may be used for structural substantiation to show continued safe flight and landing.

(g) Failure indications. For system failure detection and indication, the following apply:

(1) The system must be checked for failure conditions, not extremely improbable, that degrade the structural capability below the level required by part 25 or significantly reduce the reliability of the remaining system. As far as reasonably practicable, the flight crew must be made aware of these failures before flight. Certain elements of the control system, such as mechanical and hydraulic components, may use special periodic inspections, and electronic components may use daily checks, in lieu of detection and indication systems to achieve the objective of this requirement. These certification maintenance requirements must be limited to components that are not readily detectable by normal detection and indication systems and where service history shows that inspections will provide an adequate level of safety.

(2) The existence of any failure condition, not extremely improbable, during flight that could significantly affect the structural capability of the airplane and for which the associated reduction in airworthiness can be minimized by suitable flight limitations, must be signaled to the flight crew. For example, failure conditions that result in a factor of safety between the airplane strength and the loads of Subpart C below 1.25, or flutter margins below V″, must be signaled to the crew during flight.

(h) Dispatch with known failure conditions. If the airplane is to be dispatched in a known system failure condition that affects structural performance, or affects the reliability of the remaining system to maintain structural performance, then the provisions of this special condition must be met, including the provisions of paragraph (e) for the dispatched condition, and paragraph (f) for subsequent failures. Expected operational limitations may be taken into account in establishing Pj as the probability of failure occurrence for determining the safety margin in Figure 1. Flight limitations and expected operational limitations may be taken into account in establishing Qj as the combined probability of being in the dispatched failure condition and the subsequent failure condition for the safety margins in Figures 2 and 3. These limitations must be such that the probability of being in this combined failure state and then subsequently encountering limit load conditions is extremely improbable. No reduction in these safety margins is allowed if the subsequent system failure rate is greater than 10^{-3} per hour.

Issued in Renton, Washington, on October 22, 2013.

Stephen P. Boyd,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2013–30235 Filed 12–19–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0524; Directorate Identifier 2012–SW–084–AD; Amendment 39–17696; AD 2013–24–19]

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 AS332C, AS332L, AS332L1, AS332L2, and EC225LP helicopters. This AD requires visually inspecting each jettisonable emergency exit window panel (window) for sealant, and removing any sealant that exists in the window's extruded sections. This AD was prompted by jettison tests during routine maintenance inspections that showed the windows failed to jettison. The actions of this AD are intended to prevent failure of the windows to jettison, so helicopter occupants can exit the aircraft during an emergency.

DATES: This AD is effective January 24, 2014.

The Director of the Federal Register approved the incorporation by reference of certain documents listed in this AD as of January 24, 2014.

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 European Aviation Safety Agency (EASA) AD, any incorporated-by-reference service information, 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 37156, the **Federal Register** published our notice of proposed rulemaking (NPRM), which proposed to amend 14 CFR part 39 by adding an AD that would apply to Eurocopter Model AS332C, AS332L, AS332L1, AS332L2 and EC225LP helicopters that have never undergone a window-jettison test. The NPRM proposed to require visually inspecting each window for sealant, and removing any sealant that exists in the window's extruded sections. The proposed requirements were intended to prevent failure of the windows to jettison, so helicopter occupants can exit the aircraft during an emergency.

The NPRM was prompted by AD No. 2012–0152, dated August 13, 2012, issued by EASA, which is the Technical Agent for the Member States of the European Union. EASA issued AD No. 2012–0152 to correct an unsafe condition for certain Eurocopter Model AS 332 C, AS 332 C1, AS 332 L, AS 332 L1, AS 332 L2 and EC 225 LP helicopters. EASA reports that during required maintenance checks, there have been problems jettisoning emergency exit windows. According to EASA, investigations on several windows showed sealant between the extrusion and the window. ''This condition, if not detected and corrected, could prevent the jettisoning of a window, possibly affecting the evacuation of passengers in the event of an emergency situation,'' EASA states.

Comments

We gave the public the opportunity to participate in developing this AD, but we received no comments on the NPRM (78 FR 37156, 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 applies to Model AS 332 C1 helicopters, and this AD does not because that model is not FAA type-certificated. The EASA AD requires the inspection of each window within 110 hours time-in-service (TIS) or six months, while this AD requires the inspection within 110 hours TIS.

Related Service Information

Eurocopter issued Alert Service Bulletin (ASB) No. AS332–56.00.04 for Model AS332C, AS332C1, AS332L, AS332L1, and AS332L2 helicopters and ASB No. EC225–56A002 for the EC225LP helicopter, both Revision 0, and both dated August 8, 2012. Eurocopter advises of difficulties jettisoning the window panel when performing a jettison test due to sealant installed between the extrusion and the window. According to Eurocopter, jettison tests are to be performed every two years. The ASBs provide instructions to inspect each jettisonable window panel to determine whether there is sealant between the extrusion and the window.

Costs of Compliance

We estimate that this AD affects 19 helicopters of U.S. Registry and that labor rates average $85 a work-hour. Based on these estimates, we expect the following costs:

- Visually inspecting the windows for sealant requires 1 work-hour for a labor cost of $85 per helicopter, and $1,615 for the U.S. fleet.
- If needed, removing the sealant from the windows requires 2 work-hours for a labor cost of $170 per window.

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):

2013–24–19 Eurocopter France Helicopters: Amendment 39–17696; Docket No. FAA–2013–0524; Directorate Identifier 2012–SW–084–AD.

(a) Applicability

This AD applies to Eurocopter France (Eurocopter) Model AS332C, AS332L, AS332L1, AS332L2 and EC225LP helicopters, certificated in any category, that have never undergone a window-jettison test.

(b) Unsafe Condition

This AD defines the unsafe condition as the presence of sealant on an emergency exit window panel. This condition could result in the window failing to jettison, preventing the helicopter occupants from exiting the aircraft during an emergency.

(c) Effective Date

This AD becomes effective January 24, 2014.

(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

Within 110 hours time-in-service (TIS), visually inspect each jettisonable emergency exit window panel (window) by doing the following:

(1) Lift the extrusion slightly using a flat tool that does not cause scoring.

(2) Inspect for sealant on the inside and outside of the window between the window and the extrusion and between the extrusion and the structure.

Note 1 to paragraph (e)(2) of this AD: The presence of a sealant bead on the extrusion parting lines, on the window pull-out seal parting lines, and on the pull-out straps is expected, as shown in Figure 1 of Eurocopter Alert Service Bulletin (ASB) No. AS332–56.00.04 or ASB No. EC225–56A002, both Revision 0, and both dated August 8, 2012, as applicable to your model helicopter.

(3) If there is no sealant as shown in Photo 1 of Figure 2 of Eurocopter ASB No. AS332–56.00.04 or ASB No. EC225–56A002, as applicable to your model helicopter, no further action is required.

(4) If there is sealant between the structure and the profile as shown in Photo 2 of Figure 2 of Eurocopter ASB No. AS332–56.00.04 or ASB No. EC225–56A002, as applicable to your model helicopter, or if you cannot determine whether there is sealant, remove the extrusion.

(5) Remove all sealant from the extrusion, the window, and the structure.

(6) If there is any crazing, cracking or other damage on the extrusion, replace with an airworthy extrusion.

(f) 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.

(g) Additional Information

The subject of this AD is addressed in European Aviation Safety Agency (EASA) AD No. 2012–0152, dated August 13, 2012. You may view the EASA AD at *http://www.regulations.gov* in Docket No. FAA–2013–0524.

(h) Subject

Joint Aircraft Service Component (JASC) Code: 5220, Emergency Exits.

(i) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (IBR) of the service information listed in this paragraph under 5 U.S.C. 552(a) and 1 CFR part 51.

(2) You must use this service information as applicable to do the actions required by this AD, unless the AD specifies otherwise.

(i) Eurocopter Alert Service Bulletin No. AS332–56.00.04, Revision 0, dated August 8, 2012.

(ii) Eurocopter Alert Service Bulletin No. EC225–56A002, Revision 0, dated August 8, 2012.

(3) For Eurocopter 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.*

(4) You may view this service information at FAA, Office of the Regional Counsel, Southwest Region, 2601 Meacham Blvd., Room 663, Fort Worth, Texas 76137. For information on the availability of this material at the FAA, call (817) 222–5110.

(5) You may view this service information that is incorporated by reference at the National Archives and Records Administration (NARA). For information on the availability of this material at NARA, call (202) 741–6030, or go to: *http://www.archives.gov/federal-register/cfr/ibr-locations.html.*

Issued in Fort Worth, Texas, on November 27, 2013.

Lance T. Gant,

Acting Directorate Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2013–29140 Filed 12–19–13; 8:45 am]

BILLING CODE 4910–13–P

FEDERAL TRADE COMMISSION

16 CFR Part 312

RIN 3084–AB20

Children's Online Privacy Protection Rule

AGENCY: Federal Trade Commission.

ACTION: Correcting amendment.

SUMMARY: The Federal Trade Commission published final rule amendments to the Children's Online Privacy Protection Rule on January 17, 2013 to update the requirements set forth in the notice, parental consent, confidentiality and security, and safe harbor provisions. This document makes a technical correction in that final rule.

DATES: Effective on December 20, 2013.

FOR FURTHER INFORMATION CONTACT: Kristin Krause Cohen, (202) 326–2276, Attorney, Division of Privacy and Identity Protection, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW., Washington, DC 20580.

SUPPLEMENTARY INFORMATION: This document makes a technical correction in the Children's Online Privacy Protection Rule.

List of Subjects in 16 CFR Part 312

Children, Communications, Consumer protection, Electronic mail, Email, Internet, Online service, Privacy, Record retention, Safety, science and technology, Trade practices, Web site, Youth.

Accordingly, 16 CFR part 312 is corrected by making the following correcting amendment:

PART 312—CHILDREN'S ONLINE PRIVACY PROTECTION RULE

■ 1. The authority citation for part 312 continues to read as follows:

Authority: 15 U.S.C. 6501–6508.

§ 312.11 [Amended]

■ 2. In § 312.11, amend the last sentence of paragraph (d)(1) by removing ''§ 312.5(b)(4)'' and adding in its place ''§ 312.5(b)(3)''.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2013–30293 Filed 12–19–13; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

18 CFR Part 40

[Docket No. RM13–5–000; Order No. 791]

Version 5 Critical Infrastructure Protection Reliability Standards

AGENCY: Federal Energy Regulatory Commission.

ACTION: Final rule; correction.

SUMMARY: This document contains corrections to the final rule (RM13–5–000) which was published in the **Federal Register** of Tuesday, December 3, 2013 (78 FR 72755). The regulations approved certain reliability standards proposed by the North American Electric Reliability Corporation.

DATES: Effective on February 3, 2014.

FOR FURTHER INFORMATION CONTACT: Kevin Ryan (Legal Information), Office of the General Counsel, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, Telephone: (202) 502–6840.

SUPPLEMENTARY INFORMATION:

Errata Notice

On November 22, 2013, the Commission issued a Final Rule in the above-captioned proceeding, *Version 5 Critical Infrastructure Protection Reliability Standards,* 145 FERC ¶ 61,160 (2013).

This errata notice serves to correct P 16. Specifically, the reference to ''eighth'' in the seventh line of P 16 is changed to ''[ninth].'' The sentence as revised would thus read, ''NERC requests that the CIP version 5 Standards become effective on 'the first day of the [ninth] calendar quarter after a Final Rule is issued in this docket.' [27]''

In FR Doc. 2013–28628 appearing on page 72758 in the **Federal Register** of Tuesday, December 3, 2013, the same corrections are made:

Specifically, the reference to ''eighth'' in the seventh line of P 16 is changed to ''[ninth].'' The sentence as revised would thus read, ''NERC requests that the CIP version 5 Standards become effective on 'the first day of the [ninth] calendar quarter after a Final Rule is issued in this docket.' [27]''

Dated: December 13, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–30315 Filed 12–19–13; 8:45 am]

BILLING CODE 6717–01–P

LIBRARY OF CONGRESS

Copyright Royalty Board

37 CFR Part 385

[Docket No. 2011–3 CRB Phonorecords II]

Adjustment of Determination of Compulsory License Rates for Mechanical and Digital Phonorecords

AGENCY: Copyright Royalty Board, Library of Congress.

ACTION: Final rule; technical amendment.

SUMMARY: The Copyright Royalty Judges are making a technical amendment to the regulations regarding the rates and terms for the section 115 statutory license for the use of musical works in physical phonorecord deliveries, permanent digital downloads, ringtones, interactive streaming, limited downloads, limited offerings, mixed service bundles, music bundles, paid locker services, and purchased content locker services. The technical amendment corrects a clerical error regarding an accounting provision in the final rule.

DATES: *Effective:* January 1, 2014.

FOR FURTHER INFORMATION CONTACT: Richard Strasser, Senior Attorney, or Gina Giuffreda, Attorney Advisor. Telephone: (202) 707–7658 or email at *crb@loc.gov.*

SUPPLEMENTARY INFORMATION: On November 13, 2013, the Copyright Royalty Judges (Judges) published in the **Federal Register** final regulations setting the rates and terms for the section 115 statutory license for the use of musical works in physical phonorecord deliveries, permanent digital downloads, ringtones, interactive streaming, limited downloads, limited offerings, mixed service bundles, music bundles, paid locker services, and purchased content locker services. 78 FR 67938. In the preamble to the final rule, the Judges stated that they could not adopt an accounting provision proposed in § 385.12(e) [1] because of a finding by the Register of Copyrights (Register) that adoption by the Judges of such a provision ''represent[ed] an encroachment on the Register's [exclusive] authority regarding statements of account'' kept under the section 115 statutory license. *See Id.* at 67940, *citing* 78 FR 28772 (May 16, 2013). Due to an inadvertent oversight, however, no instruction reflecting the removal of § 385.12(e) appeared in the regulatory text.[2] The Judges now correct this error.

Section 803(c)(4) of the Copyright Act authorizes the Judges to issue ''an amendment to a written determination to correct any technical or clerical errors in the determination'' and directs that such amendment ''be set forth in a written addendum to the determination that shall be distributed to the participants and shall be published in the **Federal Register**.'' 17 U.S.C. 803(c)(4).[3] The Judges make this correction by today's notice pursuant to their continuing jurisdiction under section 803(c)(4) of the Copyright Act.

List of Subjects in 37 CFR Part 385

Copyright, Phonorecords, Recordings.

Final Regulations

For the reasons set forth in the preamble, the Copyright Royalty Judges amend Part 385 of Chapter III of title 37 of the Code of Federal Regulations as follows:

PART 385—RATES AND TERMS FOR USE OF MUSICAL WORKS UNDER COMPULSORY LICENSE FOR MAKING AND DISTRIBUTING OF PHYSICAL AND DIGITAL PHONORECORDS

■ 1. The authority citation for part 385 continues to read as follows:

Authority: 17 U.S.C. 115, 801(b)(1), 804(b)(4).

§ 385.12 [Amended]

■ 2. Section 385.12 is amended by removing paragraph (e).

Dated: November 18, 2013.

Suzanne M. Barnett,

Chief Copyright Royalty Judge.

Approved by:

James H. Billington,

Librarian of Congress.

[FR Doc. 2013–30346 Filed 12–19–13; 8:45 am]

BILLING CODE 1410–72–P

[1] The Judges proposed two accounting provisions—§ 385.12(e) and § 385.22(d)—each of which would have required the licensee's statement of account to ''set forth each step of its calculations with sufficient information to allow the copyright owner to assess the accuracy and manner in which the licensee determined the payable royalty pool and per-play allocations (including information sufficient to demonstrate whether and how a minimum royalty or subscriber-based royalty floor pursuant to § 385.13 does or does not apply) and, for each offering reported, also indicate the type of licensed activity involved and the number of plays of each musical work (including an indication of any overtime adjustment applied) that is the basis of the per-work royalty allocation being paid.'' 77 FR 29259, 29267 (May 17, 2012). The language of proposed § 385.22(d) mirrored that in § 385.12(e), except for non-substantive conforming language needed for its inclusion in proposed Subpart C.

[2] Today's amendment concerns only proposed § 385.12(e) because this section was adopted initially by the Judges in 2009. *See* 74 FR 4510 (Jan. 26, 2009). Proposed § 385.22(d) was part of a newly proposed Subpart C, *see* 77 FR 29259 (May 17, 2012), and was not adopted in the final rule published on November 13, 2013.

[3] The Judges provided a copy of this technical amendment to the participants of this proceeding prior to its submission to the **Federal Register** for publication.

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA–HQ–OPP–2012–0980; FRL–9903–57]

Mandipropamid; Pesticide Tolerances

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes tolerances in or on multiple commodities and removes several established tolerances for residues of mandipropamid, which are identified and discussed later in this document. Interregional Research Project Number 4 (IR–4) requested these tolerances under the Federal Food, Drug, and Cosmetic Act (FFDCA).

DATES: This regulation is effective December 20, 2013. Objections and requests for hearings must be received on or before February 18, 2014, and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2012–0980, is available at *http://www.regulations.gov* or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), EPA West Bldg., Rm. 3334, 1301 Constitution Ave. NW., Washington, DC 20460–0001. The 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, and the telephone number for the OPP Docket is (703) 305–5805. Please review the visitor instructions and additional information about the docket available at *http://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Lois Rossi, Registration Division (7505P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 305–7090; email address: *RDFRNotices@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. How can I get electronic access to other related information?

You may access a frequently updated electronic version of EPA's tolerance regulations at 40 CFR part 180 through the Government Printing Office's e-CFR site at *http://www.ecfr.gov/cgi-bin/text-idx?&c=ecfr&tpl=/ecfrbrowse/Title40/40tab_02.tpl.*

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA–HQ–OPP–2012–0980 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before February 18, 2014. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA–HQ–OPP–2012–0980, 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 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.*

II. Summary of Petitioned-For Tolerance

In the **Federal Register** of February 27, 2013 (78 FR 13295) (FRL–9380–2), EPA issued a document pursuant to FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), announcing the filing of a pesticide petition (PP 2E8126) by IR–4, 500 College Road East, Suite 201W., Princeton, NJ 08540. The petition requested that 40 CFR 180.637 be amended by establishing tolerances for residues of the fungicide mandipropamid, 4-chloro-*N*-[2-[3-methoxy-4-(2-propynyloxy)phenyl]ethyl]-alpha-(2-propynyloxy)-benzeneacetamide, in or on basil, dried at 200 parts per million (ppm); basil, fresh at 30 ppm; bean, succulent at 0.90 ppm; cowpea, forage at 15 ppm; fruit, small, vine climbing, subgroup 13–07F, except fuzzy kiwifruit at 2.0 ppm; ginseng at 0.3 ppm; onion, bulb, subgroup 3–07A at 0.1 ppm; onion, green, subgroup 3–07B at 7.0 ppm; and vegetable, fruiting, group 8–10 at 1.0 ppm. The petition additionally requested to remove the established tolerances in or on grape at 1.4 ppm; onion, dry bulb at 0.05 ppm; onion, green at 4 ppm; okra at 1.0 ppm; and vegetable, fruiting, group 8 at 1.0 ppm, upon establishment of the associated proposed tolerances. That document referenced a summary of the petition prepared on behalf of IR–4 by Syngenta Crop Protection, the registrant, which is available in the docket, *http://www.regulations.gov.* There were no comments received in response to the notice of filing.

Based upon review of the data supporting the petition, EPA has determined that the proposed tolerances should not be established on succulent bean or cowpea forage, and that a tolerance should be established on snap bean. The Agency has also determined that the proposed tolerances in or on small vine climbing fruit subgroup 13–07F, bulb onion subgroup 3–07A and green onion subgroup 3–07B should be revised. EPA has also revised the commodity terminology for fresh and dried basil and determined that the tolerance expression should be revised for all commodities. Finally, EPA determined that the time-limited tolerance on fresh basil should be removed. The reasons for these changes are explained in Unit IV.C.

III. Aggregate Risk Assessment and Determination of Safety

Section 408(b)(2)(A)(i) of FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is ''safe.'' Section 408(b)(2)(A)(ii) of FFDCA defines ''safe'' to mean that ''there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information.'' This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) of FFDCA requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to ''ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue. . . .''

Consistent with FFDCA section 408(b)(2)(D), and the factors specified in FFDCA section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure for mandipropamid including exposure resulting from the tolerances established by this action. EPA's assessment of exposures and risks associated with mandipropamid follows.

A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children.

Subchronic and chronic studies indicate that the liver is the primary target organ for mandipropamid. Liver effects were identified in subchronic studies with rats, mice, and dogs. Liver effects included increased plasma albumin, total protein, cholesterol, and gamma-glutamyl transferase, as well as periportal hypertrophy in rats; increased liver enzymes, increased pigment in hepatocytes and Kupffer cells, and centrilobular hepatocyte vacuolation in dogs; increased eosinophilia in rats and mice; and increased liver weights in rats, mice and dogs. In the chronic dog study, increases in microscopic pigment in the liver and increased liver enzymes were observed. No liver effects were observed in chronic rat and mouse studies up to the highest doses tested. Instead, nephrotoxicity was observed in the chronic rat study and decreased body weight and food utilization was observed in the chronic mouse study. The findings of liver toxicity and nephrotoxicity are consistent with the results from metabolism studies where the tissues with the highest levels of radioactivity were the liver followed by the kidney.

No evidence of neurotoxicity was observed in the acute or subchronic neurotoxicity screening battery. No systemic or dermal toxicity was observed following dermal exposure for 28 days, up to the limit dose. No immunotoxicity was observed up to the highest dose tested in the mouse immunotoxicity study.

No evidence of increased quantitative or qualitative susceptibility was seen in developmental toxicity studies in rats and rabbits or in a 2-generation reproduction study in rats. The only effects observed in fetuses or pups were in the 2-generation reproduction study, where decreased pup body weight was observed in the presence of maternal toxicity (decreased body weight, body weight gain, and food utilization). In addition, there was a delay in preputial separation in F1 males which was considered to be the result of lower body weights.

There was no evidence of tumors in the carcinogenicity study in mice or in the chronic/carcinogenicity study in rats and there was no evidence that mandipropamid was mutagenic or clastogenic. Therefore, mandipropamid is classified as ''not likely to be carcinogenic to humans.''

Specific information on the studies received and the nature of the adverse effects caused by mandipropamid as well as the no-observed-adverse-effect-level (NOAEL) and the lowest-observed-adverse-effect-level (LOAEL) from the toxicity studies can be found at *http://www.regulations.gov* in document, ''Mandipropamid: Human Health Risk Assessment For New Uses On Basil, Ginseng and Snap Beans, as Well as Crop Group Expansions for Fruiting Vegetable; Small Fruit, Vine Climbing, Except Fuzzy Kiwifruit; and Bulb Onion and Green Onion Subgroups.'' at pages 33–38 in docket ID number EPA–HQ–OPP–2012–0980.

B. Toxicological Points of Departure/Levels of Concern

Once a pesticide's toxicological profile is determined, EPA identifies toxicological points of departure (POD) and levels of concern to use in evaluating the risk posed by human exposure to the pesticide. For hazards that have a threshold below which there is no appreciable risk, the toxicological POD is used as the basis for derivation of reference values for risk assessment. PODs are developed based on a careful analysis of the doses in each toxicological study to determine the dose at which the NOAEL and the LOAEL are identified. Uncertainty/safety factors are used in conjunction with the POD to calculate a safe exposure level—generally referred to as a population-adjusted dose (PAD) or a reference dose (RfD)—and a safe margin of exposure (MOE). For non-threshold risks, the Agency assumes that any amount of exposure will lead to some degree of risk. Thus, the Agency estimates risk in terms of the probability of an occurrence of the adverse effect expected in a lifetime. For more information on the general principles EPA uses in risk characterization and a complete description of the risk assessment process, see *http://www.epa.gov/pesticides/factsheets/riskassess.htm.*

A summary of the toxicological endpoints for mandipropamid used for human risk assessment is shown in Table 1 of this unit.

TABLE 1—SUMMARY OF TOXICOLOGICAL DOSES AND ENDPOINTS FOR MANDIPROPAMID FOR USE IN HUMAN HEALTH RISK ASSESSMENT

Exposure/scenario	Point of departure and uncertainty/safety factors	RfD, PAD, LOC for risk assessment	Study and toxicological effects
Acute dietary (General population including infants and children and females 13–49 years old).	No endpoint attributable to a single exposure was identified.		
Chronic dietary (All populations)	NOAEL=5 mg/kg/day .... UF_A = 10x UF_H = 10x FQPA SF = 1x	Chronic RfD = 0.05 mg/kg/day. cPAD = 0.05 mg/kg/day	Chronic Toxicity Study, Dogs LOAEL = 40 mg/kg/day based on increased incidence and severity of microscopic pigment in the liver and increased alkaline phosphatase activity in both sexes as well as increased alanine aminotransferase activity in males.
Cancer (Oral, dermal, inhalation)	Classified as not likely to be carcinogenic to humans.		

FQPA SF = Food Quality Protection Act Safety Factor. LOAEL = lowest-observed-adverse-effect-level. LOC = level of concern. Mg/kg/day = milligrams/kilogram/day. NOAEL = no-observed-adverse-effect-level. PAD = population adjusted dose (a = acute, c = chronic). RfD = reference dose. UF = uncertainty factor. UF_A = extrapolation from animal to human (interspecies). UF_H = potential variation in sensitivity among members of the human population (intraspecies).

C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* In evaluating dietary exposure to mandipropamid, EPA considered exposure under the petitioned-for tolerances as well as all existing mandipropamid tolerances in 40 CFR 180.637. EPA assessed dietary exposures from mandipropamid in food as follows:

i. *Acute exposure.* Quantitative acute dietary exposure and risk assessments are performed for a food-use pesticide, if a toxicological study has indicated the possibility of an effect of concern

occurring as a result of a 1-day or single exposure. No such effects were identified in the toxicological studies for mandipropamid; therefore, a quantitative acute dietary exposure assessment is unnecessary.

ii. *Chronic exposure.* In conducting the chronic dietary exposure assessment EPA used Dietary Exposure Evaluation Model software with the Food Commodity Intake Database (DEEM–FCID) Version 3.16, which uses food consumption data from the U.S. Department of Agriculture's (USDA's) National Health and Nutrition Examination Survey, ''What We Eat in America'' (NHANES/WWEIA) from 2003 through 2008. As to residue levels in food, EPA used tolerance-level residues with the exception of subgroups 13–07F, 3–07A, and 3–07B, for which EPA used residue levels higher than the tolerance levels being established here; and tuberous and corm vegetable subgroup 1C, which was assessed at 0.026 ppm, in order to account for the SYN 500003 metabolite for this commodity. EPA assessed tolerances for subgroups 13–07F, 3–07A, and 3–07B using levels that were proposed by the petitioner and that were harmonized with Codex maximum residue levels. However, for reasons discussed in Unit IV.B., EPA is harmonizing these tolerance levels with the lower Canadian maximum residue levels (MRLs). The Agency also assumed 100 percent crop treated (PCT) estimates for all commodities and utilized default DEEM–FCID™ (ver. 7.81) processing factors, with the exception of chemical-specific processing factors for grape wine and sherry.

iii. *Cancer.* Based on the data summarized in Unit III.A., EPA has concluded that mandipropamid does not pose a cancer risk to humans. Therefore, a dietary exposure assessment for the purpose of assessing cancer risk is unnecessary.

iv. *Anticipated residue and PCT information.* EPA did not use anticipated residue and/or PCT information in the dietary assessment for mandipropamid. Tolerance level residues and/or 100 PCT were assumed for all food commodities.

2. *Dietary exposure from drinking water.* The Agency used screening level water exposure models in the dietary exposure analysis and risk assessment for mandipropamid in drinking water. These simulation models take into account data on the physical, chemical, and fate/transport characteristics of mandipropamid. Further information regarding EPA drinking water models used in pesticide exposure assessment can be found at *http://www.epa.gov/oppefed1/models/water/index.htm.*

Based on the First Index Reservoir Screening Tool (FIRST) and Pesticide Root Zone Model Ground Water (PRZM GW), the estimated drinking water concentrations (EDWCs) of mandipropamid for chronic exposures for non-cancer assessments are estimated to be 9.0 parts per billion (ppb) for surface water and 79 ppb for ground water.

Modeled estimates of drinking water concentrations were directly entered into the dietary exposure model. For chronic dietary risk assessment, the water concentration value of 79 ppb was used to assess the contribution from drinking water.

3. *From non-dietary exposure.* The term ''residential exposure'' is used in this document to refer to non-occupational, non-dietary exposure (e.g., for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets). Mandipropamid is not registered for any specific use patterns that would result in residential exposure.

4. *Cumulative effects from substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) of FFDCA requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.'' EPA has not found mandipropamid to share a common mechanism of toxicity with any other substances, and mandipropamid does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has assumed that mandipropamid does not have a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see EPA's Web site at *http://www.epa.gov/pesticides/cumulative.*

D. Safety Factor for Infants and Children

1. *In general.* Section 408(b)(2)(C) of FFDCA provides that EPA shall apply an additional tenfold (10X) margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines based on reliable data that a different margin of safety will be safe for infants and children. This additional margin of safety is commonly referred to as the Food Quality Protection Act (FQPA) Safety Factor (SF). In applying this provision, EPA either retains the default value of 10X, or uses a different additional safety factor when reliable data available to EPA support the choice of a different factor.

2. *Prenatal and postnatal sensitivity.* There were no treatment-related effects observed in dams or fetuses in the developmental toxicity studies in rats or rabbits up to the limit dose of 1,000 milligrams/kilogram/day (mg/kg/day). In the rat 2-generation reproductive study, decreased pup weight occurred only in the presence of comparable maternal toxicity (decreased body weight, body weight gain, and food utilization). Therefore, there is no increased quantitative or qualitative susceptibility to rat or rabbit offspring exposed *in utero* and/or postnatally to mandipropamid, and there are no residual uncertainties with respect to prenatal or postnatal exposure.

3. *Conclusion.* EPA has determined that reliable data show the safety of infants and children would be adequately protected if the FQPA SF were reduced to 1X. That decision is based on the following findings:

i. The toxicity database for mandipropamid is complete.

ii. There is no indication that mandipropamid is a neurotoxic chemical and there is no need for a developmental neurotoxicity study or additional UFs to account for neurotoxicity.

iii. There is no evidence that mandipropamid results in increased susceptibility in *in utero* rats or rabbits in the prenatal developmental studies or in young rats in the 2-generation reproduction study.

iv. There are no residual uncertainties identified in the exposure databases. The dietary food exposure assessment was performed based on 100 PCT and tolerance-level residues for all commodities, with the exception of tuberous and corm vegetable subgroup 1C, which was assessed for the tolerance level plus the metabolite. EPA made conservative (protective) assumptions in the ground and surface water modeling used to assess exposure to mandipropamid in drinking water. These assessments will not underestimate the exposure and risks posed by mandipropamid.

E. Aggregate Risks and Determination of Safety

EPA determines whether acute and chronic dietary pesticide exposures are safe by comparing aggregate exposure

estimates to the acute PAD (aPAD) and chronic PAD (cPAD). For linear cancer risks, EPA calculates the lifetime probability of acquiring cancer given the estimated aggregate exposure. Short-, intermediate-, and chronic-term risks are evaluated by comparing the estimated aggregate food, water, and residential exposure to the appropriate PODs to ensure that an adequate MOE exists.

1. *Acute risk.* An acute aggregate risk assessment takes into account acute exposure estimates from dietary consumption of food and drinking water. No adverse effect resulting from a single oral exposure was identified and no acute dietary endpoint was selected. Therefore, mandipropamid is not expected to pose an acute risk.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that chronic exposure to mandipropamid from food and water will utilize 46% of the cPAD for children 1–2 years old, the population group receiving the greatest exposure. There are no residential uses for mandipropamid.

3. *Short- and intermediate-term risk.* Short- and intermediate-term aggregate exposure takes into account short- and intermediate-term residential exposure plus chronic exposure to food and water (considered to be a background exposure level).

Short- and intermediate-term adverse effects were identified; however, mandipropamid is not registered for any use patterns that would result in short- or intermediate-term residential exposures. Short- and intermediate-term risk is assessed based on short- and intermediate-term residential exposure plus chronic dietary exposure. Because there is no short- or intermediate-term residential exposure and chronic dietary exposure has already been assessed under the appropriately protective cPAD (which is at least as protective as the POD used to assess short-term risk), no further assessment of short- and intermediate-term risk is necessary, and EPA relies on the chronic dietary risk assessment for evaluating short- and intermediate-term risk for mandipropamid.

4. *Aggregate cancer risk for U.S. population.* Based on the lack of evidence of carcinogenicity in two adequate rodent carcinogenicity studies, mandipropamid is not expected to pose a cancer risk to humans.

5. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, or to infants and children from aggregate exposure to mandipropamid residues.

IV. Other Considerations

A. Analytical Enforcement Methodology

Adequate enforcement methodology, a high performance liquid chromatography with tandem mass spectrometric detection (LC/MS/MS), is available to enforce the tolerance expression.

The method may be requested from: Chief, Analytical Chemistry Branch, Environmental Science Center, 701 Mapes Rd., Ft. Meade, MD 20755–5350; telephone number: (410) 305–2905; email address: *residuemethods@epa.gov.*

B. International Residue Limits

In making its tolerance decisions, EPA seeks to harmonize U.S. tolerances with international standards whenever possible, consistent with U.S. food safety standards and agricultural practices. EPA considers the international MRLs established by the Codex Alimentarius Commission (Codex), as required by FFDCA section 408(b)(4). The Codex Alimentarius is a joint United Nations Food and Agriculture Organization/World Health Organization food standards program, and it is recognized as an international food safety standards-setting organization in trade agreements to which the United States is a party. EPA may establish a tolerance that is different from a Codex MRL; however, FFDCA section 408(b)(4) requires that EPA explain the reasons for departing from the Codex level.

The Codex has established MRLs for mandipropamid in or on bell and nonbell pepper at 1 ppm, bulb onion at 0.1 ppm, grape at 2 ppm, and spring onions at 7.0 ppm. The tolerances are harmonized with the U.S. tolerances established in or on fruiting vegetable group 8–10 (including pepper) at 1.0 ppm. However, the tolerances in or on small vine climbing fruit except fuzzy kiwifruit subgroup 13–07F (including grape) at 1.4 ppm, bulb onion subgroup 3–07A at 0.05 ppm, and green onion subgroup 3–07B at 4 ppm are not harmonized with associated Codex MRLs on these commodities because it has been determined that the major export market for these commodities is Canada. Therefore, in order to maintain harmonization of U.S. tolerances and Canadian MRLs for these commodities, EPA is establishing these subgroup tolerances at the levels that align with the Canadian MRLs. There are no Codex MRLs on the other commodities associated with this action.

C. Revisions to Petitioned-for Tolerances

Based on the data supporting the petition, EPA has revised basil, fresh to basil, fresh leaves and basil, dried to basil, dried leaves in order to correct the commodity terminology. EPA also determined that the following proposed tolerances should be amended in order to harmonize with Canadian MRLs on associated commodities: Small vine climbing fruit except fuzzy kiwifruit subgroup 13–07F from 2.0 ppm to 1.4 ppm; bulb onion subgroup 3–07A from 0.1 ppm to 0.05 ppm; and green onion subgroup 3–07B from 7.0 ppm to 4.0 ppm. Additionally, while EPA was petitioned for a tolerance on succulent bean, no field trial data were conducted on a succulent shelled bean cultivar in order to support the tolerance. Instead, the petitioner submitted snap bean data, which EPA determined is sufficient to support a tolerance of mandipropamid in or on bean, snap at 0.90 ppm. Snap beans are a subset of the larger succulent shelled bean definition, as defined in 40 CFR 180.1(g). Additionally, the Agency determined that the proposed tolerance in or on cowpea, forage cannot be established at this time because the use lacks a validated livestock analytical enforcement method for residues of mandipropamid. EPA also determined that the time-limited tolerance in or on fresh basil at 20 ppm should be removed, as it will be superseded by a permanent tolerance on fresh basil leaves at 30 ppm. Finally, the Agency has revised the tolerance expression to clarify:

1. That, as provided in FFDCA section 408(a)(3), the tolerance covers metabolites and degradates of mandipropamid not specifically mentioned; and

2. That compliance with the specified tolerance levels is to be determined by measuring only mandipropamid.

V. Conclusion

Therefore, tolerances are established for residues of mandipropamid, 4-chloro-*N*-[2-[3-methoxy-4-(2-propynyloxy)phenyl]ethyl]-α-(2-propynyloxy)benzeneacetamide, in or on basil, dried leaves at 200 ppm; basil, fresh leaves at 30 ppm; bean, snap at 0.90 ppm; fruit, small vine climbing, except fuzzy kiwifruit, subgroup 13–07F at 1.4 ppm; ginseng at 0.30 ppm; onion, bulb, subgroup 3–07A at 0.05 ppm; onion, green, subgroup 3–07B at 4.0 ppm; and vegetable, fruiting, group 8–10 at 1.0 ppm. This regulation additionally removes the established tolerances in or on grape at 1.4 ppm; onion, dry bulb at 0.05 ppm; onion, green at 4 ppm; okra

at 1.0 ppm; and vegetable, fruiting, group 8 at 1.0 ppm. Finally, this regulation removes the time-limited tolerance in or on basil, fresh at 20 ppm.

VI. Statutory and Executive Order Reviews

This final rule establishes tolerances under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Because this final rule has been exempted from review under Executive Order 12866, this final rule is not subject to Executive Order 13211, entitled ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001) or Executive Order 13045, entitled ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA) (44 U.S.C. 3501 *et seq.*), nor does it require any special considerations under Executive Order 12898, entitled ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations'' (59 FR 7629, February 16, 1994).

Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerances in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), do not apply.

This final rule directly regulates growers, food processors, food handlers, and food retailers, not States or tribes, nor does this action alter the relationships or distribution of power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4). As such, the Agency has determined that this action will not have a substantial direct effect on States or tribal governments, on the relationship between the national government and the States or tribal governments, or on the distribution of power and responsibilities among the various levels of government or between the Federal Government and Indian tribes. Thus, the Agency has determined that Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999) and Executive Order 13175, entitled ''Consultation and Coordination with Indian Tribal Governments'' (65 FR 67249, November 9, 2000) do not apply to this final rule. In addition, this final rule does not impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (2 U.S.C. 1501 *et seq.*).

This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA) (15 U.S.C. 272 note).

VII. Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), EPA will submit a report containing this rule 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**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: December 16, 2013.

Lois Rossi,

Director, Registration Division, Office of Pesticide Programs.

Therefore, 40 CFR chapter I is amended as follows:

PART 180—[AMENDED]

■ 1. The authority citation for part 180 continues to read as follows:

Authority: 21 U.S.C. 321(q), 346a and 371.

■ 2. In § 180.637:

■ a. Revise the introductory text in paragraph (a).

■ b. Remove ''Grape'', ''Okra'', ''Onion, dry bulb'', ''Onion green'', and ''Vegetable, fruiting, group 8'' from the table in paragraph (a).

■ c. Add ''Basil, dried leaves'', ''Basil, fresh leaves'', ''Bean, snap'', ''Fruit, small vine climbing, except fuzzy kiwifruit, subgroup 13–07F'', ''Ginseng'', ''Onion, bulb, subgroup 3–07A'', ''Onion, green, subgroup 3–07B'', and ''Vegetable, fruiting, group 8–10'' to the table in paragraph (a).

■ d. Revise the introductory text in paragraph (b).

■ e. Remove ''Basil, fresh'' from the table in paragraph (b).

The amendments read as follows:

§ 180.637 Mandipropamid; tolerances for residues.

(a) *General.* Tolerances are established for residues of mandipropamid, including its metabolites and degradates, in or on the commodities listed in the table below. Compliance with the tolerance levels specified below is to be determined by measuring only mandipropamid (4-chloro-*N*-[2-[3-methoxy-4-(2-propynyloxy)phenyl]ethyl]-α-(2-propynyloxy)benzeneacetamide) in or on the commodity.

Commodity	Parts per million
Basil, dried leaves	200
Basil, fresh leaves	30
Bean, snap	0.90
* * * * *	
Fruit, small vine climbing, except fuzzy kiwifruit, subgroup 13–07F	1.4
Ginseng	0.30
* * * * *	
Onion, bulb, subgroup 3–07A	0.05
Onion, green, subgroup 3–07B	4.0
* * * * *	
Vegetable, fruiting, group 8–10	1.0
* * * * *	

(b) *Section 18 emergency exemptions.* Time-limited tolerances are established for residues of mandipropamid, including its metabolites and degradates, in or on the commodities listed in the table below resulting from use of the pesticide pursuant to FFIFRA section 18 emergency exemptions. Compliance with the tolerance levels specified below is to be determined by measuring only mandipropamid (4-chloro-*N*-[2-[3-methoxy-4-(2-propynyloxy)phenyl]ethyl]-α-(2-propynyloxy)benzeneacetamide) in or on the commodity. The tolerances expire on the date specified in the table.

* * * * *

[FR Doc. 2013–30348 Filed 12–19–13; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF DEFENSE

Defense Acquisition Regulations System

48 CFR Part 252

RIN 0750–AI18

Defense Federal Acquisition Regulation Supplement: Photovoltaic Devices (DFARS Case 2014–D006)

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

ACTION: Interim rule with request for comments.

SUMMARY: DoD is issuing an interim rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to clarify rules of origin under trade agreements for photovoltaic devices to be utilized under covered DoD contracts, as required by a section of the National Defense Authorization Act for Fiscal Year 2011.

DATES: *Effective* December 20, 2013.

Comment date: Comments on the interim rule should be submitted in writing to the address shown below on or before February 18, 2014, to be considered in the formation of a final rule.''

ADDRESSES: Submit comments identified by DFARS Case 2014–D006, using any of the following methods:

○ *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by entering ''DFARS Case 2014–D006'' under the heading ''Enter keyword or ID'' and selecting ''Search.'' Select the link ''Submit a Comment'' that corresponds with ''DFARS Case 2014–D006.'' Follow the instructions provided at the ''Submit a Comment'' screen. Please include your name, company name (if any), and ''DFARS Case 2014–D006'' on your attached document.

○ *Email: dfars@mail.mil.* Include DFARS Case 2014–D006 in the subject line of the message.

○ *Fax:* 571–372–6094.

○ *Mail:* Defense Acquisition Regulations System, Attn: Ms. Amy G. Williams, OUSD(AT&L)DPAP/DARS, Room 3B855, 3060 Defense Pentagon, Washington, DC 20301–3060.

Comments received generally will be posted without change to *http://www.regulations.gov,* including any personal information provided. To confirm receipt of your comment(s), please check *www.regulations.gov,* approximately two to three days after submission to verify posting (except allow 30 days for posting of comments submitted by mail).

FOR FURTHER INFORMATION CONTACT: Ms. Amy G. Williams, Defense Acquisition Regulations System, OUSD(AT&L)DPAP/DARS, Room 3B855, 3060 Defense Pentagon, Washington, DC 20301–3060. Telephone 571–372–6106; facsimile 571–372–6101.

SUPPLEMENTARY INFORMATION:

I. Background

Section 846 of the National Defense Authorization Act for Fiscal Year 2011 (Pub. L. 111–383) addresses the origin of photovoltaic devices purchased by a contractor under an energy savings performance contract, a utility service contract, or a private housing contract, if such contract will result in DoD ownership of photovoltaic devices, by means other than DoD purchase as end products. DoD is deemed to own a photovoltaic device if the device is—

(1) Installed on DoD property or in a facility owned by DoD; and

(2) Reserved for the exclusive use of DoD for the full economic life of the device.

The statute requires that photovoltaic devices provided under covered contracts shall comply with the Buy American statute (41 U.S.C. chapter 83), subject to the exceptions to that statute provided in the Trade Agreements Act, or otherwise provided by law.

• Under the Buy American statute, there is an exception for other foreign photovoltaic devices, if covered by the Buy American statute and the cost of a domestic photovoltaic device would be unreasonable (i.e., 50 percent more than the cost of the foreign photovoltaic device).

• For DoD, qualifying country photovoltaic devices may be utilized in any covered contract, because DFARS 225.103(a)(i)(A) provides an exception to the Buy American statute for products of qualifying countries, as defined in 225.003.

• Depending on the value of the photovoltaic devices to be utilized, various trade agreements may apply to photovoltaic devices that are the product of a designated country. These photovoltaic devices may be broadly identified as World Trade Organization Government Procurement Agreement photovoltaic devices, Free Trade Agreement photovoltaic devices, or by the specific country of origin.

DoD initially implemented this statute through an interim rule (DFARS Case 2011–D046), published in the **Federal Register** on December 20, 2011 (76 FR 78858). The interim rule added a new DFARS section 225.7017, Utilization of domestic photovoltaic devices; a clause at 252.225–7017, Photovoltaic Devices; and a provision at 252.225–7018, Photovoltaic Devices—Certificate. DoD finalized the interim rule, with changes on May 22, 2012 (77 FR 30368).

The final rule explains that for purposes of determining that a photovoltaic device is eligible for an exception to the Buy American statute due to applicability of a trade agreement, the origin of a photovoltaic device is the country in which the photovoltaic device was wholly manufactured (including all components), or the country in which the photovoltaic device was ''substantially transformed'' into a new and different article with a name, character, or use distinct from that of the article or articles from which it was transformed.

Since implementation in the DFARS, some questions have arisen as to where the substantial transformation of some solar panels occurs, when different phases of the production process occur in different countries. DOD has determined, after consultation with the United States Trade Representative, that clarification is needed to avoid confusion by offerors on how to determine the country of origin of a photovoltaic device, when trade agreements provide an exception to the Buy American statute.

II. Discussion and Analysis

This rule makes two clarifications to provide greater certainty and avoid confusion by offerors responding to solicitations that are governed by section 846 and the associated DFARS implementing provisions. Both clarifications are consistent with existing DoD practices.

First, the rule clarifies that the country of origin is the country in which the final substantial transformation occurred. Each of the definitions for specific types of designated photovoltaic devices has been amended to specify that the photovoltaic device is not subsequently substantially transformed outside of the specified country.

For example:

''Bahrainian photovoltaic device'' means an article that—

(i) Is wholly manufactured in Bahrain; or

(ii) In the case of an article that consists in whole or in part of materials from another country, has been substantially transformed in Bahrain into a new and different article of commerce with a name, character, or use distinct from that of the article or articles from which it was transformed, provided that the photovoltaic device is

not subsequently substantially transformed outside of Bahrain.

Second, a new paragraph (c) has been added to the provision at 252.225–7018, which directs offerors to certify the origin of a designated country photovoltaic device consistent with country of origin determinations by U.S. Customs and Border Protection for the same or similar items. If the offeror is uncertain, the provision directs the offeror to request a determination from U.S. Customs and Border Protection. This guidance applies only to the origin of designated country photovoltaic devices (as defined in 252.225–7017(a)).

The origin of domestic photovoltaic devices and qualifying country photovoltaic devices is not based on substantial transformation, but on place of manufacture (regardless of the origin of the components). FAR 52.225–18 defines ''place of manufacture'' as the place where an end product is assembled out of components, or otherwise made or processed from raw materials into the finished product to be provided to the Government (in this case the photovoltaic device to be utilized under the contract).

U.S.-made photovoltaic devices are not designated country photovoltaic devices, but their utilization is allowed, consistent with FAR 25.403(c), when the value of the photovoltaic devices utilized exceeds $202,000, so that U.S.-made photovoltaic devices that do not qualify as domestic photovoltaic devices are not disadvantaged in favor of designated country photovoltaic devices. U.S.-made photovoltaic devices may be manufactured or substantially transformed in the United States. Therefore, a U.S.-made photovoltaic device may qualify on the basis of manufacture in the U.S., even if it does not meet the more stringent requirements of substantial transformation in the United States.

III. Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993. This rule is not a major rule under 5 U.S.C. 804.

IV. Regulatory Flexibility Act

DoD does not expect this rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.,* because this rule only impacts the determination of whether photovoltaic devices are substantially transformed in a designated country. No domestic entities will be impacted because the United States is not a designated country. For the definition of ''small business,'' the Regulatory Flexibility Act refers to the Small Business Act, which in turn allows the U.S. Small Business Administration (SBA) Administrator to specify detailed definitions or standards (5 U.S.C. 601(3) and 15 U.S.C. 632(a)). The SBA regulations at 13 CFR 121.105 discuss who is a small business: ''(a)(1) Except for small agricultural cooperatives, a business concern eligible for assistance from SBA as a small business is a business entity organized for profit, with a place of business located in the United States, and which operates primarily within the United States or which makes a significant contribution to the U.S. economy through payment of taxes or use of American products, materials or labor.

Therefore, an initial regulatory flexibility analysis has not been performed. DoD invites comments from small business concerns and other interested parties on the expected impact of this rule on small entities.

DoD will also consider comments from small entities concerning the existing regulations in subparts affected by this rule in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 610 (DFARS Case 2014–D006), in correspondence.

V. Paperwork Reduction Act

The rule contains information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35; however, these changes to the DFARS do not impose additional information collection requirements to the paperwork burden previously approved under OMB Control Number 0704–0229, entitled Defense Federal Acquisition Regulation Supplement (DFARS); Part 225, Foreign Acquisition.

VI. Determination To Issue an Interim Rule

A determination has been made under the authority of the Secretary of Defense that urgent and compelling reasons exist to promulgate this interim rule without prior opportunity for public comment. This action is necessary to ensure that section 846 of the National Defense Authorization Act for Fiscal Year 2011 is being appropriately implemented in accordance with DoD practices for achieving consistent adherence with international trade rules. Section 846 addresses the origin of photovoltaic devices acquired by DoD. The statute requires that photovoltaic devices comply with the Buy American statute, subject to the exceptions to that statute provided in the Trade Agreements Act (TAA), or otherwise provided by law. When an acquisition is subject to the TAA, the substantial transformation test is used to establish the origin of products. Questions have arisen regarding interpretation of the substantial transformation test for photovoltaic devices, in light of varying interpretations that have been issued by U.S. Customs and Border Protection (CBP) and the Department of Commerce in carrying out their respective missions. These opinions were issued after DOD published its final rule implementing section 846 in May 2012.

DoD has determined, after consultation with the United States Trade Representative, that clarification is necessary to avoid unintended confusion in the marketplace and potential non-compliance with section 846 and to ensure the proper and appropriate application of international trade rules. This rule makes explicit DOD's practice of generally following determinations made by CBP regarding when an end product is considered to have been substantially transformed. Because this rule addresses ''photovoltaic devices'' rather than ''end products,'' it also clarifies that the country of origin is the country in which the final substantial transformation occurred. These immediate clarifications will ensure that offerors are properly certifying their compliance with existing law and regulation addressing the acquisition of photovoltaic devices and provide greater certainty to the marketplace when offering these products to DoD at a time when the U.S. Government is working aggressively to take greater advantage of green energy industries as part of its comprehensive energy and environmental policies. The rule provides guidance to offerors that will facilitate offeror certifications that are consistent with existing DoD policy and practice when DoD directly acquires end products. Failure to implement this requirement promptly can also have

adverse effects on the U.S. photovoltaic industry, which this statute was designed to protect.

DOD will consider, pursuant to 41 U.S.C. 1707 and FAR 1.501–3(b), public comments received in response to this interim rule in the formation of the final rule.

List of Subjects in 48 CFR Part 252

Government procurement.

Manuel Quinones,

Editor, Defense Acquisition Regulations System.

Therefore 48 CFR part 252 is amended as follows:

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

■ 1. The authority citation for 48 CFR part 252 continues to read as follows:

Authority: 41 U.S.C. 1303 and 48 CFR chapter 1.

■ 2. Section 252.225–7017 is amended by—

■ a. Removing the clause date ''(OCT 2013)'' and adding ''(DEC 2013)'' in its place; and

■ b. In paragraph (a)—

■ i. In the definition of ''*Bahrainian photovoltaic device''* in paragraph (ii), removing ''transformed.'' and adding ''transformed, provided that the photovoltaic device is not subsequently substantially transformed outside of Bahrain.'' in its place.

■ ii. In the definition of ''*Canadian photovoltaic device'',* removing ''transformed.'' and adding ''transformed, provided that the photovoltaic device is not subsequently substantially transformed outside of Canada.'' in its place.

■ iii. In the definition of ''*Caribbean Basin country photovoltaic device''* in paragraph (ii), removing ''transformed.'' and adding ''transformed, provided that the photovoltaic device is not subsequently substantially transformed outside of a Caribbean Basin country.'' in its place.

■ iv. In the definition of ''*Free Trade Agreement country photovoltaic device''* in paragraph (ii), removing ''transformed.'' and adding ''transformed, provided that the photovoltaic device is not subsequently substantially transformed outside of a Free Trade Agreement country.'' in its place.

■ v. In the definition of ''*Korean photovoltaic device''* in paragraph (i), removing ''Korea'' and adding ''Korea (Republic of)'' in its place, and in paragraph (ii) removing ''transformed.'' and adding ''transformed, provided that the photovoltaic device is not subsequently substantially transformed outside of Korea (Republic of).'' in its place.

■ vi. In the definition of ''*Least developed country photovoltaic device''* in paragraph (ii), removing ''transformed.'' and adding ''transformed, provided that the photovoltaic device is not subsequently substantially transformed outside of a least developed country.'' in its place.

■ vii. In the definition of ''*Moroccan photovoltaic device''* in paragraph (ii), removing ''transformed.'' and adding ''transformed, provided that the photovoltaic device is not subsequently substantially transformed outside of Morocco.'' in its place.

■ viii. In the definition of ''*Panamanian photovoltaic device''* in paragraph (ii), removing ''transformed.'' and adding ''transformed, provided that the photovoltaic device is not subsequently substantially transformed outside of Panama.'' in its place.

■ ix. In the definition of ''*Peruvian photovoltaic device''* in paragraph (ii), removing ''transformed.'' and adding ''transformed, provided that the photovoltaic device is not subsequently substantially transformed outside of Peru.'' in its place.

■ x. In the definition of ''*U.S.-made photovoltaic device''* in paragraph (ii), removing ''transformed.'' and adding ''transformed, provided that the photovoltaic device is not subsequently substantially transformed outside of the United States.'' in its place.

■ xi. In the definition of ''*WTO GPA country photovoltaic device''* in paragraph (ii), removing ''transformed.'' and adding ''transformed, provided that the photovoltaic device is not subsequently substantially transformed outside of a WTO GPA country.'' in its place.

■ 3. Amend section 252.225–7018 by—

■ a. Removing the clause date ''(NOV 2012)'' and adding ''(DEC 2013)'' in its place; and

■ b. Adding to paragraph (a) the phrase ''*designated country photovoltaic device''* after the phrase ''*designated country'';*

■ c. Removing, in paragraph (b)(1), ''(c)(2)(ii), (c)(3)(ii) or (c)(4)(ii)'' and adding ''(d)(2)(ii), (d)(3)(ii) or (d)(4)(ii)'' in its place; and

■ d. Redesignating paragraph (c) as paragraph (d) and adding a new paragraph (c) to read as follows:

252.225–7018 Photovoltaic Devices—Certificate.

* * * * *

(c) *Country in which a designated country photovoltaic device was wholly manufactured or was substantially transformed.* If the estimated value of the photovoltaic devices to be utilized under a resultant contract exceeds $25,000, the Offeror's certification that such photovoltaic device (e.g., solar panel) is a designated country photovoltaic device shall be consistent with country of origin determinations by the U.S. Customs and Border Protection with regard to importation of the same or similar photovoltaic devices into the United States. If the Offeror is uncertain as to what the country of origin would be determined to be by the U.S. Customs and Border Protection, the Offeror shall request a determination from U.S. Customs and Border Protection. (See *http://www.cbp.gov/xp/cgov/trade/legal/rulings/.)*

* * * * *

[FR Doc. 2013–30496 Filed 12–19–13; 8:45 am]

BILLING CODE 5001–06–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 for Eriogonum codium (Umtanum Desert Buckwheat) and Physaria douglasii subsp. tuplashensis (White Bluffs Bladderpod) and Designation of Critical Habitat

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule; revision.

SUMMARY: We, the U.S. Fish and Wildlife Service, affirm our determination to list *Eriogonum codium* (Umtanum desert buckwheat) and *Physaria douglasii* subsp. *tuplashensis* (White Bluffs bladderpod) as threatened under the Endangered Species Act of 1973, as amended (Act). This affirmation of a previously published final rule implements the Federal protections provided by the Act for these species. We also affirm our designation of critical habitat for Umtanum desert buckwheat and revise our designation of critical habitat for White Bluffs bladderpod under the Act. In total, approximately 344 acres (139 hectares) are designated as critical habitat for Umtanum desert buckwheat in Benton County, Washington, and

approximately 2,033 acres (823 hectares) are designated as critical habitat for White Bluffs bladderpod in Franklin County, Washington.

DATES: This rule is effective December 20, 2013. This document also confirms that the listing rule that published at 78 FR 23984 on April 23, 2013, and the critical habitat rule for Umtanum desert buckwheat and White Bluffs bladderpod that published at 78 FR 24008 on April 23, 2013 (which is amended by this rule), are effective December 20, 2013.

ADDRESSES: This affirmation and revision, comments and materials received on the proposed rule, as well as some of the supporting documentation used in preparing this document, are available on the Internet at *http://www.regulations.gov* and at *http://www.fws.gov/wafwo/HanfordPlants.* All of the documents are also available for public inspection, by appointment, during normal business hours, at U.S. Fish and Wildlife Service, Washington Fish and Wildlife Office, 510 Desmond Drive SE., Suite 102, Lacey, WA 98503–1263; (360) 753–9440 (telephone); (360) 753–9008 (facsimile).

The coordinates or plot points or both from which the maps are generated are included in the administrative record for this critical habitat designation and are available at *http://www.fws.gov/wafwo/Hanford_Plants/FLFCH.html,* at *http://www.regulations.gov* at Docket No. FWS–R1–ES–2013–0012, and at the Washington Fish and Wildlife Office (see **FOR FURTHER INFORMATION CONTACT**).

FOR FURTHER INFORMATION CONTACT: Ken S. 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:

Background

This document is an affirmation of the listing of *Eriogonum codium* (Umtanum desert buckwheat) and *Physaria douglasii* subsp. *tuplashensis* (White Bluffs bladderpod) as threatened species and a final revised rule to designate critical habitat for Umtanum desert buckwheat and White Bluffs bladderpod under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (ESA or Act). Under the Act, a species warrants protection through listing if it is currently, or is likely to become, in danger of extinction throughout all or a significant portion of its range and any species that is determined to be an endangered or threatened species requires that critical habitat be designated, to the maximum extent prudent and determinable. Listing a species as an endangered or threatened species and designations and revisions of critical habitat can be completed only by issuing a rule.

We previously published final rules to list Umtanum desert buckwheat and White Bluffs bladderpod (78 FR 23984) and designate critical habitat for both species (78 FR 24008) on April 23, 2013, with effective dates of May 23, 2013. However, on May 23, 2013, we delayed the effective dates of the final rules until November 22, 2013 (78 FR 30772). On November 22, 2013, we further delayed the effective dates of the final rules until December 20, 2013 (78 FR 70001). The delay in effective dates was necessary to allow us time to follow proper procedure in accordance with 16 U.S.C. 1533(b)(5).

In fulfilling that responsibility, we 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 period (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). Newspaper notices inviting general public comment were published in the Tri-City Herald and Walla Walla Union in Washington during the reopening of the public comment period. On June 28, 2013, we published a notice announcing two public hearings (78 FR 38895). We held one public hearing in Kennewick, Washington, and one in Pasco, Washington, on July 11, 2013. The second comment period closed July 22, 2013. Since the reopening of the comment periods, we have taken the necessary actions required by 16 U.S.C. 1533(b)(5).

Purpose of This Document

This document describes the public comments received during the second public comment period, which opened May 23, 2013, and closed July 22, 2013 (78 FR 30839), and affirms our previous listing determination (78 FR 23984). This document also affirms the April 23, 2013, final critical habitat rule for the Umtanum desert buckwheat and revises the April 23, 2013, final critical habitat rule for the White Bluffs bladderpod (78 FR 24008). A revised map of our critical habitat designation for White Bluffs bladderpod based on new information that we received during the second public comment period and additional analysis of the areas previously identified as critical habitat is included in this rule.

In this document, we will discuss only those topics directly relevant to comments received during the second public comment period and the information that we used to update the map of the White Bluffs bladderpod critical habitat designation. Additional information on both species may be found in the Candidate Notice of Review, which was published October 26, 2011 (76 FR 66370); the proposed rule, which was published May 15, 2012 (77 FR 28704); and the final rule, which was published April 23, 2013 (78 FR 23984). Additional information regarding the critical habitat designations for Umtanum desert buckwheat and White Bluffs bladderpod may be found in the April 23, 2013, final critical habitat rule (78 FR 24008).

Listing Affirmation

Under the Act, we can determine that a species is an endangered or threatened species based on any of five factors: (A) Destruction, modification, or curtailment of its habitat or range; (B) Overuse; (C) Disease or predation; (D) Inadequate existing regulations; or (E) Other natural or manmade factors. We have determined that Umtanum desert buckwheat is threatened by wildfire, nonnative plants, seed predation, small population size, limited geographic range, and low recruitment. White Bluffs bladderpod is threatened by wildfire, excess groundwater-induced landslides and slope failure, harm by recreational activities and off-road vehicle use, nonnative plants, small population size, and limited geographic range.

Peer Review and Public Comment

We previously sought comments from independent specialists to ensure that our listing determination is based on scientifically sound data, assumptions, and analyses. We invited these peer reviewers to comment on our May 15, 2012, proposed rule (77 FR 28704), and we summarized their comments in the final rule published April 23, 2013 (78 FR 23984). We also considered all comments and information received during the first public comment period and summarized these comments in the final rule published April 23, 2013 (78 FR 23984). We sought additional comments and information during the second public comment period and have summarized these comments in this final rule.

Summary of Comments and Recommendations

During the reopened comment period for the proposed rule, we received 8 comment letters directly addressing the proposed listing of Umtanum desert buckwheat with threatened status and 87 comment letters directly addressing the proposed listing of White Bluffs bladderpod with threatened status. We also received a comment letter from one Federal agency regarding the proposed listing of White Bluffs bladderpod. We did not receive any State agency comments. During the July 11, 2013, public hearings, 40 individuals or organizations made comments on the proposed rule. We received 2 comments in support of the rule, 67 comments in opposition to the rule, and several comments that did not express support or opposition to the rule. All substantive information provided during the comment periods is addressed below.

Federal Agency Comments

(1) *Comment:* The Bureau of Reclamation in addition to several other commenters questioned whether irrigation is the primary cause of landslides that have been identified as a primary threat to the White Bluffs bladderpod. The Bureau of Reclamation believes uncertainty remains concerning whether irrigation is a primary threat.

Our Response: As we previously discussed under Factor A in the final listing rule (78 FR 23984), our review of the literature from 1972 to 2010 indicates that the science is clear regarding the role of excess groundwater in facilitating landslides and slumping in the White Bluffs area. No evidence was found in the literature to dispute or cast doubt on this relationship. Due to the siting of the Hanford nuclear complex, this area has undergone extensive hydrogeologic and seismic research, which supports our conclusion.

(2) *Comment:* The Bureau of Reclamation requested that efforts to minimize groundwater contribution to the White Bluffs be considered in an appropriate historical and technical context with respect to threats from the current projects related to irrigation facilities, operations, and practices.

Our Response: We considered all appropriate historical and technical data in our analysis of threats to the White Bluffs bladderpod in the final rule (78 FR 23984). Our response to comment (3), below, contains an accounting of the efforts of the Bureau of Reclamation to reduce the threat to the subspecies.

(3) *Comment:* The Bureau of Reclamation and two irrigation districts stated that the proposed rule does not adequately acknowledge the extensive system of surface and subsurface drains in the irrigated lands near the White Bluffs that have been installed to capture, manage, and redirect excess runoff water to reduce the threat of landslides caused by seepage. The Bureau of Reclamation recommended that this information on the existing drainage system and practices should be fully considered and incorporated in the final rule.

Our Response: We agree. Although we were aware of and considered this information, we did not acknowledge these actions in the proposed rule. These actions represent a sizeable contribution to water conservation and a potential reduction of groundwater-related threats to the White Bluffs bladderpod. The Bureau of Reclamation has installed a system of surface and buried drains designed to intercept excess irrigation water and seepage from irrigation conveyances. This system is known to provide some underground drainage and movement of subsurface waters that could potentially reduce the amount of water that impacts soils and land near the bluffs. Although estimates are available for the quantities of water recovered and reused, the amount of total groundwater budget affected remains unknown. Thus, we are unable to quantify the potential contribution this system may have towards reducing the threat of excess groundwater-induced slides to the White Bluffs bladderpod. We do not have sufficient information at this time to conclude that this system sufficiently removes the threat (see our discussion of groundwater-related threats under Summary of Factors: White Bluffs bladderpod in the final rule).

Public Comments

(4) *Comment:* A couple of commenters believed our proposed determination to list both species as threatened was not consistent with the differences in their assigned Listing Priority Number (i.e., LPN 2 for the Umtanum desert buckwheat and LPN 9 for the White Bluffs bladderpod).

Our Response: A Listing Priority Number (LPN) is a species risk assessment that estimates the imminence and magnitude of the threats to a species. The LPN is used to assist in the identification of species that should receive priority review for listing. The determination of threatened or endangered status is based on the best scientific and commercial data available at the time we conduct our status review. The Act defines an endangered species as any species that is ''in danger of extinction throughout all or a significant portion of its range,'' and a threatened species as any species ''that is likely to become endangered throughout all or a significant portion of its range within the foreseeable future.'' In our final rule we found that the Umtanum desert buckwheat and the White Bluffs bladderpod are each likely to become endangered throughout all or a significant portion of its range within the foreseeable future but are not in imminent danger of extinction. We have, therefore, determined that listing as threatened is appropriate for both species.

(5) *Comment:* One commenter provided us a recent unpublished genetic analysis titled ''Sequence Variation Among *Physaria douglasii* Isolates,'' authored by C.L. Anderson, Ph.D., with the University of Idaho Laboratory for Evolutionary, Ecological and Conservation Genetics. A number of commenters asserted that this new analysis establishes that the White Bluffs bladderpod is not a distinct subspecies of *Physaria douglasii.*

Our Response: The genetic analysis (Anderson 2013) used DNA sequence data to investigate the taxonomic status of the White Bluffs bladderpod and concluded that the findings presented in the report did not indicate that *Physaria douglasii* ssp. *tuplashensis* is a distinct subspecies. However, the report states that these results cannot be considered definitive or final due to sampling constraints (Anderson 2013, p. 9). The Service had the genetic analysis report (Anderson 2013) externally peer reviewed given its potential significance to our final listing determination. We requested peer review from five subject and related field experts and received comments from all five reviewers. Their unanimous, independent conclusion was that this analysis was insufficient to warrant a change to the current taxonomic status of White Bluffs bladderpod. All five peer reviewers indicated that this study was inconclusive as to the taxonomic status of *tuplashensis.* Peer reviewers stated that the genetic markers selected for this study were insufficient for determining differences between closely related taxa in the genus *Physaria.* In addition, all peer reviewers stated that too few samples were collected to adequately characterize genetic diversity and compare *tuplashensis* and *douglasii* under the study design. We find the peer reviewers' critiques of Anderson 2013 to be well-reasoned. Anderson examined only three samples of White Bluffs bladderpod, and he acknowledged that there were ''too few samples for statistical validity.''

Therefore, the Service, consistent with the currently accepted taxonomic status, affirms its previous determination that the White Bluffs bladderpod is a distinct subspecies.

(6) *Comment:* Several commenters stated that our current knowledge of the distribution and habitat preferences of White Bluffs bladderpod is uncertain, such that the Service does not have enough information to assert that this subspecies' range is restricted to a single narrow location less than 11 miles in length. Some of these commenters further stated that there is no updated or more current information to indicate how much of the population still remains on private lands.

Our Response: We disagree that our knowledge of the overall distribution (range) and habitat preferences of the White Bluffs bladderpod is uncertain. In our final rule (78 FR 23984), we provided a detailed description of the habitat preferences of the subspecies, which includes specific geology, soil type, and commonly associated plant species. The areas where these habitat conditions occur were comprehensively surveyed in 1997 by Beck and Caplow (Beck and Caplow 1997) after the discovery of the subspecies in 1994, and we are confident in our defined range for the White Bluffs bladderpod.

We acknowledge some uncertainty regarding whether the White Bluffs bladderpod still occurs on all of the sites identified as occupied in surveys by Beck and Caplow in 1997. On Federal lands, occupancy on a number of sites has been reconfirmed and these sites are part of an ongoing annual monitoring effort for White Bluffs bladderpod on the Hanford Reach National Monument. However, we agree that no survey data since 1997 are available for private lands. We acknowledge that uncertainty regarding current occupancy is likely highest on sites in the southern part of the White Bluffs bladderpod distribution due to the current threats and condition of the habitat at and adjacent to these sites. Additionally, we have identified several examples of previously occupied sites in this part of the distribution that became unoccupied in the time period between the surveys conducted in 1995 and 1997 by Beck and Caplow (Beck and Caplow 1995, 1997).

Due to this uncertainty, we reassessed all of the sites that were determined to be occupied in 1997 and determined that some of these sites on Federal land, and all of the sites on State and private lands, were likely no longer occupied at the time of listing. However, this conclusion does not alter the threatened status for White Bluffs bladderpod in our final listing determination. This revised determination regarding occupancy is also reflected in our revised final critical habitat designation for White Bluffs bladderpod.

(7) *Comment:* Several commenters said our proposed rule failed to include discussion of other causes of bluff instability (e.g., burrowing by birds or mammals, location in a seismically active part of the State, presence of natural springs). Other commenters suggested that slope instability is not a threat to White Bluffs bladderpod since the subspecies has historically survived natural slope failure or landslides prior to the introduction of irrigation to the area, and given that the White Bluffs are the boundary to the Columbia River.

Our Response: In our review of literature associated with White Bluffs bladderpod, we did not find any documented loss or disturbance of individual plants or habitat attributable to burrowing by wildlife. The literature clearly indicates that the White Bluffs were slumping prior to the advent of irrigation. Some larger landslides occurred during or immediately following Ice Age floods, but most slumping of the White Bluffs has been documented in the last 30–40 years and the rate of slumping and quantity of groundwater seeping from the cliffs has increased significantly since the arrival of irrigation to the area. White Bluffs bladderpod plants have not been observed in areas that have undergone contemporary landslides, whether moderate or severe. In very large events of rotational slumping or landslides, parts of the original surface horizon may remain somewhat undisturbed on the crest of the slumped block, preserving White Bluffs bladderpod plants, at least for the short term. See our discussion of this threat in the final rule under Summary of Factors: White Bluffs bladderpod (78 FR 23984).

(8) *Comment:* A couple of commenters believe the threat of off-road vehicle (ORV) use has been eliminated due to the prohibition of ORVs on the Hanford Reach National Monument and given that much of the area is fenced off. Another commenter asked whether the Service has documentation of the level of ORV use on private lands to support the statement in our proposed rule that this activity occurs more commonly on private lands.

Our Response: Steps have been taken by the Hanford Reach National Monument to minimize ORV use and close historical points of access. Although some boundary fencing is in place, access by ORVs from outside Federal lands remains possible from adjoining non-Federal ownerships. Our review of June 2013 aerial photos reveals numerous roads and trails connecting Federal and non-Federal lands. We presume these non-Federal lands are used more frequently by ORVs than on the monument because ORV use is currently prohibited on the monument.

(9) *Comment:* A couple of commenters inferred the Service had identified the use of pesticides and herbicides on agricultural lands as a threat to the White Bluffs bladderpod and were concerned about potential restrictions.

Our Response: In our final listing rule, we determined, based on the best available information, that the agricultural use of pesticides and herbicides on lands adjacent to White Bluffs bladderpod is not a threat (see Summary of Factors: White Bluffs bladderpod in our final rule (78 FR 23984)). We have no information that would change that conclusion.

(10) *Comment:* One commenter asserted that the Washington State Growth Management Act's (GMA) designation of geologically hazardous areas as ''critical areas'' would provide adequate protection for the White Bluffs bladderpod without the intervention of the Endangered Species Act. Given the nature of the bluffs, the commenter suggested that it is highly unlikely that any engineering analysis would enable the construction of structures on the bluff. The commenter further asserted that Franklin County's Critical Area Ordinance (CAO), which relies upon Federal or State-listed endangered, threatened, and sensitive species in designating ''Fish and Wildlife Conservation Areas'' under the CAO, will provide protections for the White Bluffs bladderpod above and beyond the Endangered Species Act because these protections apply directly to private property. The commenter further stated that, under the CAO, once a ''Fish and Wildlife Conservation Area'' has been identified on private property, the landowner is required to prepare and submit a habitat management and mitigation plan.

Our Response: Although some protections may be provided to the White Bluffs bladderpod by Washington's GMA and Franklin County's CAO, this protection is not adequate to conserve the subspecies or facilitate recovery because these regulations do not address all the threats identified for this subspecies, such as excess groundwater-induced landslides, ORV use, and introduction of nonnative species. The Service considered the effect of the Washington State GMA and

Franklin County's CAO in preparation of the final rule and determined that these regulations do not supply protection sufficient to preclude the listing of the White Bluffs bladderpod.

(11) *Comment:* Several commenters asserted that including the effects of climate change as a significant threat to the White Bluffs bladderpod was inappropriate given that the subspecies has been exposed to and persisted through a range of climatic conditions over thousands of years.

Our Response: Predicting future climate scenarios for specific locations on the landscape remains uncertain. In our final rule we acknowledged this uncertainty and identified climate change as a potential threat based on the available information and determined that more thorough investigations are needed to determine the degree to which climate change may be affecting the subspecies. In our search of the relevant literature, we were not able to document the occupancy of White Bluffs bladderpod during previous climatic periods.

Determination

We have carefully assessed the comments and additional information provided during the second public comment period. We affirm our finding that Umtanum desert buckwheat and White Bluffs bladderpod are each likely to become endangered throughout all or a significant portion of their ranges within the foreseeable future, based on the immediacy and scope of the threats described in the final rule published on April 23, 2013 (78 FR 23984), and, therefore, meet the definition of threatened species under the Act. Consequently, on the basis of the best available scientific and commercial information, we are affirming the listing of Umtanum desert buckwheat and White Bluffs bladderpod as threatened in accordance with sections 3(20) and 4(a)(1) of the Act.

Critical Habitat Affirmation and Revision

Economic Analysis

Section 4(b)(2) of the Act states that the Secretary shall designate critical habitat on the basis of the best available scientific and commercial data after taking into consideration the economic impact, national security impact, and any other relevant impact of specifying any particular area as critical habitat. The critical habitat areas we are designating in this rule constitute our current best assessment of the areas that meet the definition of critical habitat for Umtanum desert buckwheat and White Bluffs bladderpod. Here we are designating a total of approximately 2,377 acres (ac) (962 hectares (ha)) of Federal land as critical habitat for the two species: 2,033 ac (823 ha) for the bladderpod and 344 ac (139 ha) for the buckwheat.

In order to consider economic impacts, we prepared an analysis of the economic impacts of the critical habitat designations and related factors. We announced the availability of the draft economic analysis (DEA) in the May 15, 2012, proposed rule (77 FR 28704), allowing the public to provide comments on our analysis. We announced the availability of the final economic analysis in the April 23, 2013, final rule (78 FR 24008). We received no comments in response to the DEA during the first public comment period. We sought additional comments and information during the second public comment period on the DEA and have summarized these comments in this document.

Peer Review and Public Comment

We previously sought comments from independent specialists to ensure that our critical habitat designation is based on scientifically sound data, assumptions, and analyses. We invited these peer reviewers to comment on our critical habitat proposal, and we summarized their comments in the final rule of April 23, 2013 (78 FR 24008). We also considered all comments and information received during the first public comment period and summarized these comments in that final rule. We sought additional comments and information during the second public comment period on the critical habitat proposal and have summarized these comments in this document. We received no substantive comments on the Umtanum desert buckwheat critical habitat designation and, therefore, reaffirm the designation we initially made on April 23, 2013 (78 FR 24008). The final designation for Umtanum desert buckwheat is entirely on Federal lands (344 ac (139 ha)).

Summary of Comments and Recommendations

We received public comments on the DEA and proposed critical habitat designation during the second public comment period, which was open from May 23, 2013, to July 22, 2013 (78 FR 30839), and during the two public hearings held on July 11, 2013 (78 FR 38895). We received 9 comment letters directly addressing the proposed critical habitat for the Umtanum desert buckwheat and 57 comment letters directly addressing the proposed critical habitat for the White Bluffs bladderpod. We did not receive any State or Federal agency comments. During the July 22, 2013, public hearings, 40 individuals or organizations made comments on the proposed listing and critical habitat rules. We received 2 comments in support of the rule, 54 comments in opposition to the critical habitat rule, and several comments that did not express support or opposition to the rule. All substantive information provided during the comment periods has either been incorporated directly into this final determination or is addressed below.

Public Comments

(12) *Comment:* Several commenters believed some lands included in the proposed designation for the White Bluffs bladderpod were not habitat for the species or did not contain the primary constituent elements (PCEs). In addition, two irrigation districts commented that critical habitat for the White Bluffs bladderpod should not be designated on any Federal rights-of-way used for irrigation because they do not have the PCEs due to past, current, and future types of operation and maintenance activities that occur in these rights-of-way.

Our Response: Section 4 of the ESA requires that we designate critical habitat to the maximum extent prudent and determinable, based on the basis of the best scientific data available. Under the first prong of the ESA's definition of critical habitat, areas within the geographical area occupied by the species at the time it is listed are included in a critical habitat designation if they contain physical or biological features: (1) Which are essential to the conservation of the species, and (2) which may require special management considerations or protection. For these areas, critical habitat designations identify, to the extent known using the best scientific data available, those physical or biological features that are essential to the conservation of the species (such as space, food, cover, and protected habitat). In identifying those physical and biological features within an area, we focus on the principal PCEs, such as geological formation, specific soil types, vegetation type, and plant pollinators that are essential to the conservation of the species (50 CFR 424.12(b)). Under the second prong of the ESA's definition of critical habitat, we can designate critical habitat in areas outside the geographical area occupied by the species at the time it is listed, upon a determination by the Secretary that such areas are essential for the conservation of the species.

Based on more recent information collected or received during the reopened comment period, we have reanalyzed the proposed designation. Our reanalysis determined that some areas proposed as occupied by the species in our previous final critical habitat rule could not be confirmed to be occupied and did not contain the physical or biological features essential to the conservation of the White Bluffs bladderpod. Because these areas do not meet the definition of critical habitat, they are not included in our final revised critical habitat designation. For more information about how we determined which areas to include in this revised critical habitat designation, please see our discussion below in the Revisions to Critical Habitat for White Bluffs Bladderpod).

We also agree that the Federal irrigation rights-of-way do not contain the physical or biological features essential to the conservation of the White Bluffs bladderpod critical habitat and we have removed the rights-of-way, when feasible, from the final designation. For those rights-of-way that we were unable to remove from the map due to practical mapping issues, we do not consider them critical habitat. As stated in the April 23, 2013, final critical habitat rule, critical habitat does not include irrigated private lands or manmade structures (such as buildings, pavement, or other structures) and the land on which they are located (see Criteria Used to Identify Critical Habitat and the regulatory text in our final critical habitat rule (78 FR 24008)). Therefore, access roads, irrigation canals, and their related infrastructure are not considered critical habitat.

(13) *Comment:* A couple of commenters questioned whether the Service properly evaluated the need to designate unoccupied critical habitat for the White Bluffs bladderpod. One commenter believed the Service should reexamine its assumptions about pollinators to determine if it is appropriate to designate unoccupied critical habitat based on so little knowledge about their interaction with the White Bluffs bladderpod.

Our Response: Under the second prong of the Act's definition of critical, we can designate critical habitat in areas outside the geographical area occupied by the species at the time it is listed, upon a determination by the Secretary that such areas are essential for the conservation of the species. As stated in our April 23, 2013, final rule (78 FR 24008), our evaluation of the best available science indicates that White Bluffs bladderpod is insect-pollinated. To ensure this species' reproduction, it is necessary to maintain sufficient habitat to sustain an active pollinator community. As such, we consider the designated unoccupied critical habitat essential for the conservation of the species because the areas support the habitat requirements of the pollinator species required by White Bluffs bladderpod.

(14) *Comment:* One commenter asserted that private lands were not necessary to conserve the White Bluffs bladderpod given the extensive Federal lands proposed in the designation. One commenter asked whether the Service evaluated the benefits of excluding private property from the designation for White Bluffs bladderpod. Another commenter stated that a private land owner would consider establishing a conservation easement for the White Bluffs bladderpod if the lands were excluded from the final critical habitat designation.

Our Response: We have reassessed our critical habitat designation for the White Bluffs bladderpod based on new information received during the public comment period and the revised designation does not include private lands. Because this revised critical habitat designation no longer includes private lands, comments regarding exclusion of private lands from the designation are no longer relevant; however, a detailed explanation of how we determined which areas to include in this revised designation is provided below in the Revisions to Critical Habitat for White Bluffs Bladderpod.

Comments on Economic Analysis

(15) *Comment:* A number of commenters stated that more current land and crop valuation data should have been used in our economic analysis and, therefore, asserted that the economic impacts of the designation were underestimated.

Our Response: The agricultural information we used in our DEA was from the 2009 USDA Census of Agriculture (Census). We must use the best available scientific and commercial information available. The 2009 Census, which is based on data collected during 2007, remains the best source of information available. The Census database, where we obtained this information, is recognized as a national data standard by the USDA. While we understand economic conditions may have changed, the new (2012) Census data have not been released for use by agencies or the public.

(16) *Comment:* Two irrigation districts stated that the economic analysis failed to evaluate the economic impacts of designating critical habitat for the White Bluffs bladderpod on Federal rights-of-way used for irrigation. By designating critical habitat on these rights-of-way, the potential economic impact would expand to the operation of irrigation and drainage facilities.

Our Response: As we previously discussed under comment (12), we are not aware of critical habitat for the White Bluffs bladderpod existing within Federal rights-of-way. As stated in the April 23, 2013, final rule, critical habitat does not include irrigated private lands or manmade structures (such as buildings, pavement, or other structures) and the land on which they are located (78 FR 24008). We have further refined our maps to remove these areas when feasible. Our best available information indicates that these rights-of-way are linear in nature, disturbed, and generally support nonnative vegetation. As a result, they do not contain the physical and biological features essential to the conservation of the species. Additionally, they are not considered unoccupied critical habitat essential for the conservation of the species because they do not provide native shrub-steppe habitat for pollinators of the White Bluffs bladderpod. These areas, therefore, do meet the definition of critical habitat and are not included in the designation. See the Revisions to Critical Habitat for White Bluffs Bladderpod section for more information about how we determined what areas to designate as critical habitat.

Section 7 consultation would be required for Bureau of Reclamation irrigation-related activities that may affect White bluffs bladderpod or its critical habitat. When consulting under section 7(a)(2) of the Act, independent analyses are conducted for jeopardy to the species and adverse modification of critical habitat. Section 7 consultation could identify certain conservation actions needed to ensure that any action authorized, funded, or carried out by the Bureau of Reclamation is not likely to jeopardize the continued existence of White bluffs bladderpod. Conservation actions triggered by the designation of critical habitat alone would be incremental to the listing determination to ensure the Federal action is not likely to result in the destruction or adverse modification of critical habitat.

For Umtanum desert buckwheat and White Bluffs bladderpod, any adverse modification determination would in most cases result in a jeopardy determination for the same Federal action because of the species' restricted range, and the geographical/ecological relationship between areas proposed as

occupied and unoccupied critical habitat. As such, project modifications that may be needed to minimize impacts to the species would also minimize impacts to the associated critical habitat. Accordingly, although theoretically possible, it is unlikely that an analysis would identify a difference between measures needed to avoid the destruction or adverse modification of critical habitat from measures needed to avoid jeopardizing the species. As a result, based on the best available scientific and commercial information, all economic impacts related to conservation efforts to avoid adverse modification or destruction of critical habitat would be, for the most part, indistinguishable from those related to the listing of these species. Any incremental costs would be limited to additional administrative costs to Federal agencies associated with critical habitat section 7 consultations.

(17) *Comment:* One commenter stated that the economic analysis did not incorporate the economic impacts of possible restrictions and constraints related to the use of pesticides and herbicides or the conduct of other activities on lands adjacent to the critical habitat designation for the White Bluffs bladderpod.

Our Response: As stated in our April 23, 2013, final listing rule (78 FR 23984), the current use of pesticides and herbicides has not been determined to be a threat to the species. Therefore, we do not anticipate restrictions on the use of pesticides and herbicides. Modifications to other activities on land adjacent to the critical habitat designation may be needed to minimize impacts to critical habitat; however, these modifications would also be needed to minimize impacts to the species. Accordingly, it is unlikely that an analysis would identify a difference between measures needed to avoid the destruction or adverse modification of critical habitat from measures needed to avoid jeopardizing the species. As a result, economic impacts related to conservation efforts to avoid adverse modification or destruction of critical habitat would be, for the most part, indistinguishable from those related to the listing of these species. Any incremental costs would be limited to additional administrative costs to Federal agencies associated with critical habitat section 7 consultations.

New Information Considered

No new information was collected or received for the Umtanum desert buckwheat during the reopened comment period. Therefore, our designation of critical habitat for Umtanum desert buckwheat remains unchanged from the April 23, 2013, final rule (78 FR 24008).

For the White Bluffs bladderpod, more recent imagery from the National Agricultural Imagery Program (NAIP) became available for the area encompassing the range of the White Bluffs bladderpod on June 30, 2013. We also received public comment from a number of landowners indicating that habitat or PCEs for the White Bluffs bladderpod were not present on their land. We conducted site visits to assess presence of habitat for the White Bluffs bladderpod on and adjacent to private parcels at the permission of the landowner. In addition, we used the 2013 Franklin County parcel data in place of the previously used 2009 Major Public Lands data for more precise ownership data. We found that the new, more precise parcel data did result in some changes to the original distribution of ownerships within our April 23, 2013, final designation. Additionally, we found that we made an error in calculating our acreages reflected in Table 4 of the April 23, 2013, final critical habitat designation (78 FR 24008); we erroneously included 33 ac (13 ha) in the table that were not within the mapped critical habitat designation. The correct total acreage that was previously designated as critical habitat in our map for the White Bluffs bladderpod is 2,828 ac (1,144 ha). The correct distribution of land ownerships depicted on that map is: Federal lands, 2,447 ac (990 ha); State lands, 66 ac (27 ha), and private lands, 315 ac (127 ha).

Revisions to Critical Habitat for White Bluffs Bladderpod

In response to public comment and new information, we have reevaluated our designation of critical habitat for the White Bluffs bladderpod. With these considerations in mind, and using new imagery (NAIP 2013), digitized survey information (USFWS 2011), and new limited site visit information that has become available to us since the publication of the April 23, 2013, final critical habitat rule, we have carefully reassessed all areas within the designation to determine: (1) Whether areas identified in the final rule as occupied at the time of listing were in fact occupied by the species, and if so, whether such areas contain the physical and biological features essential to the conservation of the species that may require special management considerations or protection; and (2) whether areas identified as unoccupied at the time of listing are truly essential for the conservation of the species. Our regulations (50 CFR 424.12(e)) specify that the Service will designate critical habitat outside the geographical area presently occupied by a species only when a designation limited to its present range would be inadequate to ensure the conservation of the species. Therefore, we give highest priority in our designation to those areas currently occupied by the species, and only designate critical habitat in areas that are currently unoccupied if the designation of those occupied areas is deemed inadequate to provide for the conservation and recovery of the species.

Our reassessment of the critical habitat for the White Bluffs bladderpod across all land ownerships has led us to conclude, as documented in our record, that some areas identified as critical habitat in the April 23, 2013, designation do not meet the definition of critical habitat. Upon closer inspection, based on new information in our record, we concluded that some areas designated as occupied habitat do not contain the physical and biological features essential to the conservation of White Bluffs bladderpod. The new information shows that these areas have been cleared of native vegetation; have extensive invasive, nonnative vegetation; or have experienced recent landslides and associated erosion; and, therefore, the primary constituent elements of critical habitat are no longer present in these areas. Also, based upon our consideration of new information, and reanalysis of existing survey data, we concluded that some areas we initially believed to be occupied at the time of listing were not likely occupied. Using the new information in our record, we determined that a number of survey sites identified as occupied habitat patches in 1997 were not likely to be occupied at the time of listing based on our assessment of the current habitat conditions at these sites and the surrounding areas. These areas do not meet the definition of critical habitat and have, therefore, been removed from the designation.

In addition, as directed by our implementing regulations at 50 CFR 424.12(e), we carefully reconsidered whether all unoccupied areas that we initially considered to be essential in our proposed rule are in fact integral to maintaining a sufficient community of pollinators to provide the essential life-history functions for the White Bluffs bladderpod. Upon reexamination, based on new information in our record, we conclude that some areas identified as unoccupied critical habitat in the previous designation were not pollinator habitat (e.g., gravel mining,

cleared of native vegetation, extensive nonnative vegetation) or of such poor condition (fragmented, low quality, and/or disconnected) that their ability to maintain a sufficient community of pollinators of the White Bluffs bladderpod is compromised, and we have determined that these areas are not essential for the conservation of the species. None of these areas were included in this final revised designation.

Within the remaining unoccupied critical habitat in our April 23, 2013, designation, the largest contiguous area of high-quality native habitat available for pollinators is present on the Federal lands that are adjacent to or nearby habitat that we have determined is currently occupied by the White Bluffs bladderpod. We have concluded that these Federal lands within the areas designated as unoccupied critical habitat, combined with the areas of occupied critical habitat, which also support pollinators, comprise sufficient habitat to sustain a community of pollinators to provide for the essential life-history functions for the White Bluffs bladderpod. Thus, we have included only the unoccupied Federal lands in this revised final designation of critical habitat for the White Bluffs bladderpod, based upon the Secretary's determination that such lands are essential for the conservation of the species.

As a result of this revision to the White Bluffs bladderpod critical habitat designation, as discussed above, the following acreages have been determined not to meet the definition of critical habitat: Federal lands 414 ac (167 ha); State lands 66 ac (27 ha); and private lands 315 ac (127 ha). The revised total acreage designated as critical habitat is 2,033 ac (823 ha), all of which are on Federal land.

Final Critical Habitat Designations

In our final critical habitat rule of April 23, 2013 (78 FR 24008), we provided background information on the designation of critical habitat and the criteria we used to identify critical habitat for Umtanum desert buckwheat and White Bluffs bladderpod. We also identified the PCEs of the physical and biological features essential to the conservation of each species in our final rule (78 FR 24008). We received no new information or comments during the second open comment period to suggest that our PCEs for either of these species should be modified from what was described in our final rule. We reaffirm these PCEs as determined in the final rule (78 FR 24008). Additionally, in our April 23, 2013, final critical habitat rule, we assessed whether the areas designated as critical habitat may require special management considerations and protections. We also reaffirm our assessment of special management considerations and protections provided in the final rule. We have not changed the critical habitat designation for Umtanum desert buckwheat identified in the final critical habitat rule (78 FR 24008), and, therefore, we are reaffirming our previous designation for Umtanum desert buckwheat.

We are designating one unit each as critical habitat for the Umtanum desert buckwheat and White Bluffs bladderpod populations. The revised designation for White Bluffs bladderpod is reflected in the map included in the rule portion of this document. The approximate sizes and ownerships of the White Bluffs bladderpod critical habitat unit are identified in Table 1.

TABLE 1—DESIGNATED CRITICAL HABITAT FOR WHITE BLUFFS BLADDERPOD

[Area estimates reflect all land within critical habitat unit boundaries; values are rounded to the nearest tenth]

Unit name	Land ownership	Occupied critical habitat in hectares (acres)	Unoccupied critical habitat in hectares (acres)	Percent by ownership	Total hectares (acres)
White Bluffs, WA	Federal	46.5 (115.0)	776.3 (1,918.4)	100	822.9 (2,033.4)
Unit Total		46.5 (115.0)	776.3 (1,918.4)	100	822.9 (2,033.4)

Required Determinations

Required determinations were made in the final listing rule published on April 23, 2013 (78 FR 23984); we affirm those previous determinations in this document. We also made required determinations in the final critical habitat rule that was published on April 23, 2013 (78 FR 24008); we reaffirm these previous determinations as applicable to this final rule and provide additional explanation, if necessary, below.

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

In our final critical habitat rule of April 23, 2013 (78 FR 24008), we certified and provided our rationale for certification that the critical habitat designation for White Bluffs bladderpod, which at the time included private lands in the designation, will not have a significant economic impact on a substantial number of small entities and that, as explained below, an analysis is not relevant to Umtanum desert buckwheat, because this species occurs exclusively on Federal land. Our reassessment of the final critical habitat designation for the White Bluffs bladderpod has resulted in reductions to the total area designated as critical habitat and only Federal lands are included in the designation.

Under the Regulatory Flexibility Act (RFA; 5 U.S.C. 601 et seq.), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C 801 et seq.), and following recent court decisions, Federal agencies are required only to evaluate the potential incremental impacts of rulemaking on those entities directly regulated by the rulemaking itself, and not the potential impacts to indirectly affected entities. The regulatory mechanism through which critical habitat protections are realized is section 7 of the Act, which requires Federal agencies, in consultation with the Service, to ensure that any action authorized, funded, or carried by the Agency is not likely to adversely modify critical habitat. Therefore, only Federal action agencies are directly subject to the specific regulatory requirement (avoiding destruction and adverse modification) imposed by critical habitat designation. Under these circumstances, it is our position that only Federal action agencies will be directly regulated by this designation. Therefore, because Federal agencies are not small entities, the Service may certify that the critical habitat rule will not have a significant economic impact on a substantial number of small entities.

In this affirmation of the final rule to designate critical habitat for Umtanum desert buckwheat and revision to the final rule to designate critical habitat for

the White Bluffs bladderpod, the designation of critical habitat is entirely limited to Federal lands. Therefore, we believe that, based on our interpretation of directly regulated entities under the RFA and relevant case law, this designation of critical habitat will directly regulate only Federal agencies, which are not by definition small business entities. Based on the above reasoning and currently available information, we conclude that this rule will not result in a significant economic impact on a substantial number of small entities. Therefore, we are certifying that the designation of critical habitat for the Umtanum desert buckwheat and White Bluffs bladderpod will not have a significant economic impact on a substantial number of small entities, and a regulatory flexibility analysis is not required.

Takings—Executive Order 12630

In our final critical habitat rule published on April 23, 2013 (78 FR 24008), we concluded that the designation of critical habitat for Umtanum desert buckwheat and White Bluffs bladderpod does not pose a significant takings implication for lands within or affected by the designation. We did not receive any public comments on the draft economic analysis during the first comment period on our critical habitat proposal (77 FR 28704). Comments on our draft economic analysis received during the second comment period are addressed in this final rule. We have considered these comments and reaffirm our conclusion that the designation of critical habitat for Umtanum desert buckwheat and White Bluffs bladderpod does not pose a significant takings implication for lands within or affected by the designation.

References Cited

A complete list of all references cited in this final rule is available on the Internet at *http://www.regulations.gov,* or upon request from the Manager, Washington Fish and Wildlife Office (see **FOR FURTHER INFORMATION CONTACT** section).

Author(s)

The primary authors of this final rule are the staff members of the Washington Fish and Wildlife Office.

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, and Transportation.

Regulation Promulgation

Accordingly, we hereby further amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as amended on April 23, 2013, at 78 FR 24008, as set forth below:

PART 17—[AMENDED]

■ 1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 1531–1544; 4201–4245, unless otherwise noted.

■ 2. In § 17.96, amend paragraph (a) by revising paragraph (5) and the map in the entry for ''*Physaria douglasii* subsp. *tuplashensis* (White Bluffs bladderpod)'' under Family Brassicaceae to read as follows:

§ 17.96 Critical habitat—plants.

(a) *Flowering plants.*

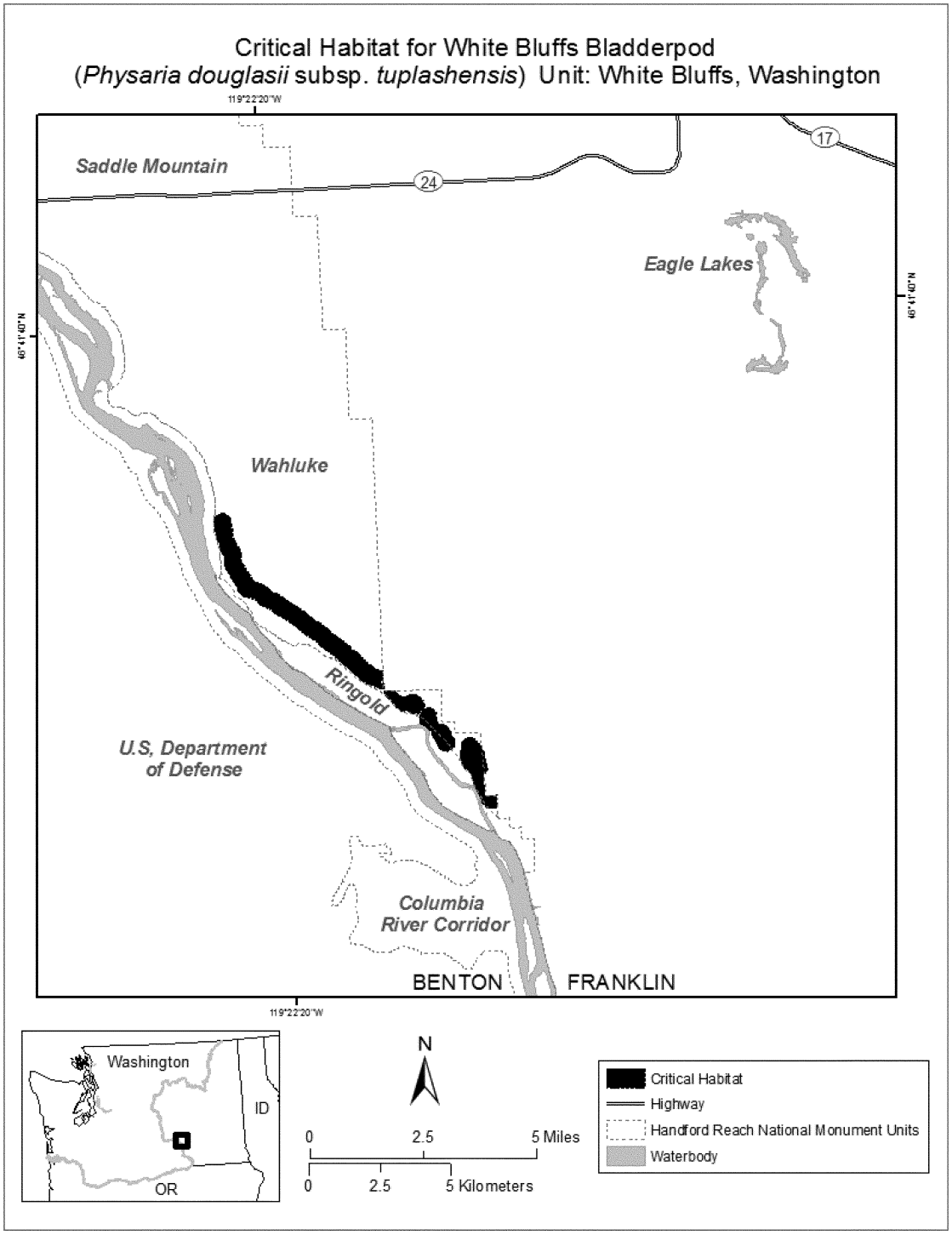
* * * * *

Family Brassicaceae: Physaria douglasii subsp. tuplashensis (White Bluffs bladderpod)

* * * * *

(5) *Note:* Map of critical habitat for *Physaria douglasii* subsp. *tuplashensis* (White Bluffs bladderpod) follows:

BILLING CODE 4310–55–P


Critical Habitat for White Bluffs Bladderpod
(*Physaria douglasii* subsp. *tuplashensis*) Unit: White Bluffs, Washington
119°22'20"W
Saddle Mountain
24
17
Eagle Lakes
46°14'0"N
Wahluke
Ringold
U.S, Department of Defense
Columbia River Corridor
BENTON
FRANKLIN
Washington
ID
OR
N
0
2.5
5 Miles
0
2.5
5 Kilometers
Critical Habitat
Highway
Handford Reach National Monument Units
Waterbody

* * * * *

Dated: December 12, 2013.

Rachel Jacobsen,

Principal Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2013–30164 Filed 12–19–13; 8:45 am]

BILLING CODE 4310–55–C

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 121009528–2729–02]

RIN 0648–XD021

Fisheries of the Northeastern United States; Summer Flounder Fishery; Quota Transfer

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

ACTION: Temporary rule; quota transfer.

SUMMARY: NMFS announces that the Commonwealth of Virginia and the State of North Carolina are both transferring a portion of their 2013 commercial summer flounder quotas to the Commonwealth of Massachusetts. NMFS is adjusting the quotas and announcing the revised commercial quota for each state involved.

DATES: Effective December 17, 2013, through December 31, 2013.

FOR FURTHER INFORMATION CONTACT: Carly Bari, Fishery Management Specialist, 978–281–9224.

SUPPLEMENTARY INFORMATION: Regulations governing the summer flounder fishery are in 50 CFR part 648, and require annual specification of a commercial quota that is apportioned among the coastal states from North Carolina through Maine. The process to set the annual commercial quota and the percent allocated to each state are described in § 648.100.

The final rule implementing Amendment 5 to the Summer Flounder, Scup, and Black Sea Bass Fishery Management Plan, which was published on December 17, 1993 (58 FR 65936), provided a mechanism for summer flounder quota to be transferred from one state to another. Two or more states, under mutual agreement and with the concurrence of the Administrator, Northeast Region, NMFS (Regional Administrator), can transfer or combine summer flounder commercial quota under § 648.102(c)(2). The Regional Administrator is required to consider the criteria in § 648.102(c)(2)(i) to evaluate requests for quota transfers or combinations.

Virginia has agreed to transfer 19,858 lb (9,007 kg) of its 2013 commercial quota to Massachusetts. North Carolina has agreed to transfer 19,857 lb (9,007 kg) of its 2013 commercial quota to Massachusetts. These transfers were prompted by summer flounder landings of two vessels intending to land in North Carolina and Virginia, which were granted safe harbor in Massachusetts due to mechanical failure on December 2, 2013, thereby requiring quota transfers to account for an increase in Massachusetts' landings that would have otherwise accrued against the North Carolina and Virginia quotas. The Regional Administrator has determined that the criteria set forth in § 648.102(c)(2)(i) have been met. The revised summer flounder commercial quotas for calendar year 2013 are: Virginia, 5,020,643 lb (2,277,325 kg); North Carolina, 402,773 lb (182,695 kg); and Massachusetts, 830,951 lb (376,913 kg).

Classification

This action is taken under 50 CFR part 648 and is exempt from review under Executive Order 12866.

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

Dated: December 16, 2013.

Sean F. Corson,

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

[FR Doc. 2013–30218 Filed 12–17–13; 11:15 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 130904778–3999–02]

RIN 0648–XC855

Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Surfclam and Ocean Quahog Fishery; 2014–2016 Fishing Quotas

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

ACTION: Final rule.

SUMMARY: This final rule implements the commercial quotas for the Atlantic surfclam and ocean quahog fisheries for 2014, 2015, and 2016. The quotas are unchanged from the quotas for the 2011, 2012, and 2013 fishing years. This action sets allowable harvest levels of Atlantic surfclams and ocean quahogs, prevents overfishing, and allows harvesting of optimum yield. This action also continues to suspend the minimum shell size for Atlantic surfclams for the 2014 fishing year.

DATES: This rule is effective December 20, 2013.

ADDRESSES: A copy of the Environmental Assessment prepared for this action is available upon request from the Mid-Atlantic Fishery Management (Council), 800 North State Street, Suite 201, Dover, DE 09901.

FOR FURTHER INFORMATION CONTACT: Jason Berthiaume, Fishery Management Specialist, 978–281–9177.

SUPPLEMENTARY INFORMATION: The Atlantic Surfclam and Ocean Quahog Fishery Management Plan (FMP) requires that NMFS, in consultation with the Council, specify quotas for surfclam and ocean quahog for a 3-yr period, with an annual review, from a range that represents the optimum yield (OY) for each fishery. It is the policy of the Council that the levels selected allow sustainable fishing to continue at that level for at least 10 yrs for surfclams, and 30 yrs for ocean quahogs. The Council policy also considers the economic impacts of the quotas. Regulations implementing Amendment 10 to the FMP (63 FR 27481, May 19, 1998) added Maine ocean quahogs (locally known as Maine mahogany quahogs) to the management unit, and provided for a small artisanal fishery for ocean quahogs in the waters north of 43°50′ N. lat., with an annual quota within a range of 17,000 to 100,000 Maine bushels (bu) (0.6 to 3.524 million L). As specified in Amendment 10, the Maine mahogany ocean quahog quota is allocated separately from the quota specified for the ocean quahog fishery. Regulations implementing Amendment 13 to the FMP (68 FR 69970, December 16, 2003) established the ability to set multi-year quotas. The Council annually reviews the quota to determine whether the multi-year quota specifications remain appropriate. The fishing quotas must be in compliance with overfishing definitions for each species. In recommending these quotas, the Council considered the most recent stock assessments and other relevant scientific information.

In June 2013, the Council voted to recommend maintaining the 2013 quota levels of 5.333 million bu (284 million L) for the ocean quahog fishery, 3.400 million bu (181 million L) for the Atlantic surfclam fishery, and 100,000

Maine bu (3.524 million L) for the Maine ocean quahog fishery for 2014–2016. The quotas for the 2014–2016 Atlantic surfclam and ocean quahog fishery are shown in the table below.

FINAL 2014–2016 ATLANTIC SURFCLAM AND OCEAN QUAHOG QUOTAS

Ocean Quahog				
Year	ABC	ACL	ACT	Commercial quota
2014–2016	5.7 million bu (306 million L) ...	5.7 million bu (306 million L) ...	Maine ACT: 105,010 Maine bu (3.7 million L). Non-Maine ACT: 5.56 million bu (298 million L).	Maine Quota: 100,000 Maine bu (3.524 million L). Non-Maine Quota: 5.3 million bu (284 million L).

Atlantic Surfclam				
Year	Allowable Biological Catch (ABC)	Annual Catch Limit (ACL)	Annual Catch Target (ACT)	Commercial quota
2014	7.8 million bu (415 million L) ...	7.8 million bu (415 million L) ...	3.8 million bu (202 million L) ...	3.4 million bu (181 million L).
2015	6.7 million bu (202 million L) ...	6.7 million bu (202 million L) ...	3.8 million bu (202 million L) ...	3.4 million bu (181 million L).
2016	6.2 million bu (188 million L) ...	6.2 million bu (188 million L) ...	3.8 million bu (115 million L) ...	3.4 million bu (115 million L).

The Atlantic surfclam and ocean quahog quotas are specified in ''industry'' bushels of 53.24 L per bushel, while the Maine ocean quahog quota is specified in Maine bushels of 35.24 L per bushel. Because Maine ocean quahogs are the same species as ocean quahogs, both fisheries are assessed under the same ocean quahog overfishing definition. When the two quota amounts (ocean quahog and Maine ocean quahog) are added, the total allowable harvest is still lower than the level that would result in overfishing for the entire stock.

Surfclams

In 1999, the Council expressed its intention to increase the surfclam quota to OY over a period of 5 yrs (OY = 3.4 million bu (181 million L)). The proposed 2014–2016 status quo surfclam quota was developed after reviewing the results of the Northeast Regional Stock Assessment Workshop (SAW) 56 for Atlantic surfclam, released to the public in 2013. The surfclam quota recommendation is consistent with the SAW 56 finding that the Atlantic surfclam stock is not overfished, nor is overfishing occurring. Based on this information, the Council recommended, and NMFS maintains, the status quo surfclam quota of 3.4 million bu (181 million L) for 2014–2016. This quota represents the maximum allowable quota under the FMP.

Ocean Quahogs

In April 2013, the ocean quahog stock assessment was updated and found that the ocean quahog stock is not overfished, nor is overfishing occurring. Ocean quahog is a low productivity stock that is being fished down from its pre-fishery level; however, after several decades of relatively low fishing mortality, the stock is still above the biomass target reference points. This action maintains the status quo quota of 5.333 million bu (284 million L) for 2014–2016.

The 2014–2016 quota for Maine ocean quahogs is the status quo level of 100,000 Maine bu (3.524 million L). In 2008, the State of Maine completed a stock assessment of the resource within the Maine Mahogany Quahog Zone. The findings of the Maine quahog survey did not change the status of the entire ocean quahog resource. The quotas represent the maximum allowable quota under the FMP.

Comments

We received six comments on the proposed rule; five from members of the Atlantic surfclam and ocean quahog industry and one from the general public. All comments supported the quotas in the proposed rule.

Changes From Proposed Rule to Final Rule

There are no changes from the proposed to final rule.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the Assistant Administrator for Fisheries, NOAA, has determined that this final rule is consistent with the Atlantic Surfclam and Ocean Quahog FMP, other provisions of the Magnuson-Stevens Act, and other applicable law.

NMFS finds good cause to waive the 30-day delay in effectiveness period for this action. A delay in the effective date of this final rule would disrupt the surfclam and ocean quahog fisheries and would also likely cause substantial confusion and raise administrative issues. There is no rollover provision in the surfclam and ocean quahog fisheries; therefore, if the specifications are not in place by the start of the fishing year on January 1, 2014, the following would result: (1) No 2014–2016 proposed specifications for these fisheries would be published; (2) the indefinite management measures for each of these species would remain unchanged; (3) there would be no specific cap on the allowable annual catch (i.e., annual catch limits) and landings in each of these fisheries (i.e., no commercial quotas), and (4) individual transferable quota (ITQ) tags would be issued to owners in 2014–2016 (however, these tags would technically have no meaning as the specifications would not be set).

Further, because there is no rollover provision, the only regulatory controls on fishing effort and harvests would be the indefinite measures. These include § 648.14(j), which states that ''It is unlawful for any person to do any of the following: Land or possess any surfclams or ocean quahogs harvested in or from the EEZ without having been issued, or in excess of, an individual allocation.'' Because it prohibits landing or possessing surflcams or ocean quahogs, § 648.14(j), could effectively prohibit the fishery from operating, if quotas were not in place for January 1, 2014. Note that this provision is at odds with § 648.75(b), which requires NMFS to issue tags to ITQ allocation holders prior to the fishing year. Therefore, if NMFS does not waive the delay in effectiveness, NMFS will have already

provided ITQ allocation holders with their allocation information and tags that would otherwise allow them to fish, but without quotas being allocated.

ITQ shareholders each receive a portion of the overall annual quotas for the two species. An allocation holder receives an amount of cage tags equivalent to his/her share of the overall quota each year. As discussed above, fishing for surfclams and ocean quahogs can potentially begin on January 1, each year, regardless of the publication of the annual quota, as the tags are issued each year prior to January 1, pursuant to § 648.75(b). As such, waiving the 30-day delay in effectiveness would ensure that the quota for surfclams and ocean quahogs is in place for January 1, 2014, thus preventing any conflicts between these regulations. On the contrary, not waiving the 30-day delay in effectiveness would result in tags being issued, with no associated value, as the quotas would not be in place.

Lastly, ITQ allocations are often transferred, either permanently or temporarily, immediately upon the commencement of the fishing year to meet adjust to any new circumstances in the fishery. Without a quota in effect, the industry does not have the ability to transfer allocation either permanently or temporarily. The inability of the industry to make such transfers effective would preclude the intended recipients of such transfers from fishing. Accordingly, a delay in the effectiveness of this rule would be contrary to the rule's intent to maintain current quota levels that have the full support of the fishing industry and that facilitate the transfer of quotas requested by the industry.

The inability to transfer quota would be contrary to the public interest because it would preclude the intended recipients of such transfers from fishing, thereby resulting in a negative economic impact on the industry. Also, not having quotas in effect would cause substantial confusion and could raise legal and enforcement issues, since fishery participants would already have their ITQ allocation tags, but the tags would technically not have any meaning as the specifications would not have been set. Therefore, it is necessary to waive the 30-day delay in effectiveness, as a delay in effectiveness would compromise the start of the fishing year and thereby undermine the intent of this rule, contrary to the public's interest.

This final rule is exempt from the requirements of E.O. 12866.

The Council prepared an EA for this action that analyzes the impacts of this rule. A copy of the EA is available from the Federal e-Rulemaking portal *www.regulations.gov.* Type ''NOAA–NMFS–2013–0139'' in the ID field and click search. A copy of the EA is also available upon request from the Council (see **ADDRESSES**).

A final regulatory flexibility analysis (FRFA) was prepared, as required by section 603 of the Regulatory Flexibility Act (RSA). The FRFA describes the economic impacts this final rule would have on small entities. The FRFA incorporates the IRFA, the RIR, a summary of the significant issues raised by the public comments in response to the IRFA, NMFS' responses to those comments, and a summary of the analyses completed to support the action. A copy of the IRFA and EA are available upon request (see **ADDRESSES**). A summary of the IRFA was published in the proposed rule for this action and is not repeated here. A description of why this action was considered, the objectives of, and the legal basis for, this rule is contained in the preamble to the proposed rule and this final rule and is not repeated here.

A Summary of the Significant Issues Raised by the Public Comments in Response to the IRFA, a Summary of the Assessment of the Agency of Such Issues, and a Statement of Any Changes Made in the Proposed Rule as a Result of Such Comments

NMFS received no comments relative to the IRFA or economic impacts of the proposed 2014–2016 specifications for the Atlantic surfclam and ocean quahog fisheries. No changes were made from the proposed to final rule.

Description and Estimate of the Number of Small Entities to Which This Final Rule Would Apply

The final measures would only affect vessels holding an active Federal open access surfclam and/or ocean quahog permit. The SBA defines a small commercial shellfish fishing entity as a firm with gross annual receipts not exceeding $5 million. In 2012, 42 vessels reported harvesting surfclams and/or ocean quahogs from Federal waters under the IFQ system. In addition, 12 vessels participated in the limited access Maine ocean quahog fishery, for a total of 54 participants in 2012. Average 2012 gross income was $950,000 per vessel. Each vessel in this analysis is treated as a single entity for purposes of size determination and impact assessment. All 54 commercial fishing entities fall below the SBA size threshold for small commercial shellfish fishing entities.

Reporting and Recordkeeping Requirements

This action does not introduce any new reporting, recordkeeping, or other compliance requirements. This final rule does not duplicate, overlap, or conflict with other Federal rules.

Description of the Steps Taken To Minimize Economic Impact on Small Entities

Specifications

The final quotas for 2014–2016 reflect the same quota levels set for 2011–2013. Therefore, it is not expected that there will be any different economic impacts beyond status quo resulting from the quotas. Leaving the ocean quahog quota at the harvest level of 5.333 million bu (284 million L) is not expected to constrain the fishery. The surfclam quota is set to the maximum allowed under the FMP of 3.4 million bu (181 million L).

The Maine ocean quahog quota is set at the maximum allowed under the FMP of 100,000 Maine bu (3.524 million L). It is anticipated that by maintaining the status quo quota level for the next 3 years, the fishing industry will benefit from the stability of product demand from the seafood processors and being able to predict future fishery performance based on past performance from the last 3 yrs.

Alternatives to these status quo quotas were considered, but were not adopted. The alternatives would have resulted in more restrictive quotas and would not have been in the best interest of the fishery. In addition, the Council and the industry both support the status quo quotas being adopted in this action. As a result, since the non-selected alternatives would have resulted in a negative impacts to fisheries and would have been contrary to achieving optimum yield, while preventing overfishing, the alternatives were not adopted.

Minimum Size Suspension for Atlantic Surfclams

The minimum size limit for surfclams has been suspended since 2005. Therefore, because this action would not impose a minimum size limit, and because no net change in fishing effort, participation in the fishery, or fishery expenses are expected, it is anticipated that this action would not impose any additional costs on the industry. In fact, continuing to suspend the minimum size limit would likely have positive economic affects in contrast to not suspending the minimum size limit, as not suspending the minimum size limit would likely reduce vessel efficiency

through time spent measuring and culling small surfclams.

Small Entity Compliance Guide

Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 states that, for each rule, or group of related rules, for which an agency is required to prepare a FRFA, the agency shall publish one or more guides to assist small entities in complying with the rule and shall designate such publications as ''small entity compliance guides.'' The agency shall explain the actions a small entity is required to make to comply with a rule or group of rules. As part of this rulemaking process, a small entity compliance guide will be sent to all holders of permits issued either a surfclam or ocean quahog permit, as well as surfclam and ocean quahog dealers. In addition, copies of this final rule and guide (i.e., bulletin) are available from the Regional Administrator (see **ADDRESSES**) and may be found at the following Web site: *www.nero.noaa.gov.*

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

Dated: December 16, 2013.

Alan D. Risenhoover,

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

[FR Doc. 2013–30313 Filed 12–19–13; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 78, No. 245
Friday, December 20, 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 AGRICULTURE

Rural Utilities Service

7 CFR Part 1784

RIN 0572–AC28

Section 306D Water Systems for Rural and Native Villages in Alaska

AGENCY: Rural Utilities Service, USDA.

ACTION: Proposed rule.

SUMMARY: The Rural Utilities Service (RUS), an Agency of the United States Department of Agriculture (USDA), proposes to modify its existing regulations and establish a separate regulation for making grants to rural or Native Alaskan Villages under the Rural Alaska Village Grant (RAVG) Program. The existing RAVG regulation (7 CFR 1780.49) will be relocated to its own section and modified to conform with streamlined processes established through a Memorandum of Understanding among USDA, RUS; The United States Department of Health and Human Services, Indian Health Service (IHS); The State of Alaska, Department of Environmental Conservation (DEC); and the Alaska Native Tribal Health Consortium (ANTHC). The grants will be provided directly to a rural or Native Alaskan Village or jointly with either DEC or ANTHC for the development and construction of water and wastewater systems to improve the health and sanitation conditions in those Villages through removal of dire sanitation conditions.

DATES: Comments must be submitted by February 18, 2014.

ADDRESSES: Submit comments by either of the following methods:

- Federal eRulemaking Portal at *http://www.regulations.gov.* Follow instructions for submitting comments.
- Postal Mail/Commercial Delivery: Please send your comment addressed to Michele Brooks, Director, Program Development and Regulatory Analysis, USDA Rural Development, 1400 Independence Avenue SW., STOP 1522, Room 5159, Washington, DC 20250–1522.

Additional information about the Agency and its programs is available on the Internet at *http://www.rurdev.usda.gov/UWEP_HomePage.html.*

FOR FURTHER INFORMATION CONTACT: Jacqueline M. Ponti-Lazaruk, Assistant Administrator, Water and Environmental Programs, Rural Utilities Service, Rural Development, U.S. Department of Agriculture, 1400 Independence Avenue SW., STOP 1548, Room 5147, Washington, DC 20250–1590. Telephone number: (202) 690–2670, Facsimile: (202) 720–0718.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

This proposed rule has been determined to be not significant for purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. RUS has determined that this rule meets the applicable standards provided in section 3 of that Executive Order. In addition, all State and local laws and regulations that are in conflict with this rule will be preempted. No retroactive effect will be given to the rule and, in accordance with section 212(e) of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6912(e)), administrative appeal procedures must be exhausted before an action against the Department or its agencies may be initiated.

Regulatory Flexibility Act Certification

Pursuant to 5 U.S.C. 553(a)(2), this proposed rule related to grants is exempt from the rulemaking requirements of the Administrative Procedure Act (5 U.S.C. 551 *et seq.*), including the requirement to provide prior notice and an opportunity for public comment. Because this rule is not subject to a requirement to provide prior notice and an opportunity for public comment pursuant to 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are inapplicable.

Information Collection and Recordkeeping Requirements

The information collection and recordkeeping requirements contained in this rule will not be effective until approved by the Office of Management and Budget (OMB), subject to the submission of a paperwork package for which the Agency intends to request approval from OMB pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35). RUS invites comments, on any aspect of this collection of information including suggestions for reducing the burden. Send questions or comments regarding this information collection to Michele Brooks, Director, Program Development and Regulatory Analysis, Rural Utilities Service, U.S. Department of Agriculture, STOP 1522, Washington, DC 20250–152, FAX: (202) 720–8435.

Organizations applying for the RAVG program must submit an application which includes an application form, various other forms, certifications, and supplemental information. RUS will use the information collected from applicants, borrowers, and consultants to determine applicant eligibility, project feasibility, and the applicant's ability to meet the grant and regulatory requirements. Failure to collect proper information could result in improper determinations of eligibility, improper use of funds, or hindrances in making grants authorized by the RAVG program.

The applicant will submit the following information:

SF–424, ''Application for Federal Assistance''

Applicants use this form as a required cover sheet for applications submitted for RAVG grants. The application is an official form required for all Federal grants and requests basic information about the applicant and the proposed project.

Form—RD Instruction 1940–Q, Exhibit A–1, ''Certification for Contracts, Grants, and Loans''

Applicants read and sign this certification. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. 1352.

RD 400–1, ''Equal Opportunity Agreement''

Applicants read and sign these forms to assure RUS that they agree to and will comply with Title VI of the Civil Rights Act of 1964, and the Equal Opportunity Clause under Executive Order 11246 of September 24, 1965.

RD 442–7, ''Operating Budget''

All applicants use the form to project income and expense items and a complete cash flow through the first full year of operations after they use the loan proceeds. These projections are necessary in determining the source and reliability of the projected income and the adequacy of resources to repay the loan in a timely manner, operate and maintain the facility, and maintain adequate reserves.

Written—Certification Regarding Prohibited Tying Arrangements

Applicants that provide electric service must provide the Agency a certification that they will not require users of a water or waste facility financed under this part to accept electric service as a condition of receiving assistance.

Form AD–1047, ''Certification Regarding Debarment, Suspension, and Other Responsibility Matters—Primary Covered Transactions''

USDA regulations published at 2 CFR Parts 180 and 417 implement the government-wide debarment and suspension system for USDA's non-procurement transactions. Applicants for RAVG grants are required to provide certification under these regulations. Form AD–1047 may also be used to obtain the required certification.

Form AD–1048, ''Certification Regarding Debarment, Suspension, and Other Responsibility Matters—Lower Tier Covered Transactions.''

Form AD–1048 will be signed by the applicant's suppliers, auditors, contractors, etc., and retained by the applicant in their files.

Form AD–1049, ''Certification Regarding Drug-Free Workplace Requirements (Grants) Alternative I—for Grantees Other Than Individuals''

USDA regulations published at 2 CFR Parts 180 and 417 implement the Drug-Free Workplace Act of 1988, which requires that grant recipients agree that they will maintain a drug-free workplace. Applicants are required to provide certification under these regulations. Form AD–1049 may also be used to obtain the required certification.

Written—Land Surveyors Certification and Opinion of Right of Way

The document will include legal descriptions of lands created for parcels and shown in referenced documents are true and correct.

Written—Civil Rights Compliance Assurance Self Certification

Applicant certifies that it will comply with Title VI of the Civil Rights Act of 1964. The certification can be a written self-certification statement.

Written—Approved Business Plan

The business plan will include the resolution adopting the plan and outline the proposed O&M costs, rate structures, short-lived asset rate schedule and associated materials.

Written—Preliminary Engineering Report

Applicants must submit a preliminary engineering report (PER) prepared by a qualified engineer. The PER indicates areas to be served, scope and need of the project, cost estimate, annual operating expenses, etc. This report is necessary for RUS to determine project feasibility.

Written—Supporting Documentation

Applicants must provide documentation of legal organization and authority to borrow funds, construct, operate, manage the facility, etc. The documentation may include articles of incorporation, certificate of incorporation and good standing, bylaws, rules, and organizational minutes. Applicants also must provide financial information such as financial statements, audits, or existing debt instruments. This information is necessary for RUS to determine an organization's legal existence, authority to perform certain functions, and financial capacity to borrow funds.

Written—Grant Agreement

The Grant Agreement sets forth the terms and conditions under which the applicant receives a RUS grant. Applicants and RUS must execute the document before RUS disburses grant funds.

Written—Audits Based on Federal Assistance

Grantees must submit audited financial statements annually in accordance with Generally Accepted Government Auditing Standards (GAGAS). The audit must comply with the requirements of OMB Circular A–133, ''Audits of State, Local Governments, and Non-Profit Organizations'' or Water and Waste Disposal audit requirements. The requirements for submitting an audit report under OMB Circular A–133 are based on the total amount of Federal financial assistance expended during a grantee's fiscal year from all Federal sources. Grantees that expend $500,000 or more in a year in Federal awards must have a single audit conducted for that year under OMB Circular A–133. Those that expend less than $500,000 in Federal awards and have an outstanding RUS loan balance equal to or greater than $1,000,000 must submit an audit in accordance with Water and Waste Disposal audit requirements. Grantees expending less than $500,000 in Federal assistance and having a RUS loan balance less than $1,000,000 may submit a management report instead of an audit report. RUS will designate the type of audit grantees must submit.

Written—Management Reports

All grantees must furnish management reports that will provide management a means of evaluating prior decisions and serve as a basis for planning future operations and financial strategies. This requirement is necessary to help assure that the facility will be properly managed and to protect the financial interest of the Government.

The following information/forms are collected and accounted for under other collection packages:

SF–424C, ''Budget Information—Construction Programs''

Applicants estimate costs and expenses for the grant project. The form also provides information on matching funds. This form is submitted as part of the pre-application and if the project is selected, as part of the formal application.

SF–424D, ''Assurances—Construction Programs''

Applicants will read and sign this form to indicate the organization's intent to comply with the laws, regulations, and policies to which a grant is subject.

SF–LLL, ''Disclosure of Lobbying Activities''

Applicant will complete all items on the form that apply for both the initial filing and material change report.

RD 442–3, ''Balance Sheet''

All applicants and borrowers use this form to present their assets, liabilities, and net worth. Borrowers whose gross annual income is less than $100,000 may use it at year-end. This form is necessary for all applicants, who prepare it once to present a comparative

balance sheet for the most current and prior years.

RD 442–2, ''Statement of Budget, Income and Equity''

This form serves a dual purpose as a budget and an income and expense statement. RUS generally requires new borrowers to submit it each quarter for the first 3 years so RUS can monitor financial progress in the early years of operation. The report is then discontinued for those borrowers that are progressing satisfactorily. As a budget report, borrowers must submit their budget estimates before the beginning of each fiscal year. In these cases only, column three is to be completed. Borrowers, at their option, may also use this form as a year-end income and expense statement when audited financial statements are not prepared.

RD 442–22, ''Opinion of Counsel Regarding Right of Way''

Applicants and their attorneys may use this form in obtaining continuous and adequate rights-of-way and interest in land needed for the construction, operation, and maintenance of a facility. This form is.

RD 1942–19, ''Agreement for Engineering Services''

Applicants must contract for the professional services rendered from an engineer, attorney, bond counsel, accountant, auditor, appraiser, or financial advisor. Contracts or other forms of agreement for services necessary for project planning and development are subject to RUS concurrence. Applicants must submit them to RUS for review and concurrence to ensure the needed services will be available at a reasonable cost.

RD 400–4, ''Assurance Agreement''

Applicants read and sign these forms to assure RUS that they agree to and will comply with Title VI of the Civil Rights Act of 1964, and the Equal Opportunity Clause under Executive Order 11246 of September 24, 1965.

RD 1942–6, ''Letter of Intent To Meet Conditions''

Applicants complete this form to indicate the intent to meet the conditions of the loan established previously by RUS. This information is necessary to determine whether the Agency should continue further processing of the loan application.

Comments on this information collection must be received by February 18, 2014.

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 will have practical utility; (b) the accuracy of the agency's estimate of burden including the validity of the methodology and assumption 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 those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques on other forms and information technology.

Title: Rural Alaska Village Grant Program (RAVG).

OMB Control Number: 0572–NEW.

Type of Request: New.

Abstract: The Rural Alaska Village Grant (RAVG) Program is authorized under Section 306D of the Consolidated Farm and Rural Development Act (CONACT), (7 U.S.C. 1926(d)), as amended. Governing regulations are currently codified in 7 CFR 1780.49. Under this program, the Secretary may make grants to the State of Alaska for the benefit of rural or Native Villages in Alaska to provide for the development and construction of water and wastewater systems to improve the health and sanitation conditions in those Villages.

This is new collection associated with a proposed rule. RUS proposes to modify its existing regulations and establish a separate regulation for making grants to rural or Native Alaskan Villages under the Rural Alaska Village Grant (RAVG) Program. The existing RAVG regulation, 7 CFR 1780.49 will be relocated to its own section and modified to conform with the established streamlined processes. The collection of information from the public is necessary in order for RUS to identify projects eligible for RAVG grants.

Estimate of Burden: Public reporting for this collection of information is estimated to average 2.05 hours per responses.

Estimated Number of Respondents: 25.

Estimated Number of Total Annual Responses per Respondents: 415.

Estimated Total Annual Burden on Respondents: 851.

Copies of this information collection can be obtained from MaryPat Daskal, Program Development and Regulatory Analysis at (202) 720–7853.

All responses to this information collection and recordkeeping notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

E-Government Act Compliance

RUS is committed to the E-Government Act, which requires Government agencies in general to provide the public the option of submitting information or transacting business electronically to the maximum extent possible.

Catalog of Federal Domestic Assistance

The program described by this proposed rule is listed in the Catalog of Federal Domestic Assistance Programs under number 10.760. This catalog is available electronically through the free CFDA Web site on the Internet at *http://www.cfda.gov.* The print edition may be purchased by calling the Superintendent of Documents at 202–512–1800 or toll free at 866–512–1800, or ordering it online at *http://bookstore.gpo.gov.*

Executive Order 12372

All projects funded under this part are subject to Executive Order 12372 (3 CFR, 1983 Comp., p. 197), which requires intergovernmental consultation with State and local officials. These requirements are set forth in U.S. Department of Agriculture regulations 7 CFR Part 3015, Subpart V, and RD Instruction 1940 J. In the case of grants made to DEC and ANTHC, DEC and ANTHC will certify that the requirements listed in paragraphs a–e are included in their agreements with the rural or Native Villages.

Unfunded Mandates

This proposed rule contains no Federal mandates (under the regulatory provision of Title II of the Unfunded Mandate Reform Act of 1995) for State, local, and tribal governments or the private sector. Thus, this proposed rule is not subject to the requirements of sections 202 and 205 of the Unfunded Mandate Reform Act of 1995.

National Environmental Policy Act Certification

RUS has determined that this proposed rule will not significantly affect the quality of the human environment as defined by the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.). Therefore, this action does not require an environmental impact statement or assessment.

Executive Order 13132, Federalism

The policies contained in this proposed rule do not have any

substantial direct effect on 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. Nor does this proposed rule impose substantial direct compliance costs on state and local governments. Therefore, consultation with the states is not required.

Executive Order 13175

Executive Order 13175 imposes requirements on RUS in the development of regulatory policies that have tribal implications or preempt tribal laws. RUS has determined that this proposed rule has a substantial direct effect on one or more Indian tribe(s) or on either the relationship or the distribution of powers and responsibilities between the Federal Government and Indian tribes. Therefore, in anticipation of the publication of this proposed rule, RUS focused its quarterly Tribal Consultation webinar and teleconference process during the summer of 2013 on the Rural Alaska Village Grant program. A pre-consultation briefing was held on June 20, 2013 to provide a thorough briefing of the Rural Alaska Village Grant program and the regulatory changes under consideration. This was followed by a Tribal Consultation webinar and teleconference on July 17, 2013. Input received by RUS through the Tribal Consultation process will be considered alongside comments to the proposed rule and utilized in drafting the next iteration of this rule. If a Tribe has questions about the Tribal Consultation process please contact Rural Development's Native American Coordinator at (720) 544–2911 or *AIAN@wdc.usda.gov.*

Background

The Rural Utilities Service, a Rural Development agency of the United States Department of Agriculture (RUS), works to improve the quality of life in rural America by providing investment capital, in the form of loans, loan guarantees, grants and technical assistance for the deployment of rural telecommunications, broadband, electric, water and environmental infrastructure. RUS loans, loan guarantee and grant programs act as a catalyst for economic and community development. By financing improvements to rural electric, water and waste, and telecommunications and broadband infrastructure, RUS plays a significant role in improving other measures of quality of life in rural America, including public health and safety, environmental protection, conservation, and cultural and historic preservation.

Statutory Authorization

The Rural Alaska Village Grant (RAVG) Program is authorized under Section 306D of the Consolidated Farm and Rural Development Act (CONACT), (7 U.S.C. 1926(d)), as amended. Governing regulations are currently codified in 7 CFR 1780. Under this program, the Secretary may make grants to the State of Alaska for the benefit of rural or Native Villages in Alaska to provide for the development and construction of water and wastewater systems to improve the health and sanitation conditions in those Villages. To be eligible to receive a grant under the RAVG program, the project must provide 25 percent in matching funds from the State of Alaska. The matching funds must come from non-Federal sources. The Secretary shall consult with the State of Alaska on a method of prioritizing the allocation of grants according to the needs of, and relative health and sanitation conditions in, each village. Not more than 2 percent of the amount made available for a fiscal year may be used by the State of Alaska for training and technical assistance programs relating to the operation and management of water and waste disposal services in rural and Native Villages. Appropriated funds shall be available until expended.

The U.S. Department of Health and Human Services, Indian Health Service (IHS) is authorized to construct sanitation and water supply facilities for native villages, and to enter into agreements and arrangements with public agencies, non-profit organizations and the native villages to be served in furtherance of such projects, pursuant to Public Law 86–121, 42 U.S.C. Sec. 2004a.

ANTHC is authorized to provide statewide health services, including the construction of sanitation and water supply facilities, to Native beneficiaries in Alaska pursuant to Public Law 105–83, Sec. 325(a).

The Village Safe Water program is authorized under the Village Safe Water Act, Alaska Statute Title 46, Chapter 7 (AS 46.07), as amended.

RAVG History

The State of Alaska recognized the need for adequate water and sewer systems through the passage of the Village Safe Water Act in 1970. The purpose of the Village Safe Water (VSW) program was to ''establish a program designed to provide safe water and hygienic disposal facilities in the State of Alaska.'' There are several sources of grant funding that support water and waste projects in rural Alaska communities. The VSW program receives funding support from four primary sources: The USDA, the Environmental Protection Agency (EPA), the Department of Health and Human Services' Indian Health Services (IHS), and the State of Alaska. The RAVG program is administered by the Rural Development State Office. In recent years, Congressional set-asides have been provided to assist three groups of rural Americans who have great needs in improving their access to clean water. Alaska Natives through the RAVG program is one of those three groups. Through the RAVG set-aside, up to $25 million a year has been provided since fiscal year (FY) 2006 to help the Alaska VSW program fund projects designed to improve public health and provide clean, safe drinking water in rural areas. The RAVG program is currently administered under 7 CFR 1780.49 and is designed to provide up to 75 percent grant funding to rural Alaskan Villages that are trying to address a dire sanitation problem. Applicants must: (1) Be a rural Alaska community that meets the definition of a village under Alaska law and whose population is 10,000 inhabitants or less; (2) have a median household income not exceeding 110 percent of the State nonmetropolitan median household income; and (3) obtain 25 percent of the project costs from State of Alaska or local contributions. When the State provides the 25 percent matching funds, it must come from nonfederal sources. If the State contributes to the project development costs, the project does not have to meet the construction requirements contained in 7 CFR part 1780.

The RAVG program is coordinated with the Alaska Department of Environmental Conservation (DEC) that administers the VSW program, IHS, EPA, and Rural Utilities Service. Grants are awarded according to the needs of and relative health and sanitation conditions in each village.

On June 15, 2011, Rural Development signed a Memorandum of Understanding (MOU) with federal and state partners in Alaska that streamlines policies and procedures for the RAVG Program. The MOU is the result of an initiative launched by USDA in April of 2010 to improve program delivery and ensure that critical water and waste services are provided to rural Alaskan Villages. The inter-agency collaboration has produced results throughout the streamlining initiative. Between Fiscal Year (FY) 2009 and FY 2012, 53 construction grants have been funded

providing service to 17,425 residents; 72 percent of the construction grants are complete or nearly complete and the remainders are underway. Also, between FY 2009 and FY 2012, 68 planning grants have been funded; 76 percent of the planning grants are complete or nearly complete and the remainders are underway. In FY 2013, an additional 8 construction grants and 2 planning grants were awarded and will begin in the latter part of FY 2014. The total amount of cost overruns incurred since FY 2009 is $4,132,391.

The goals of the MOU are to streamline the grant process, better align the regulations to the statute, and improve accountability within the program; all of which would ultimately address the dire sanitary conditions in Rural Alaskan Villages more effectively. Major changes to the existing process included:

(a) Revised application review. RAVG applications were processed pursuant to 7 CFR part 1780 which also covers the process for the direct loan and grant program. According to 7 U.S.C. 1926d, it is clear that this program is intended to be a grant program. Under the MOU, the twenty-five (25) percent match funding from the state of Alaska serves as applicant contribution and the Sanitary Deficiency System (SDS) categorization of the projects serves as the indicator of need for the project. Also, because this is a grant program, the credit elsewhere requirements in 7 CFR part 1780 and in Section 333(1)(A) of the Consolidated Farm and Rural Development Act (CONACT) do not apply.

(b) An updated two-stage funding process. A two-stage funding process was implemented where applications for planning grants are submitted in the first stage to allow for development of preliminary engineering reports (PER) and environmental reports (ER) related to proposed construction projects. Once the planning activities are completed, construction applications are entertained for those projects. Due to the dire conditions and unique economic conditions in rural Alaskan Villages, there are limited, or no, funds available from the applicant to complete the application process. Under the MOU, applications for construction are filed after the planning grant is completed. As a result, the projects are well planned and RUS is able to fund projects with a high level of confidence. The result is the elimination of future cost overruns and incomplete projects that were experienced prior to the MOU.

(c) Bundled applications. Under the MOU, DEC and ANTHC are permitted to bundle applications and seek funding for multiple construction projects in multiple villages within a single application. The single application is called the master application. DEC and ANTHC are responsible for managing the projects and accounting for funds associated with every project under the master application. Although RUS obligates funds for multiple projects in a single obligation, measures are included in the MOU process to avoid issues previously experienced with the RAVG program and to account for funding as identified in the 2010 Office of the Inspector General (OIG) report. To address concerns raised by OIG in their audit, the following measures were implemented:

(a) Standardized construction information. A PER is required for each construction project proposed within a single application.

(b) Funds are designated within the master obligation for specific projects. Funds cannot be transferred from one project to another.

(c) Excess funds on projects are required to be returned to RUS. These funds are then returned to the RAVG funding account and used for other projects. This allows the RUS to extend the reach of the program and ensure that funds are used only for the purposes specified.

(d) Specific reporting requirements for DEC and ANTHC were also established in the MOU. These allow RUS to effectively account for funds and track the progress on projects funded.

(e) Streamlined environmental process. IHS has been designated as the lead agency for the environmental process because they have specialized expertise in this area and a local presence. For projects administered by ANTHC, IHS will be the lead agency for the environmental review process and required determinations applicable to various environmental laws and regulations. The ANTHC shall notify the funding agencies and the IHS if a change in the project or project's scope occurs which could change environmental determinations or could adversely impact the environment. The IHS shall bear no mitigation costs as it is not a funding agency for projects under the MOU. The environmental review process established in the MOU will result in a more streamlined review process minimizing duplication of efforts and provide clarity to roles and responsibilities of all concerned parties.

(f) Appointment of a dedicated program coordinator. Finally, to ensure success of the new process, RUS appointed a RAVG Program Coordinator who is solely dedicated to RAVG program delivery.

Ultimately the MOU has achieved the goal of streamlining the RAVG process. The program is working well under the MOU. Applications are being filed by ANTHC and DEC on behalf of villages. Those applications are being processed in a timely manner by RUS, and the State of Alaska continues to provide a 25 percent match of funds to projects. Most importantly, the construction of projects is occurring as proposed and the quality of life is improving in rural Alaskan Villages. The following are two examples of how the process adopted under the MOU is achieving program results:

(1) Lower Kalskag, Alaska (Funding amount: $6,879,155). The thought of having to haul a honey bucket, in winter temperatures that drop to −55 °F, is an unpleasant scenario. For some residents in the community of Lower Kalskag, and other rural Alaskan communities, this is a reality. The community of Lower Kalskag, Alaska is remotely located 350 miles west of Anchorage in a persistent poverty area. This small community has a population of around 280, and roughly 50 percent of its homes still lack adequate sanitation systems. The lack of adequate sanitation services is a dire health and safety issue faced daily by residents of this small, remote community. In those households, the individual residents must haul their waste from their homes in honey buckets (five gallon buckets), regardless of the temperature outside. The community of Lower Kalskag provides a glimpse of the progress and success of the MOU that was executed by RUS and its partners on June 15, 2011. Those partners, including the ANTHC, State of Alaska's Village Safe Water Program, and IHS, are essential in helping to provide rural Alaskan communities with safe and healthy sanitation systems. Under the MOU, a phased approach is being utilized to successfully get projects moving through to the construction phase. It is through that phased approach the community of Lower Kalskag has received service from the RAVG program. In Fiscal Year (FY) 2010, the community of Lower Kalskag received a grant from the RAVG program in the amount of $869,193 to design proposed utility improvements. The design was finalized in early 2012 and allowed the ANTHC, on behalf of Lower Kalskag, to apply for a construction grant. In FY 2012, RUS awarded a construction grant in the amount of $6,879,155 to construct wastewater improvements that will serve 34 homes. Due to the phased approach, construction is anticipated to be underway by the spring of 2014. The

effort to retire the use of honey buckets in this community, and other rural Alaskan communities, is no small feat. The result of those efforts and the grants provided by the RUS's RAVG program will help improve the health and safety of community members for generations to come.

(2) Pitkas Point, Alaska (Funded as both a design planning grant and two construction grants). Most Americans take their supply of sanitary water and effective wastewater disposal for granted. Water as close as the nearest faucet and easy access to restrooms is often taken for granted. Residents of Pitkas Point had to deal with unhealthy water and wastewater conditions that were staggering. They were in dire need of a water supply, water treatment facilities and wastewater treatment and collection facilities. Drinking water was hauled from local watering points, which did not meet safe drinking water standards. Wastewater was hauled in honey buckets along the same route children played on and where they traveled to and from school. RAVG assistance included a preplanning and development grant in FY 2009 in the amount of $378,966 to design water distribution mains and sewer collection mains; and two construction grants were awarded in FY 2010 in the amount of $6,891,750 and $2,214,769 to construct core sanitation facilities and a piped water and wastewater system. The project became fully operational on September 8, 2011. Funding for this critical infrastructure project made it possible for the Pitkas Point community to construct a variety of basic water and waste needs for this rural community.

Purpose of This Proposed Rule

The purpose of this proposed rule is to solicit comments on proposed modifications to the current RAVG regulation. Specifically, the modifications include:

(1) Move regulation requirements from inclusion in 7 CFR part 1780, to new part 7 CFR part 1784;

(2) Elimination of the RAVG regulatory language currently located in 7 CFR part 1780; and

(3) Key streamlining measures which include:

(a) Revised application review so the evaluation process is based on need for grant only;

(b) A new application process that allows the state of Alaska to bundle applications from multiple villages into a single master application;

(c) Improved reporting and tracking measures to ensure accountability of funds and completion of projects in a timely fashion; and

(d) Establishing a single lead responsible for facilitating each applicable agencies' environmental and historic preservation review requirements for all projects.

Request for Comments

RUS invites interested parties including, but not limited to, Tribes, Rural or Native Villages in Alaska, Alaska Native Regional and Village Corporations, financial and lending institutions, trade associations, consumer groups and individuals to provide any information or analyses they believe to be relevant to the issues discussed in this proposed rule and to the implementation of the grant program. RUS is proposing to codify the process developed under the MOU and establish rules for the RAVG program under the new part 7 CFR part 1784. The proposed regulation includes all of the streamlined approaches and accountability measures from the MOU. RUS seeks comment on these changes.

List of Subjects

Agriculture, Community development, Community facilities, Reporting and recordkeeping requirements, Rural areas, Sewage disposal, Waste treatment and disposal, Water pollution control, Water supply, Watersheds.

For the reasons set forth in the preamble, RUS proposes to amend 7 CFR chapter XVII of Title 7 of the Code of Federal Regulations by adding a new part 1784 to read as follows:

PART 1784—RURAL ALASKAN VILLAGE GRANTS

Subpart A—General Provisions

Sec.
1784.1 Purpose.
1784.2 Definitions.
1784.3 Objective.
1784.4–1784.7 [Reserved]

Subpart B—Grant Requirements

1784.8 Eligibility.
1784.9 Grant Amount.
1784.10 Eligible Grant Purposes.
1784.11 Restrictions.
1784.12–1784.15 [Reserved]

Subpart C—Application Processing

1784.16 Application for Master Plan grant.
1784.17 Application for Pre-development grants.
1784.18 Application for Construction grants.
1784.19 Applications accepted from DEC or ANTHC.
1784.20 Other forms and certifications.
1784.21 Other requirements.
1784.22 Lead Agency Environmental Review.
1784.23–1784.25 [Reserved]

Subpart D—Grant Processing

1784.26 Planning, Development and Procurement.
1784.27 Grant closing and Disbursement of funds.
1784.28 Grantee Accounting Methods, Management Reporting and Audits.
1784.29 Grant Servicing and Accountability.
1784.30 Subsequent grants.
1784.31 Exception Authority.
1784.32–1784.34 [Reserved]

Subpart E—Design, Bidding, Contracting, Constructing, and Inspections

1784.35 General.
1784.36 Procurement by Applicants Eligible Under 1784.8(a)(2) and (3).
1784.37 Procurement by Applicants Eligible Under 1784.8(a)(1).
1784.38–1784.99 [Reserved]

Authority: 7 U.S.C. 1926d.

Subpart A.—General Provisions

§ 1784.1 Purpose.

This part sets forth the policies and procedures that will apply when the Rural Utilities Service (RUS) makes grants under the Rural Alaska Village Grant (RAVG) program to rural or Native Villages in Alaska. The grants will be provided directly to a rural or native village or jointly with either The State of Alaska, Department of Environmental Conservation (DEC) or The Alaska Native Tribal Health Consortium (ANTHC) for the benefit of rural or native villages in Alaska.

§ 1784.2 Definitions.

The following definitions apply to subparts A through E of this part.

ANTHC means the Alaska Native Tribal Health Consortium.

CONACT means the Consolidated Farm and Rural Development Act.

DEC means the State of Alaska, Department of Environmental Conservation.

Dire sanitation conditions means:

(1) Recurring instances of a waterborne communicable disease have been documented; or

(2) No community-wide water and sewer system exists and individual residents must haul water to or human waste from their homes and/or use pit privies; or (3) An appropriate regulatory Agency of the State of Alaska determines that an imminent threat of a waterborne communicable disease is present.

Grant recipient means an applicant that has been awarded a Rural Alaskan Village Grant under this part.

IHS means the United States Department of Health and Human Services, Indian Health Service.

RAVG means Rural Alaskan Village Grant, a grant awarded by RUS, DEC,

and/or ANTHC to a grant recipient under this part.

Rural or Native Villages in Alaska means a rural community or Native village in Alaska which meets the definition of a village under State statutes and does not have a population in excess of 10,000 inhabitants, according to the U.S. Census American Community Survey.

RD means Rural Development, a federal agency mission area delivering the United States Department of Agriculture's programs to rural communities.

Recipient community means a community that has been awarded a grant under this part.

RUS means the Rural Utilities Service, a federal agency delivering the United States Department of Agriculture's rural utilities programs.

Short-lived assets means repair and replacement items expended each year that are not included in the annual Operational and Maintenance expenses as annual repair and maintenance.

Statewide nonmetropolitan median household income (SNMHI) means the median household income of the State's nonmetropolitan counties and portions of metropolitan counties outside of cities, towns or places of 50,000 or more population.

USDA means the United States Department of Agriculture.

VSW means Village Safe Water Program authorized under the Village Safe Water Act, Alaska Statute Title 46, Chapter 7 (AS 46.07).

§ 1784.3 Objective.

The objective of the RAVG Program is to assist the residents of rural or Native Villages in Alaska to provide for the development and construction of water and wastewater systems to improve the health and sanitation conditions in those Villages through removal of dire sanitation conditions.

§ 1784.4–1784.7 [Reserved]

Subpart B—Grant Requirements

§ 1784.8 Eligibility.

(a) Grants may be made to the following eligible applicants:

(1) A rural or native village in Alaska; and/or

(2) DEC on behalf of one or more rural or native villages in Alaska; or

(3) ANTHC on behalf of one or more rural or native villages in Alaska.

(b) Grants made to DEC or ANTHC may be obligated through a master letter of conditions for more than one rural or native village in Alaska; however, DEC or ANTHC together with each individual rural or native village beneficiary shall execute a grant agreement on a project by project basis. Expenditures for projects will be based on specific scope and be requested on a project by project basis.

(c) For grants proposed to be administered directly by a community, the responsibility to meet the requirements outlined in this part will be met by the community. RUS will be the lead agency on direct administration projects.

(d) The median household income of the rural or native village cannot exceed 110 percent of the statewide nonmetropolitan household income, according to US Census American Community Survey. Alaska census communities considered to be high cost isolated areas or ''off the road systems'' (i.e. communities that cannot be accessed by roads) may utilize up to 150 percent of SNMHI.

(e) A dire sanitation condition as defined in § 1784.2 must exist in the village served by the proposed project. For those projects identified under (1) and (3) of the dire sanitation definition, a notice of violation, consent order or other enforcement action from the appropriate regulatory agency must be provided to document the dire sanitation condition.

(f) In order for an eligible applicant to receive a grant under the Rural Alaska Village Grant program, the State of Alaska shall provide 25 percent in matching funds from non-Federal sources.

(g) In processing grants through DEC and ANTHC, a public meeting must be held to inform the general public regarding the development of any proposed project. Documentation of the public meeting must be received with construction applications.

(1) A notice of intent must be published in a newspaper of general circulation in the proposed area to be served.

(2) For projects where there are no newspapers of general circulation, a posting of the notice in a community building (post office, washeteria, clinic, etc.) frequented by village residents may be used to meet the requirement. This alternative form of notice has been authorized by the RUS Administrator.

§ 1784.9 Grant Amount.

Grants will be made for up to 75 percent of the project development and/or construction costs. Pursuant to Section 306 D of the CONACT, the State of Alaska shall provide 25 percent in matching funds from non-Federal sources.

§ 1784.10 Eligible Grant Purposes.

Grant funds may be used for the following purposes:

(a) To pay reasonable costs associated with providing potable water or waste disposal services to residents of rural or native villages in Alaska.

(b) To pay reasonable costs associated with the use of a recipient community's equipment during construction. (i.e. maintenance, minor repairs, and operational costs). A cost accounting system that is accurate to track expenses must be in place. Use of ANTHC or State of Alaska equipment fleet rental costs will also be eligible. RUS concurrence in the allocation method is required.

(1) Reasonable costs include construction, master planning, predevelopment costs (including engineering, design, and rights-of-way establishment), and technical assistance as further defined below:

(i) Master planning. Grants can be made specifically for Master planning costs associated with the prioritization process.

(ii) Pre-Development. Grants can be made for pre-development costs such as preliminary engineering, environmental, application development, review and establishment of rights-of-way and easement, and full construction design for up to $1,000,000 for each eligible village. Prior to approving additional pre-development costs, a preliminary engineering report (PER) and/or approved PER like document, such as the Cooperative Project Agreement and supplemental documents from ANTHC and an environmental report shall be reviewed and concurred by RUS, DEC, ANTHC, and IHS.

(iii) Training and Technical Assistance. Not more than 2 percent of the funding made available each fiscal year may be used by the State of Alaska for training and technical assistance programs relating to the operation and management of water and waste disposal services in rural and native villages. Grants for this purpose will be processed in accordance with 7 CFR Part 1775.

(c) Individual Installations:

(1) Individual service installation relates to residential homes only and does not include public facilities and/or commercial facilities. The only exception to serving a public facility is when the facility is necessary for the successful operation and maintenance of the water or sanitation system (i.e. the facility utilized for accepting utility payments and/or holding public meetings on the utility system).

(2) Individual home installations, including wells, septic system, flush

tank & haul, in-house plumbing, etc., may be provided. The following guidelines must be followed for individual installations. A certification will be required with the application that provides documentation of the following:

(i) The residents are unable to afford to make the improvements on their own.

(ii) An agreement outlining the installation, operation, and maintenance of facilities must be in place.

(iii) An adequate method for denying service in the event of non-payment of user fees.

(iv) All residents of the community are treated equally.

(v) The improvements provided are reasonable and modest.

(vi) Legal authority (i.e. easements) is obtained to construct these improvements.

(vii) Documentation must be provided to RUS indicating the quantity and quality of the individual installations that may be developed; cost effectiveness of the individual facility compared with initial and long term user costs on a central system; health and pollution problems attributable to individual facilities; operational or management problems peculiar to individual installations; and permit of regulatory agency requirements.

§ 1784.11 Restrictions.

Grant funds may *not* be used to:

(a) Pay any annual recurring costs that are considered to be operational expenses of a facility.

(b) Pay basic/rental fee or depreciation for the use of the recipient community's equipment.

(c) Purchase existing systems.

(d) Pay for items not associated with Rural Utilities Service's approved scope of work. This includes projects developed from other funding sources.

§ 1784.12–1784.15 [Reserved]

Subpart C—Application Processing

§ 1784.16 Application for master plan grant.

(a) DEC and ANTHC utilize the National Indian Health Service, Sanitation Deficiency System (SDS) database as a comprehensive source of rural sanitation needs in Alaska. The database provides an inventory of the sanitation deficiencies including water, sewer, and solid waste facilities for existing homes. The sanitation deficiencies data is updated annually by DEC and ANTHC in consultation with the respective rural or native villages. The SDS database is utilized under the RAVG program to help prioritize applications under the Village Safe Water Program.

(b) In order to be considered for funding, projects must be included in a sanitation facility Master Plan for the community which has been approved by DEC or ANTHC and RUS.

(c) Entities identified in § 1784.8 of this part may submit a completed Standard Form 424 to apply for funding to establish a Master Plan for a rural or Native village.

§ 1784.17 Application for pre-development grants.

(a) A prioritized list of projects will be developed each year by RUS, DEC, and ANTHC applying prioritization criteria to the sanitation needs database. Prioritization criteria established by the RUS, DEC, ANTHC, and IHS will be based, at a minimum, on relative health impacts, drinking water and wastewater regulatory requirements, the sanitation conditions in each community and project readiness. The Village Safe Water Program process and associated prioritization criteria will be used to prioritize projects and place them on a priority list. The process will be reviewed and approved by RUS, DEC, ANTHC, and IHS. Projects will be funded from the priority list as they meet established planning, design, and construction requirements, subject to available funding.

(b) Funding for pre-development grants will be allocated by USDA, DEC, and ANTHC according to the prioritized list.

(c) Entities identified in § 1784.8 of this part may submit a completed Standard Form 424 to apply for funding for pre-development costs. Pre-development costs are described in § 1784.10 (b)(2)(ii) of this part.

(d) Projects submitted for design only under the pre-development grants, must have RUS approval of the master plan prior to consideration for funding.

§ 1784.18 Application for construction grants.

(a) Funding for construction grants will be allocated annually by USDA, DEC, and ANTHC according to the prioritization list described in § 1784.17(a) of this part.

(b) An application for a construction grant shall include:

(1) Completed Standard Form 424, Standard Form 424C and Standard Form 424D. Current versions of these forms may be found at Grants.gov.

(2) Preliminary Engineering Report, Environmental Report, or approved PER like document, including ANTHC's Cooperative Project Agreement and associated supplemental attachments;

(3) Population and median household income of the area to be served;

(4) Description of the project; and

(5) Approved business plan, including resolution adopting the plan, for the recipient community. The business plan will outline the proposed operation and management costs, rate structures, short-lived asset schedule and associated materials.

§ 1784.19 Applications from DEC or ANTHC.

(a) In cases where applications are accepted from DEC or ANTHC, one master application may be submitted covering all rural or native villages to be funded, however, each individual project will be broken out and (for construction grants) each will require its own PER, or PER like document and Environmental Report.

(b) They will be processed as separate projects with individual grant agreements, as appropriate.

(c) Expenditures for projects will be based on specific scope and be requested on a project by project basis.

(d) Funding amounts, as indicated in each grant agreement and letter of conditions, will be for the approved scope of work.

§ 1784.20 Other forms and certifications.

(a) Referenced bulletins, instructions and forms are for use in administering grants made under this part and are available from any USDA/Rural Development office or the Rural Utilities Service, United States Department of Agriculture, Washington, DC 20250–1500.

(b) Applicants will be required to submit the following items to the processing office, upon notification from the processing office to proceed with further development of the full application:

(1) Form RD 400–1, Equal Opportunity Agreement;

(2) Form RD 400–4, Assurance Agreement;

(3) Form AD 1047, Certification Regarding Debarment, Suspension and other Responsibility Matters;

(4) Form AD 1048, Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions;

(5) Form AD 1049, Certification regarding Drug-Free Workplace Requirements (Grants) Alternative I for Grantees Other Than Individuals;

(6) RUS Form 266, Compliance Assurance form—Civil Rights Compliance;

(7) Standard Form LLL, Disclosure of Lobbying Activities;

(8) RD Instruction 1940–Q, Exhibit A–1, Certifications for Contracts, Grants, and Loans (Regarding Lobbying); and

(9) Certification regarding prohibited tying arrangements. Applicants that provide electric service must provide the Agency a certification that they will not require users of a water or waste facility financed under this part to accept electric service as a condition of receiving assistance.

(c) In the case of grants made to DEC and ANTHC, DEC and ANTHC will certify that the above requirements are included in their agreements with the Villages. The certification and forms listed above must be provided from DEC and ANTHC on an annual basis for utilization in proposed applications.

(d) When favorable action is not taken on an application, the applicant will be notified in writing by the Rural Development State Program Official of the reasons why the request was not favorably considered. Notification to the applicant will state that a review of this decision by the Agency may be requested by the applicant in accordance with 7 CFR Part 11.

(e) When favorable action is taken on an application, the applicant will be notified by a letter which establishes conditions that must be understood and agreed to before further consideration may be given to the application. In cases where a master application is submitted by DEC or ANTHC, the letter of conditions will include all projects, and their funding amounts, included in the master application on which favorable action will be taken. The letter of conditions does not constitute loan and/or grant approval, nor does it ensure that funds are or will be available for the project. The grant will be considered approved on the date a signed copy of Form RD 1940–1, Request for Obligation of Funds, is mailed to the applicant.

§ 1784.21 Other requirements.

Other Federal statutes and regulations are applicable to grants awarded under this part. These include but are not limited to:

(a) 7 CFR part 1, subpart A—USDA implementation of Freedom of Information Act.

(b) 7 CFR part 3—USDA implementation of OMB Circular No. A–129 regarding debt collection.

(c) 7 CFR part 15, subpart A—USDA implementation of Title VI of the Civil Rights Act of 1964, as amended.

(d) 7 CFR part 1794, RUS Implementation of the National Environmental Policy Act.

(e) 7 CFR part 1901, subpart E—Civil Rights Compliance Requirements.

(f) 7 CFR part 3015—Uniform Federal Assistance Regulations.

(g) 7 CFR part 3016—USDA Implementation of OMB Circular Nos. A–102 and A–97, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.

(h) 7 CFR part 3018—Restrictions on Lobbying, prohibiting the use of appropriated funds to influence Congress or a Federal agency in connection with the making of any Federal grant and other Federal contracting and financial transactions.

(i) 7 CFR part 3019—USDA implementation of OMB Circular A–110, Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations.

(j) 7 CFR part 3021, as amended—Government-wide Debarment and Suspension (Non-procurement); Government-wide Requirements for Drug-Free Workplace (Grants), implementing Executive Order 12549 on debarment and suspension and the Drug-Free Workplace Act of 1988 (41 U.S.C. 701).

(k) 7 CFR part 3052—USDA implementation of OMB Circular No. A–133 regarding audits of institutions of higher education and other nonprofit institutions.

(l) 29 U.S.C. 794, section 504—Rehabilitation Act of 1973, and 7 CFR part 15B (USDA implementation of statute), prohibiting discrimination based upon physical or mental handicap in federally assisted programs.

(m) Floodplains. The agencies follow the eight-step decision-making process referenced in Section 2(a) of Executive Order 11988, Floodplain Management, when undertaking actions located in floodplains. Pursuant to E.O. 11988, the IHS uses a Class Review process to exclude certain actions from further review under the eight-step process. For all actions that do not qualify for IHS Class Review, the eight-step process shall be completed. All practicable measures to minimize development in floodplains and reduce the risk of human safety, health, and welfare shall be followed, including elevating a new water or wastewater facility at least one foot above the base flood elevation as determined by the Army Corp of Engineers or other qualified survey. If an area has been designated by the Federal Emergency Management Agency mapping, flood insurance shall be required for facilities located in flood plains. If a community is not participating in the National Flood Insurance Program, this requirement does not apply.

(n) Project planning, including engineering and environmental reports, to the maximum extent feasible, must address all water and/or waste disposal needs for a community in a coordinated manner with other community development projects and take into consideration information presented in available community strategic and comprehensive plans. Any reports or designs completed with funds must be completed in accordance with sound engineering practices and USDA regulations, including environmental instruction 7 CFR Part 1794.

§ 1784.22 Lead Agency Environmental Review.

(a) The Agency designated as the lead agency for the purposes of this grant program, will fulfill and agree to be responsible for complying with lead agency requirements for:

(1) National Environmental Policy Act (NEPA) as outlined in 40 CFR 1501.5, Lead agencies;

(2) Section 106 review process as outlined in 36 CFR Part 800.2(a)(2) Lead Federal agency; and

(3) Section 7 of the Endangered Species Act as outlined in 50 CFR 402.07, Designation of lead agency.

(b) All environmental findings and determinations made by the lead agency represent those of the cooperating agencies and will be completed in accordance with the procedures outlined in this section.

(c) RUS will, to the extent possible and in accordance with 40 CFR 1506.2 and 7 CFR 1794.14, actively participate with DEC, IHS, and ANTHC to cooperatively or jointly prepare environmental documents so that one document will comply with all applicable laws.

(d) For projects administered by DEC and ANTHC, RUS agrees to participate as a cooperating agency in accordance with 40 CFR 1501.6 and 7 CFR 1794.14 and relies upon those agencies' procedures for implementing NEPA procedures as further described below.

(e) The lead agency will indicate that RUS is a cooperating agency in all NEPA-related notices published for the proposed action.

(f) A construction grant may not be approved until all environmental findings and determinations have been made according to the following:

(1) *Rural Development Lead Agency.* If RUS is the lead agency the environmental review process, including all findings and determinations, will be completed in accordance with 7 CFR 1794.

(2) *DEC Lead Agency.* In the event DEC is the lead agency, the environmental review process, including all findings and determinations will be completed in accordance with the procedures outlined in the RAVG Environmental Review Process in this section 1784.22.

(3) *IHS Lead Agency.* For projects administered by ANTHC, IHS will be the lead agency for the environmental review process, including all findings and determinations. The environmental review process, including all findings and determinations will be completed in accordance with the Department of Health and Human Services policies and procedures in General Administration Manual, Part 30, the Council on Environmental Quality regulations at 40 CFR 1500–1508 and with procedures published by IHS in the **Federal Register** on March 22, 1993 at 58 FR15284. The ANTHC shall notify the funding agencies and the IHS if a change in the project or project scope occurs which could change any previously prepared environmental findings or determinations or could adversely impact the environment. In the event of an unanticipated discovery of a historic property or other environmental resource, the ANTHC shall stop construction activity in the area of the discovery and notify the appropriate authority and the IHS. Mitigation options resulting from unanticipated discoveries, including but not limited to changes in project scope or cancellation of the project will be evaluated by the funding agencies in collaboration with the ANTHC and IHS. If appropriate and necessary, mitigation plans will be negotiated and approved by all parties. When the funding agencies have approved a mitigation plan and IHS has reaffirmed its environmental review process, including all findings review and determinations, the ANTHC will be authorized to initiate the agreed to mitigation plan. The IHS shall bear no mitigation costs as it is not a funding agency for projects under 7 CFR part 1784.

(g) RUS will have an opportunity to review the IHS or DEC environmental review documents, including all findings and determinations to ensure consistency with this part and agency procedures. Where an Environmental Assessment (EA) or Environmental Impact Statement (EIS) is required by the lead agency's environmental policies and procedures, the lead agency will ensure that the scope and content of the EA or EIS satisfies the statutory and regulatory requirements applicable to RUS. Where an EA and EIS is not required under the applicable lead agencies' procedures for implementing NEPA, the review by RUS will be limited to ensure that the applicable lead agencies' procedures were followed.

(h) The Section 106, National Historic Preservation Act review requirements completed for ANTHC administered projects will be carried out in accordance with RAVG Section 106 Process.

§ 1784.23–25 [Reserved]

Subpart D—Grant Processing

§ 1784.26 Planning Development and Procurement.

(a) If RUS is the lead agency and will provide oversight for the project, a certification should be obtained from the State agency, or the Environmental Protection Agency if the State does not have primacy, stating that the proposed improvements will be in compliance with requirements of the Safe Drinking Water Act and/or Clean Water Act and the applicable requirements of 7 CFR parts 3015, 3016 and 3019.

(b) Applicants that will bid and construct a project in phases, must provide assurance that the full scope of each specific phase of the project will be functional. In the event that the actual cost is anticipated to exceed the funding originally allocated for the project, all potential options will be reviewed and considered, including but not limited to acquiring additional funds or a reduction in project scope. RUS, ANTHC, and VSW will ensure that funded scope items are functional when all funds have been disbursed.

§ 1784.27 Grant Closing and Disbursement of Funds.

(a) The Water and Waste Grant Agreements for rural and native villages in Alaska, or other approved form(s) will be executed by all applicants. To view all forms and agreements, refer to the USDA RUS Water and Environmental Programs Web site.

(b) Grant funds will be distributed from the Treasury at the time they are actually needed by the applicant using multiple advances. Instructions regarding disbursement of funds can be found in the Letter of Conditions.

(c) If there is a significant reduction in project costs, the applicant's funding needs will be reassessed. Decreases in RUS funds will be based on revised project costs and current number of users, however, other factors including RUS regulations used at the time of grant approval will remain the same. Obligated grant funds not needed to complete the proposed project will be deobligated. In such cases applicable forms, the letter of conditions, and other items will be revised.

§ 1784.28 Grantee Accounting Methods, Management Reporting and Audits.

(a) All Agency grantees will follow the reporting requirements as outlined in 7 CFR 1780.47.

(b) Other reporting requirements are as follows:

(1) During the construction period, for the reporting of expenses incurred for projects under this part, the party responsible for the administration of the project (DEC, ANTHC, or community) will provide an audit report in accordance with § 1784.28 (which includes GAGAS and OMB Circular A–133 requirements).

(2) For DEC and ANTHC projects, a supplemental report will be provided to the external independent CPA auditing the organization. The report will support the official figure indicated for CFDA 10.760 in the Schedule of Expenditure of Federal Awards. The report must provide details on the amount of expenses and specific communities for which expenses were incurred. This report must also be provided to RUS.

(3) After the construction period and for the life of the facility, the recipient community will be responsible to meet the requirements outlined in 7 CFR parts 3015, 3016, and 3019 and 7 CFR 1784.28, paragraphs a through d, herein. These requirements include administration and record keeping requirements along with CPA audit report and report requirements. These requirements must be outlined in funding documents from RUS, ANTHC, and VSW and in agreements with the recipient communities.

(4) The requirements found in 7 CFR parts 3015, 3016 and 3019 shall apply to all grants made under the RAVG program and shall be set forth in the respective grant agreement where required.

§ 1784.29 Grant servicing and accountability.

a. Grants will be serviced in accordance with 7 CFR Part 1782.

b. RUS reserves the right to request and review project files from grantees at any time.

§ 1784.30 Subsequent grants.

Subsequent grants will be processed in accordance with the requirements set forth in this part. The initial and subsequent grants made to complete a previously approved project must comply with the maximum grant requirements set forth in Subpart B of this section.

§ 1784.31 Exception authority.

The Administrator may, in individual cases, make an exception to any requirement or provision of this part which is not inconsistent with the authorizing statute or other applicable law and is determined to be in the Government's best interest. Additionally, in individual cases where a proposed project does not meet the definition of ''Dire sanitation condition'' in Section 1784.2, but an applicant is able to satisfactorily demonstrate to the Administrator of RUS that a water or sewer system is deficient and negatively impacts the health or safety of the community, the Administrator of RUS may consider funding under this Rule.

§ 1784.32–34 [Reserved]

Subpart E—Design Bidding, Contracting, Constructing, and Inspections

§ 1784.35 General.

This subpart is specifically designed for use by owners including the professional or technical consultants or agents who provide assistance and services such as engineering, environmental, inspection, financial, legal or other services related to planning, designing, bidding, contracting, and constructing water and waste disposal facilities. These procedures do not relieve the owner of the contractual obligations that arise from the procurement of these services. For this subpart, an owner is defined as an applicant, or grantee. For projects administered by eligible applicants identified in 1784.8(a)(2) or (3), 1784.36 of this subpart will be followed. For eligible applicants identified in 1784.8(a)(1), the requirements outlined in 1784.37 will be followed.

§ 1784.36 Procurement by Applicants Eligible Under 1784.8(a)(2) and (3).

(a) For applicants eligible under 1784.8(a)(2) and (3), contracting and procurement activities will follow DEC or ANTHC policies, procedures and methods. DEC and ANTHC's practices will be based on Uniform Administrative Requirements for federal grants and OMB requirements as defined by applicable OMB Circulars. Procurement procedures shall not restrict or eliminate open and free competition. In specifying materials, DEC and ANTHC will consider all materials normally suitable for the project based on sound engineering practices and project requirements.

(b) Contracts for construction or repairs must contain the following provisions:

(1) To include in all contracts for construction or repair a provision for compliance with the Copeland ''Anti-Kick Back'' Act (18 U.S.C. 874) as supplemented in Department of Labor regulations (29 CFR, Part 3).

(2) To include in all contracts in excess of $100,000 a provision that the contractor agrees to comply with all the requirements of the Clean Air Act (42 U.S.C. 7414) and Section 308 of the Water Pollution Control Act (33 U.S.C. 1318) relating to inspection, monitoring, entry, reports, and information, as well as all other requirements specified in Section 114 of the Clean Air Act and Section 308 of the Water Pollution Control Act and all regulations and guidelines issued there under after the award of the contract.

§ 1784.37 Procurement by Applicants Eligible Under 1784.8(a)(1).

For grants proposed to be administered directly by applicants eligible under 1784.8(a)(1), the requirements outlined in § 1780 subpart C will be met by those eligible applicants with the exception of the following requirements:

(a) Preliminary engineering reports and Environmental Reports (§ 1780.55). Refer to the requirements of this subpart and subpart C 1784.21(e)).

(b) Metering devices in § 1780.57(m).

(c) Utility Purchase Contracts in § 1780.62.

(d) Sewage treatment and bulk water sales contracts in § 1780.63.

§ 1784.3 1784.99 [Reserved].

Dated: November 8, 2013.

John Charles Padalino,

Administrator,

Rural Utilities Service.

[FR Doc. 2013–30189 Filed 12–19–13; 8:45 am]

BILLING CODE P

DEPARTMENT OF ENERGY

10 CFR Part 430

[Docket No. EERE–2013–BT–NOA–0047]

RIN 1904–AD08

Energy Conservation Program: Energy Conservation Standards for Certain Consumer Products

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy.

ACTION: Proposed rule; request for comment.

SUMMARY: The U.S. Department of Energy (DOE or the ''Department'') proposes to adopt into the Code of Federal Regulations the definitions for ''through-the-wall central air conditioner'' and ''through-the-wall central air conditioning heat pump'' that were established in section 5 of the American Energy Manufacturing Technical Corrections Act. This notice also proposes to remove the standards for air conditioners that were superseded effective in 2006, and the now defunct references to the ''through-the-wall air conditioner and heat pump'' product class, including the definition and standards.

DATES: DOE will accept comments, data, and information regarding this notice of proposed rulemaking (NOPR) received no later than January 21, 2014.

ADDRESSES: Any comments submitted must identify the NOPR for the AEMTCA amendments and provide docket number EERE–2013–BT–NOA–0047 and/or Regulation Identification Number (RIN) 1904–AD08, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: AEMTCATechAmend2013NOA0047@ee.doe.gov.* Include the docket number EERE–2013–BT–NOA–0047 and/or RIN 1904–AD08 in the subject line of the message.
- *Mail:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, Mailstop EE–2J, 1000 Independence Avenue SW., Washington, DC 20585–0121. If possible, please submit all items on a compact disc (CD), in which case it is not necessary to include printed copies. [Please note that comments and CDs sent by mail are often delayed and may be damaged by mail screening processes.]
- *Hand Delivery/Courier:* Ms. Brenda Edwards, U.S. Department of Energy, Building Technologies Program, 950 L'Enfant Plaza SW., Suite 600, Washington, DC 20024. Telephone (202) 586–2945. If possible, please submit all items on CD, in which case it is not necessary to include printed copies.

Docket: The docket is available for review at regulations.gov, including **Federal Register** notices, framework documents, public meeting attendee lists and transcripts, comments, and other supporting documents/materials. All documents in the docket are listed in the regulations.gov index. However, not all documents listed in the index may be publicly available, such as information that is exempt from public disclosure.

FOR MORE INFORMATION CONTACT: Mr. Lucas Adin, U.S. Department of Energy,

Office of Energy Efficiency and Renewable Energy, Building Technologies Program, EE–2J, 1000 Independence Avenue SW., Washington, DC, 20585–0121, 202–287–1317, email: *Lucas.Adin@ee.doe.gov*.

Jennifer Tiedeman, U.S. Department of Energy, Office of the General Counsel, GC–71, 1000 Independence Avenue SW., Washington, DC 20585–0121. Telephone: (202) 287–6111. email: *Jennifer.Tiedeman@hq.doe.gov*.

Table of Contents

I. Background and Authority
II. Discussion
III. Procedural Requirements
A. Review Under Executive Order 12866
B. Review Under the Regulatory Flexibility Act
C. Review Under the Paperwork Reduction Act of 1995
D. Review Under the National Environmental Policy Act of 1969
E. Review Under Executive Order 13132
F. Review Under Executive Order 12988
G. Review Under the Unfunded Mandates Reform Act of 1995
H. Review Under the Treasury and General Government Appropriations Act, 1999
I. Review Under Executive Order 12630
J. Review Under the Treasury and General Government Appropriations Act, 2001
K. Review Under Executive Order 13211
L. Review Under Section 32 of the Federal Energy Administration Act of 1974
IV. Approval of the Office of the Secretary

I. Background and Authority

The American Energy Manufacturing Technical Corrections Act (AEMTCA), Public Law 112–210, was signed into law on December 18, 2012. Among its provisions are amendments to Part B [1] of Title III of the Energy Policy and Conservation Act of 1975 (EPCA or ''the Act'') (42 U.S.C. 6291–6309, as codified), which provides for an energy conservation program for consumer products other than automobiles, and to Part C [2] of Title III of EPCA (42 U.S.C. 6311–6317, as codified), which provides for an energy conservation program for certain commercial and industrial equipment, similar to the one in Part B for consumer products.[3] Some of the AEMTCA amendments to EPCA establish or modify certain energy conservation standards and related definitions, and make technical changes to the Act. Other AEMTCA amendments to EPCA prescribe criteria for the conduct of rulemakings to promulgate energy conservation standards for various consumer products and commercial and industrial equipment, or direct the Department of Energy (DOE) to undertake rulemakings under EPCA.

II. Discussion

In today's notice, DOE is proposing to amend the Code of Federal Regulations (CFR) to include the definitions for ''through-the-wall central air conditioner'' and ''through-the-wall central air conditioning heat pump'' that were prescribed by the AEMTCA. 42 U.S.C. 6295(d)(4)(A)(ii). DOE is proposing to amend the language of its regulations in 10 CFR 430.2 to adopt these statutory definitions. Although the definitions for ''through-the-wall central air conditioner'' and ''through-the-wall central air conditioning heat pump'' are new, these through-the-wall (''TTW'') products have been subject to standards since 2006.

DOE is also proposing to remove a variety of provisions from 10 CFR 430.32(c) that reference historical standards. Specifically, DOE is proposing to remove paragraph (c)(1) which contains standards for certain products manufactured between 1992/1993 and 2006. DOE is also proposing to amend its regulations in 10 CFR 430.32(c)(2) and (c)(3) to remove references to the ''through-the-wall air conditioner and heat pump'' product class, which applied to certain products manufactured prior to January 23, 2010. To avoid confusion with the new statutory definitions, DOE is also removing the ''through-the-wall air conditioner and heat pump'' product class definition currently in 10 CFR 430.2.

Although DOE is removing the outdated standards for the TTW product classes, DOE wants to be clear that the TTW products (for which this rule is adding definitions) are currently subject to standards. As discussed in a May 23, 2002 final rule that adopted amended energy conservation standards for several classes of residential central air conditioners and heat pumps, DOE initially created a separate product class for TTW products. 67 FR 36368, 36397 DOE explained that it was adopting separate and less stringent standards for TTW products based on its analysis of the design characteristics of these products. Id. However, DOE also identified a concern that lower standards for TTW products could encourage purchasers of equipment covered by higher standards to shift to TTW products, thus undermining the standards for other products. To address this concern, DOE limited the TTW product class to products manufactured prior to January 23, 2010, and specified that TTW products manufactured on or after that date would have to comply with the standard for other space-constrained products. 67 FR 36368, 36402

This provision was retained in the August 17, 2004 technical amendment that addressed the ruling of the U.S. Court of Appeals for the Second Circuit, which affected the standards for split-system and single-package central air conditioners but did not affect the standards for space-constrained and TTW products. 69 FR 50997, 50998 Thus, the 2004 rule again specified that the TTW standards would expire on January 23, 2010 and that TTW products manufactured on or after that date would be subject to the space-constrained product class. The 2004 rule also included a footnote to the standards table in 10 CFR 430.32(c)(2) to ensure that this limitation was clear. Id. Finally, in the June 27, 2011 direct final rule that amended the current energy efficiency standards for residential central air conditioners and heat pumps, DOE again affirmed the limited applicability of the TTW product class and amended the footnote to clarify the classification of TTW products. 76 FR 37408, 37446

DOE is proposing to remove the references to the now-defunct TTW product class standards; however, through-the-wall central air conditioners and through-the-wall central air conditioning heat pumps must be assigned to a product class based on the product's characteristics. Product class definitions can be found in 10 CFR 430.2 and 10 CFR part 430, subpart B, appendix M. DOE believes that most, if not all, of the historically-characterized ''through-the-wall'' products will be assigned to one of the space-constrained product classes.

III. Procedural Requirements

A. Review Under Executive Order 12866

Today's regulatory action is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866, Regulatory Planning and Review, 58 FR 51735 (Oct. 4, 1993). Accordingly, this action was not subject to review under that Executive Order by the Office of Information and Regulatory Affairs (OIRA) in the Office of Management and Budget (OMB).

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) requires preparation of an initial regulatory flexibility analysis for any rule that by law must

[1] For editorial reasons, upon codification in the U.S. Code, Part B was redesignated Part A.

[2] For editorial reasons, upon codification in the U.S. Code, Part C was redesignated Part A–1.

[3] All references to EPCA in this document refer to the statute as amended through the enactment of the AEMTCA.

be proposed for public comment, unless the agency certifies that the proposed rule, if promulgated, will not have a significant economic impact on a substantial number of small entities. As required by Executive Order 13272, ''Proper Consideration of Small Entities in Agency Rulemaking,'' 67 FR 53461 (August 16, 2002), DOE published procedures and policies on February 19, 2003, to ensure that the potential impacts of its rules on small entities are properly considered during the rulemaking process. 68 FR 7990. DOE has made its procedures and policies available on the Office of the General Counsel's Web site (*http://www.energy.gov/gc*).

DOE has reviewed the amendments proposed in today's notice under the provisions of the Regulatory Flexibility Act and the procedures and policies published on February 19, 2003, and has tentatively concluded that the proposed rule, if adopted, will not have a significant impact on small manufacturers under the provisions of the Regulatory Flexibility Act. These amendments add new statutory definitions for currently regulated products and have no impact on the applicable standards. These amendments also remove outdated regulatory requirements and do not otherwise change the regulatory framework for consumer products or commercial and industrial equipment that is currently in place. Accordingly, DOE is certifying that, if adopted, the changes proposed in this notice would not have a significant economic impact on a substantial number of small entities and has not prepared a regulatory flexibility analysis.

C. Review Under the Paperwork Reduction Act of 1995

Manufacturers of residential central air conditioners and heat pumps must certify to DOE that their products comply with any applicable energy conservation standards. In certifying compliance, manufacturers must test their products according to the DOE test procedures for residential central air conditioners and heat pumps, including any amendments to these procedures. DOE has established regulations for the certification and recordkeeping requirements for all covered consumer products and commercial equipment, including residential central air conditioners and heat pumps. (76 FR 12422 (March 7, 2011)) The collection-of-information requirement for the certification and recordkeeping is subject to review and approval by OMB under the Paperwork Reduction Act (PRA). This requirement has been approved by OMB under OMB control number 1910–1400. Public reporting burden for the certification is estimated to average 20 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Notwithstanding any other provision of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the PRA, unless that collection of information displays a currently valid OMB Control Number.

D. Review Under the National Environmental Policy Act of 1969

Pursuant to the National Environmental Policy Act of 1969, DOE has determined that this rule is covered under the Categorical Exclusion found in DOE's National Environmental Policy Act regulations at paragraph A.6 of Appendix A to Subpart D, 10 CFR Part 1021, which applies to rulemakings that are strictly procedural. Therefore, DOE does not need to prepare an Environmental Assessment or Environmental Impact Statement for this rule.

E. Review Under Executive Order 13132

Executive Order 13132, ''Federalism,'' imposes certain requirements on agencies formulating and implementing policies or regulations that preempt State law or that have Federalism implications. 64 FR 43255 (August 10, 1999). The Executive Order requires agencies to examine the constitutional and statutory authority supporting any action that would limit the policymaking discretion of the States and to carefully assess the necessity for such actions. The Executive Order also requires agencies to have an accountable process to ensure meaningful and timely input by State and local officials in the development of regulatory policies that have Federalism implications. On March 14, 2000, DOE published a statement of policy describing the intergovernmental consultation process that it will follow in developing such regulations. 65 FR 13735. DOE examined this proposed rule and determined that it 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. EPCA governs and prescribes Federal preemption of State regulations as to energy conservation for the products that are the subject of today's final rule. States can petition DOE for exemption from such preemption to the extent, and based on criteria, set forth in EPCA. (42 U.S.C. 6297) No further action is required by Executive Order 13132.

F. Review Under Executive Order 12988

Regarding the review of existing regulations and the promulgation of new regulations, section 3(a) of Executive Order 12988, ''Civil Justice Reform,'' 61 FR 4729 (Feb. 7, 1996), imposes on Federal agencies the general duty to adhere to the following requirements: (1) eliminate drafting errors and ambiguity; (2) write regulations to minimize litigation; (3) provide a clear legal standard for affected conduct rather than a general standard; and (4) promote simplification and burden reduction. Section 3(b) of Executive Order 12988 specifically requires that Executive agencies make every reasonable effort to ensure that the regulation specifies the following: (1) the preemptive effect, if any; (2) any effect on existing Federal law or regulation; (3) a clear legal standard for affected conduct while promoting simplification and burden reduction; (4) the retroactive effect, if any; (5) definitions of key terms; and (6) other important issues affecting clarity and general draftsmanship under any guidelines issued by the Attorney General. Section 3(c) of Executive Order 12988 requires Executive agencies to review regulations in light of applicable standards in sections 3(a) and 3(b) to determine whether they are met or whether it is unreasonable to meet one or more of them. DOE has completed the required review and determined that, to the extent permitted by law, this proposed rule meets the relevant standards of Executive Order 12988.

G. Review Under the Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4; 2 U.S.C. 1501 *et seq.*) requires each Federal agency to assess the effects of Federal regulatory actions on State, local, and Tribal governments and the private sector. For a regulatory action resulting in a rule that may cause the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector of $100 million or more in any one year (adjusted annually for inflation), section 202 of UMRA requires a Federal agency to publish estimates of the resulting costs, benefits, and other effects on the national economy. (2 U.S.C. 1532(a)–(b)) UMRA also requires a Federal agency to develop an effective process to permit timely input by

elected officers of State, local, and Tribal governments on a proposed ''significant intergovernmental mandate,'' and requires an agency plan for giving notice and opportunity for timely input to potentially-affected small governments before establishing any requirements that might significantly or uniquely affect such governments. On March 18, 1997, DOE published a statement of policy on its process for intergovernmental consultation under UMRA. 62 FR 12820. (The policy is also available at *www.energy.gov/gc*). Today's proposed rule contains neither an intergovernmental mandate nor a mandate that may result in an expenditure of $100 million or more in any year, so these requirements do not apply.

H. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires Federal agencies to issue a Family Policymaking Assessment for any rule that may affect family well-being. Today's proposed rule would not have any impact on the autonomy or integrity of the family as an institution. Accordingly, DOE has concluded that it is not necessary to prepare a Family Policymaking Assessment.

I. Review Under Executive Order 12630

DOE has determined, under Executive Order 12630, ''Governmental Actions and Interference with Constitutionally Protected Property Rights,'' 53 FR 8859 (March 18, 1988), that this regulation would not result in any takings that might require compensation under the Fifth Amendment to the U.S. Constitution.

J. Review Under the Treasury and General Government Appropriations Act, 2001

Section 515 of the Treasury and General Government Appropriations Act, 2001 (44 U.S.C. 3516 note) provides for agencies to review most disseminations of information to the public under guidelines established by each agency pursuant to general guidelines issued by OMB. OMB's guidelines were published at 67 FR 8452 (Feb. 22, 2002), and DOE's guidelines were published at 67 FR 62446 (Oct. 7, 2002). DOE has reviewed today's proposed rule under OMB and DOE guidelines and has concluded that it is consistent with applicable policies in those guidelines.

K. Review Under Executive Order 13211

Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,'' 66 FR 28355 (May 22, 2001), requires Federal agencies to prepare and submit to OIRA a Statement of Energy Effects for any significant energy action. A ''significant energy action'' is defined as any action by an agency that promulgates or is expected to lead to promulgation of a final rule and that (1) is a significant regulatory action under Executive Order 12866, or any successor order; and (2) is likely to have a significant adverse effect on the supply, distribution, or use of energy; or (3) is designated by the Administrator of OIRA as a significant energy action. For any significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution, or use if the regulation is implemented, and of reasonable alternatives to the action and their expected benefits on energy supply, distribution, and use. Today's proposed regulatory action is not a significant regulatory action under Executive Order 12866. It has likewise not been designated as a significant energy action by the Administrator of OIRA. Moreover, it would not have a significant adverse effect on the supply, distribution, or use of energy. Therefore, it is not a significant energy action, and, accordingly, DOE has not prepared a Statement of Energy Effects.

L. Review Under Section 32 of the Federal Energy Administration Act of 1974

Under section 301 of the DOE Organization Act (Pub. L. 95–91; 42 U.S.C. 7101 *et seq.*), DOE must comply with section 32 of the Federal Energy Administration Act of 1974, as amended by the Federal Energy Administration Authorization Act of 1977 (FEAA). (15 U.S.C. 788) Section 32 essentially provides in part that, where a rule authorizes or requires use of commercial standards, the rulemaking must inform the public of the use and background of such standards. In addition, section 32(c) requires DOE to consult with the Attorney General and the Chairman of the Federal Trade Commission (FTC) concerning the impact of the commercial or industry standards on competition.

The proposed modifications to regulatory definitions addressed by this action do not incorporate testing methods contained in any new commercial standards not already referenced by the test procedures.

IV. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of today's proposed rule.

List of Subjects in 10 CFR Part 430

Administrative practice and procedure, Energy conservation, Household appliances.

Issued in Washington, DC, on November 26, 2013.

David Danielson,

Assistant Secretary, Energy Efficiency and Renewable Energy.

For the reasons stated in the preamble, DOE proposes to amend part 430 of chapter II, subchapter D, of title 10, of the Code of Federal Regulations, as set forth below:

PART 430—ENERGY CONSERVATION PROGRAM FOR CONSUMER PRODUCTS

■ 1. The authority citation for part 430 continues to read as follows:

Authority: 42 U.S.C. 6291–6309; 28 U.S.C. 2461 note.

■ 2. Section 430.2 is amended by removing the definition of ''through-the-wall air conditioner and heat pump'' and by adding, in alphabetical order, definitions for ''through-the-wall central air conditioner'' and ''through-the-wall central air conditioning heat pump'' to read as follows:

§ 430.2 Definitions.

* * * * *

Through-the-wall central air conditioner means a central air conditioner that is designed to be installed totally or partially within a fixed-size opening in an exterior wall, and:

(1) Is not weatherized;

(2) Is clearly and permanently marked for installation only through an exterior wall;

(3) Has a rated cooling capacity no greater than 30,000 Btu/hr;

(4) Exchanges all of its outdoor air across a single surface of the equipment cabinet; and

(5) Has a combined outdoor air exchange area of less than 800 square inches (split systems) or less than 1,210 square inches (single packaged systems) as measured on the surface described in paragraph (4) of this definition.

Through-the-wall central air conditioning heat pump means a heat pump that is designed to be installed totally or partially within a fixed-size opening in an exterior wall, and:

(1) Is not weatherized;

(2) Is clearly and permanently marked for installation only through an exterior wall;

(3) Has a rated cooling capacity no greater than 30,000 Btu/hr;

(4) Exchanges all of its outdoor air across a single surface of the equipment cabinet; and

(5) Has a combined outdoor air exchange area of less than 800 square inches (split systems) or less than 1,210 square inches (single packaged systems) as measured on the surface described in paragraph (4) of this definition.

* * * * *

■ 3. Section 430.32 is amended by

■ a. Revising the introductory text to paragraph (c);

■ b. Removing paragraph (c)(1);

■ c. Redesignating paragraphs (c)(2) through (c)(6) as (c)(1) through (c)(5) respectively;

■ d. Removing footnote 1 to the table in newly redesignated paragraph (c)(1);

■ e. Removing rows (v)(A) and (v)(B) in the table in newly redesignated paragraph (c)(1);

■ f. Redesignating row (vi) in the table in newly redesignated paragraph (c)(1) as row (v);

■ g. Redesignating rows (vii)(A) and (vii)(B) in the table in newly redesignated paragraph (c)(1) as rows (vi)(A) and (vi)(B) respectively; and

■ h. Removing footnote 1 to the table in newly redesignated paragraph (c)(2).

The revision reads as follows:

§ 430.32 Energy and water conservation standards and their compliance dates.

* * * * *

(c) *Central air conditioners and heat pumps.* The energy conservation standards defined in terms of the heating seasonal performance factor are based on Region IV, the minimum standardized design heating requirement, and the sampling plan stated in § 429.16 of this chapter.

* * * * *

[FR Doc. 2013–30175 Filed 12–19–13; 8:45 am]

BILLING CODE 6450–01–PC

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2013–0993; Airspace Docket No. 13–ASW–28]

Proposed Establishment of Class E Airspace; Tucumcari, NM

AGENCY: Federal Aviation Administration (FAA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish Class E airspace at the Tucumcari VHF Omni-Directional Radio Range Tactical Air Navigation Aid (VORTAC), Tucumcari, NM, to facilitate vectoring of Instrument Flight Rules (IFR) aircraft under control of Albuquerque Air Route Traffic Control Center (ARTCC). The FAA is proposing this action to enhance the safety and management of aircraft operations within the National Airspace System.

DATES: Comments must be received on or before February 3, 2014.

ADDRESSES: Send comments on this proposal to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590; telephone (202) 366–9826. You must identify FAA Docket No. FAA–2013–0993; Airspace Docket No. 13–ASW–28, at the beginning of your comments. You may also submit comments through the Internet at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Eldon Taylor, Federal Aviation Administration, Operations Support Group, Western Service Center, 1601 Lind Avenue SW., Renton, WA 98057; telephone (425) 203–4537.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers (FAA Docket No. FAA 2013–0993 and Airspace Docket No. 13–ASW–28) and be submitted in triplicate to the Docket Management System (see **ADDRESSES** section for address and phone number). You may also submit comments through the Internet at *http://www.regulations.gov.*

Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit with those comments a self-addressed stamped postcard on which the following statement is made: ''Comments to FAA Docket No. FAA–2013–0993 and Airspace Docket No. 13–ASW–28''. The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in light of comments received. All comments submitted will be available for examination in the public docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRMs

An electronic copy of this document may be downloaded through the Internet at *http://www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's Web page at *http://www.faa.gov/airports_airtraffic/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address and phone number) between 9:00 a.m. and 5:00 p.m., Monday through Friday, except federal holidays. An informal docket may also be examined during normal business hours at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 1601 Lind Avenue SW., Renton, WA 98057.

Persons interested in being placed on a mailing list for future NPRMs should contact the FAA's Office of Rulemaking, (202) 267–9677, for a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedure.

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) Part 71 by establishing Class E en route domestic airspace extending upward from 1,200 feet above the surface at the Tucumcari VORTAC navigation aid, Tucumcari, NM. This action would contain aircraft while in IFR conditions under control of Albuquerque ARTCC by vectoring aircraft from en route airspace to terminal areas.

Class E airspace designations are published in paragraph 6006, of FAA Order 7400.9X, dated August 7, 2013, and effective September 15, 2013, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation

listed in this document will be published subsequently in this Order.

The FAA has determined this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation: (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); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified this proposed rule, when promulgated, would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the U.S. Code. Subtitle 1, Section 106, describes the authority for the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would establish controlled airspace at the Tucumcari VORTAC, Tucumcari, NM.

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1E, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration proposes to amend 14 CFR Part 71 as follows:

PART 71—DESIGNATION OF CLASS A, B, C, D AND E AIRSPACE AREAS; AIR TRAFFIC SERVICE ROUTES; AND REPORTING POINTS

■ 1. The authority citation for 14 CFR Part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9X, Airspace Designations and Reporting Points, dated August 7, 2013, and effective September 15, 2013 is amended as follows:

Paragraph 6006 En route domestic airspace areas.

* * * * *

ASW NM E6 Tucumcari, NM [New]

Tucumcari VORTAC, NM
(Lat. 35°10′56″ N., long. 103°35′55″ W.)

That airspace extending upward from 1,200 feet above the surface within an area bounded by lat. 37°30′00″ N., long. 102°33′00″ W.; to lat. 36°30′00″ N., long. 101°45′00″ W.; to lat. 36°23′50″ N., long. 101°28′20″ W.; to lat. 35°49′45″ N., long. 100°00′00″ W.; to lat. 32°20′00″ N., long. 100°00′00″ W.; to lat. 34°52′00″ N., long. 100°19′00″ W.; to lat. 34°28′00″ N., long. 100°45′00″ W.; to lat. 34°29′30″ N., long. 101°00′00″ W.; to lat. 34°36′00″ N., long. 102°00′00″ W.; to lat. 34°33′00″ N., long. 102°19′00″ W.; to lat. 34°23′20″ N., long. 102°39′45″ W.; to lat. 34°19′00″ N., long. 102°48′00″ W.; to lat. 33°46′30″ N., long. 103°22′00″ W.; to lat. 33°43′10″ N., long. 103°24′30″ W.; to lat. 33°38′15″ N., long. 103°29′15″ W.; to lat. 34°08′45″ N., long. 105°09′00″ W.; to lat. 34°30′00″ N., long. 105°09′00″ W.; to lat. 34°43′00″ N., long. 104°33′00″ W.; to lat. 35°00′00″ N., long. 104°33′00″ W.; to lat. 35°00′00″ N., long. 105°04′00″ W.; to lat. 35°12′30″ N., long. 105°28′30″ W.; to lat. 36°43′00″ N., long. 105°20′30″ W.; to lat. 36°43′00″ N., long. 105°00′00″ W., thence to the point of beginning.

Issued in Seattle, Washington, on December 11, 2013.

Christopher Ramirez,

Acting Manager, Operations Support Group, Western Service Center.

[FR Doc. 2013–30339 Filed 12–19–13; 8:45 am]

BILLING CODE 4910–13–P

FEDERAL TRADE COMMISSION

16 CFR Part 310

RIN 3084–AB19

Telemarketing Sales Rule; Notice of Termination of Caller ID Rulemaking

AGENCY: Federal Trade Commission (''Commission'' or ''FTC'').

ACTION: Notification.

SUMMARY: After reviewing the public comments elicited by an Advance Notice of Proposed Rulemaking (''ANPR'') seeking suggestions on ways to enhance the effectiveness and enforceability of the caller identification (''Caller ID'') requirements of the Telemarketing Sales Rule (''TSR''), as well as technical presentations at the FTC's 2012 Robocall Summit, the Commission has determined that amending the TSR would not reduce the incidence of the falsification, or ''spoofing,'' of Caller ID information in telemarketing calls. Accordingly, the Commission is closing this proceeding.

DATES: This action is effective on December 5, 2013.

ADDRESSES: Federal Trade Commission, Office of the Secretary, Room H–113 (Annex J), 600 Pennsylvania Avenue NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Craig Tregillus, Attorney, Division of Marketing Practices, Bureau of Consumer Protection, Federal Trade Commission, Room H–286, 600 Pennsylvania Ave. NW., Washington, DC 20580, (202) 326–2970.

SUPPLEMENTARY INFORMATION: When the Commission amended the TSR in 2003, it added a requirement that telemarketers transmit identifying information to Caller ID services.[1] Violations of this provision can lead to civil penalties of up to $16,000 per violation, in the case of unlawful conduct that has ended, or $16,000 per day, in the case of ongoing violations.[2] The Commission explained that it added this prohibition to (1) promote consumer privacy by enabling consumers to know who is calling them at home; (2) encourage industry accountability and help legitimate businesses distinguish themselves from deceptive ones; and (3) assist law enforcement in identifying TSR violators.[3] The use of Caller ID information, however, has changed

[1] Telemarketing Sales Rule, Statement of Basis and Purpose and Final Amended Rule, 68 FR 4580, 4672 (Jan. 29, 2003) (then codified at 16 CFR 310.4(a)(7), now at 16 CFR 310.4(a)(8)).

[2] *See* 15 U.S.C. 45(m)(1)(A); *see also* Federal Trade Commission Civil Penalty Adjustments, 74 FR 857 (Jan. 9, 2009). In addition, the Truth in Caller ID Act of 2009 makes it unlawful ''to cause any caller identification service to knowingly transmit misleading or inaccurate caller identification information with the intent to defraud, cause harm, or wrongfully obtain anything of value'' and provides criminal penalties and forfeitures for violations. 111 Public Law 331, 124 Stat. 3572, *codified at* 47 U.S.C. 227(e). The Federal Communications Commission enforces that statute, and has issued implementing regulations. *See* 76 FR 43196, 43203–06 (July 20, 2011). Further, a number of states have enacted anti-spoofing laws. *See* Office of the Minnesota Attorney Gen., Comment No. 00053, at 3, n.7 (citing Minn. Stat. § 325E.312; Fla. Stat. § 817.487; 815 Ill. Comp. Stat. § 517/10; La. Rev. Stat. Ann. § 51:1741.4; Miss. Code Ann. § 77–3–805; Ok. Stat. Ann. § 776.23).

[3] 68 FR 4627.

since 2003 with the growing availability of technologies that allow callers to alter or ''spoof'' the number and name that appear on the recipient's Caller ID display.[4]

On December 15, 2010, the Commission issued an ANPR requesting public comment on whether the TSR should be amended to help effectuate the objectives of the Rule's Caller ID provisions, including, in particular, enabling consumers and law enforcement to use Caller ID information to identify entities responsible for illegal telemarketing practices.[5] The Commission received public comments from 51 different individuals and entities in response to the ANPR.[6] Of these, 28 came from consumers, one from a state attorney general,[7] and the remainder from a standards organization,[8] attorneys,[9] trade associations,[10] telemarketers,[11] and telecommunications carriers [12] and their service providers.[13]

The consumer comments generally favored any TSR revision that would make Caller ID services more accurate to help in identifying and halting unwanted telemarketing calls.[14] The business and trade association comments largely opposed any modifications,[15] arguing that additional restrictions would only burden legitimate businesses, and do nothing to halt Caller ID spoofing. Both consumer and business comments noted the harm each has incurred when spoofing has caused their telephone numbers to appear on consumers' Caller ID displays, subjecting them to consumer complaints and the loss of business goodwill.[16]

None of the comments submitted in response to the ANPR suggested that any additions or modifications to the TSR could reduce the incidence of Caller ID spoofing. In fact, as previously indicated, Caller ID alteration unquestionably violates the prohibition added to the TSR in 2003 that bars telemarketers from ''failing to transmit . . . the telephone number and . . . the name of the telemarketer to any caller identification service in use by a recipient of a telemarketing call.'' [17] By definition, a spoofed telephone number is not the number of the telemarketer, and the Commission can rely on this prohibition to bring an enforcement action for violation of the TSR against a telemarketer that uses a spoofed number.

Moreover, any modification of the TSR likely would be circumvented by those intent on falsifying Caller ID information without detection because there is no apparent technical solution to the problem that is likely to be implemented in the near term. The comments in response to the ANPR and in presentations at the FTC's 2012 Robocall Summit [18] demonstrate that, as one commenter put it, ''it is not technically feasible, by looking at the signaling data . . . to distinguish between a CPN [calling party number] that has been manipulated and one that has not.'' [19] This is because the telephone network originally was designed to transmit only basic information, including the CPN and name used for billing.[20] Although CPN once sufficed to establish the identity of a caller, this is no longer the case. With the advent of such newer technologies as Voice over Internet Protocol (''VoIP'') and programmable autodialers that allow manipulation (and falsification) of the CPN, CPN can no longer function to authenticate the source of all calls.[21] Thus, until future modifications to the telephone signaling system provide a more reliable authentication mechanism, prohibitions in the Caller ID provisions of the TSR can be technically evaded.[22] Violators using spoofed numbers and names are difficult to track down and identify, and some are based in foreign countries to further complicate law enforcement by U.S. authorities.

Notwithstanding the likely persistence of the problem of Caller ID spoofing, market initiatives are underway to commercialize innovative new technologies that offer promise for curtailing the number of unwanted robocalls that consumers receive.[23] These technologies rely on call filtering systems to help screen out unwanted robocalls, including those placed by telemarketers attempting to hide behind spoofed telephone numbers. The FTC's

[4] *See* S. Rept. 96, 111th Cong., 1st Sess. 1–2 (2009); Hearing before the House Subcomm. on Telecomm. and the Internet, Truth in Caller ID Act, 110th Cong., 1st Sess. Ser. No. 110–8, 9–10 (2007) (test. of Kris Monteith); H. Sengar, D. Wijesekera, S. Jojodia, Authentication and Integrity in Telecommunication Signaling Network, *Proceedings of the 12th IEEE Int'l Conf. and Workshops on the Eng'g of Computer-Based Systems* (2005).

[5] 75 FR 78179 (Dec. 15, 2010).

[6] The comments are available online at *www.ftc.gov/os/comments/tsrcalleridnprm/index.shtm* and are identified here by the commenter's name and the comment number. One comment was blank (Errickson, No. 00041), one was entered twice (AT&T Servs., Inc., Nos. 00040, 00057), and one added an addendum reiterating a prior comment (Smith, Nos. 00021, 00024).

[7] Office of the Minn. Atty. Gen., No. 00053.

[8] Alliance for Telecomm. Indus. Solutions, No. 00048.

[9] Copilevitz & Canter, LLC, No. 00036; Heyman Law Office, No. 00038.

[10] *E.g.,* ACA Int'l, No. 00042; American Teleservices Ass'n, No. 00050; Direct Mktg. Ass'n, No. 00051.

[11] *E.g.,* InfoCision Mgmt. Corp., No. 00052; MDS Commc'ns, No. 00046; Soundbite Commc'ns, No. 00056.

[12] AT&T Servs., Inc. No., 00040; NobelBiz, Inc., No. 00043; Verizon and Verizon Wireless, No. 00044.

[13] *E.g.,* Bent, 00045; Martino, No. 00022; Omega Servs., LLC, No. 00054.

[14] *E.g.,* Bensor, No. 00016; Grout, No. 00034; Herrera, No. 00025; Michael, No. 00017; Smith, 00020. A few consumers advocated making Caller ID spoofing a criminal offense, which the Commission lacks the statutory authority to do. *E.g.,* Fox, No. 00027; Messer, No. 00018; Shields, No. 00029.

[15] *E.g.,* American Teleservices Ass'n, No. 00050, at 5; AT&T Servs., Inc., No. 00040, at 3–4; Verizon and Verizon Wireless, No. 00044, at 3–4. Some of the comments supported proposals to give sellers and telemarketers greater flexibility in choosing what may appear in Caller ID name displays, such as authorization to use well-known product names. *See, e.g.,* Teleperformance USA, No. 00037. These proposals may be raised by commenters in the forthcoming review of the TSR. *See* 78 FR 30798, 30799 (May 23, 2013) (noting intent to undertake scheduled ten-year review of TSR).

[16] Direct Mktg. Ass'n, No. 00051; Booth, No. 00031; Messer, No. 00018; Minn. Atty. Gen., No. 00053, at 2; Publishers Clearing House, No. 00049, at 1; Quicken Loans, No. 00058, at 2.

[17] *See supra* note 1.

[18] The FTC 2012 Robocall Summit, convened with the goal of developing solutions to the rapid rise in illegal robocalls, included an update on the current state of robocall technology, a discussion of the laws surrounding the use of robocalls, and an exploration of potential technological solutions to the problem of illegal robocalls (including panels on caller-ID spoofing and call authentication technology, data mining and anomaly detection, and call-blocking technology).

[19] AT&T Servs., Inc., No. 00040, at 2. Adam Panagia, the Director of AT&T's Network Fraud Investigation Team made the same point at the Robocall Summit. *See* FTC Summit, *Robocalls: All the Rage* (Oct. 18, 2012), *Tr.* at 127, *available at http://www.ftc.gov/bcp/workshops/robocalls/docs/RobocallSummitTranscript.pdf.*

[20] *See generally,* FTC Robocall Summit, *Tr.* at 12–17 (Steve Bellovin, FTC Chief Technologist) (recounting the history of the development of the telephone and signaling systems).

[21] *Id.* at 21–26, 121–25 (Henning Schulzrinne, Federal Communications Commission Chief Technology Officer).

[22] The record indicates that at least one technical proposal has been advanced that might be able to solve the authentication problem, *see* Bent, No. 00045, but it appears that this or any other technical solution to Caller ID spoofing will not be available in the near term and would require modification of the current signaling system and likely action by the Federal Communications Commission. *See Stopping Fraudulent Robocall Scams: Can More Be Done?* Hearing Before the Subcomm. on Consumer Prot., Prod. Safety, and Ins. of the S. Comm. on Commerce, Sci. and Transp. (July 10, 2013) at 21, n.74 (Prepared Statement of the Federal Trade Commission) *available at http://ftc.gov/os/testimony/113hearings/130710robocallstatement.pdf* (outlining the technical work to be done in the ''coming months and years'').

[23] *See, e.g.,* Herb Weisbaum, *Why aren't phone companies doing more to block robocalls?,* NBC News, July 17, 2013, *www.nbcnews.com/business/why-arent-phone-companies-doing-more-block-robocalls-6C10641251; www.nomorobo.com* (announcing the availability of Robocall Challenge winner Aaron Foss' free Nomorobo filter as of September 30, 2013).

Robocall Challenge was designed to help address unwanted robocalls by spurring innovation in the marketplace.[24]

While the Commission has concluded that modification of the existing Caller ID requirements of the TSR would not serve any useful purpose at this time, it remains fully committed to combatting illegal telemarketing and Caller ID spoofing. In addition to the recent Robocall Challenge and Robocall Summit,[25] the Commission will continue to vigorously enforce the TSR, including its prohibition on spoofing, and the 2009 rule amendments that prohibit the vast majority of robocalls.[26] Since the creation of the national Do Not Call Registry in 2003, the FTC has brought 110 cases alleging Do Not Call privacy violations against 320 companies and 263 individuals. The 86 cases that have concluded thus far have resulted in orders totaling over $126 million in civil penalties and $793 million in restitution or disgorgement. Under the 2009 amendments, the FTC has brought 34 robocall cases against 103 companies and 80 individuals,[27] including a number of cases that have alleged TSR Caller ID spoofing violations.[28] As technology changes, the Commission will continue to evaluate if and when amending the TSR to specifically address Caller ID spoofing would further assist in the Commission's enforcement efforts.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2013–30290 Filed 12–19–13; 8:45 am]

BILLING CODE 6750–01–P

[24] FTC Press Release, *FTC Announces Robocall Challenge Winners* (Apr. 2, 2013), *available at http://www.ftc.gov/opa/2013/04/robocall.shtm.*

[25] *See* note 18, *supra.*

[26] *See* Telemarketing Sales Rule, Final Rule Amendments, 73 FR 51164 (Aug. 29, 2008). The amendments, codified at 16 CFR 310.4(b)(1)(v), prohibit prerecorded message calls without a consumer's prior written agreement to receive them, and require that such messages tell consumers at the outset of the message how to activate an automated interactive opt-out mechanism that will place them on the marketer's do-not-call list and terminate the call. The Federal Communications Commission has since adopted corresponding requirements that took effect on October 16, 2013. *See* Telephone Consumer Protection Action of 1991, Final Rule, 77 FR 34233 (June 11, 2012), Telephone Consumer Protection Act of 1991, Final Rule and Announcement of Effective Date, 77 FR 63240 (Oct. 16, 2012).

[27] These cases include five actions against telemarketers that placed robocalls from ''Rachel'' at ''Card Services.'' *FTC* v. *WV Univ. Mgmt., LLC,* Civ. No. 6:12–1618 (M.D. Fla. filed Oct. 29, 2012); *FTC* v. *A+ Fin. Ctr., LLC,* Civ. No. 2:12–14373 (S.D. Fla. filed Oct. 23, 2012); *FTC* v. *The Greensavers, LLC,* Civ. No. 6:12–1588 (M.D. Fla. filed Oct. 22, 2012); *FTC* v. *Ambrosia Web Design, LLC,* Civ. No. 2:12–2248 (D. Ariz. filed Oct. 22, 2012); *FTC* v. *ELH Consulting, LLC,* Civ. No. 12–2246 (D. Ariz. filed Oct. 22, 2012); *see also* Press Release, *FTC Leads Joint Law Enforcement Effort Against Companies That Allegedly Made Deceptive ''Cardholder Services'' Robocalls* (Nov. 1, 2012), *available at http://www.ftc.gov/opa/2012/11/robocalls.shtm.*

[28] *E.g., FTC* v. *The Cuban Exchange,* Inc., Civ. No. 12-5890 (E.D.N.Y. filed Nov. 28, 2012); *FTC* v. *A+ Fin. Ctr., LLC,* Civ. No. 12–1437 (S.D. Fla. filed Oct. 23, 2012); *FTC* v. *Nelson Gamble & Assocs.,* Civ. No. SACV12–1504 (C.D. Cal. filed Sept. 10, 2012); *U.S.* v. *JGRD, Inc.,* Civ. No. 12–0945 (E.D. Pa. filed Feb. 23, 2012); *U.S.* v. *Cox,* Civ. No. SACV 11–1910, (C.D. Cal. filed Dec. 12, 2011); *U.S.* v. *Sonkei Commc'ns., Inc.,* Civ. No. SACV11-1777 (C.D. Cal. filed Nov. 17, 2011); *U.S.* v. *Feature Films for Families, Inc.,* Civ. No. 4:11–0019 (N.D. Fla. filed May 5, 2011); *U.S.* v. *The Talbots, Inc.,* Civ. No. 1:10–10698, (D. Mass. filed Apr. 27, 2010).

FEDERAL TRADE COMMISSION

16 CFR Part 312

RIN 3084–AB20

Children's Online Privacy Protection Rule Proposed Parental Consent Method; iVeriFly, Inc., Application for Approval of Parental Consent Method

AGENCY: Federal Trade Commission (FTC or Commission).

ACTION: Request for public comment.

SUMMARY: The Federal Trade Commission requests public comment concerning the proposed parental consent method submitted by iVeriFly, Inc. (''iVeriFly'') under the Voluntary Commission Approval Processes provision of the Children's Online Privacy Protection Rule.

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

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. Write ''iVeriFly Application for Parental Consent Method, Project No. P–135420'' on your comment, and file your comment online at *https://ftcpublic.commentworks.com/ftc/coppaiveriflyapp,* by following the instructions on the web-based form. If you prefer to file your comment on paper, mail or deliver your comment to the following address: Federal Trade Commission, Office of the Secretary, Room H–113 (Annex E), 600 Pennsylvania Avenue NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: Kandi Parsons, Attorney, (202) 326–2369, Peder Magee, Attorney, (202) 326–3538, or Kristin Cohen, (202) 326–2276, Division of Privacy and Identity Protection, Federal Trade Commission, Washington, DC 20580.

SUPPLEMENTARY INFORMATION:

Section A. Background

On October 20, 1999, the Commission issued its final Rule [1] pursuant to the Children's Online Privacy Protection Act, 15 U.S.C. 6501 *et seq,* which became effective on April 21, 2000.[2] On December 19, 2012, the Commission amended the Rule, and these amendments became effective on July 1, 2013.[3] The Rule requires certain Web site operators to post privacy policies and provide notice, and to obtain verifiable parental consent, prior to collecting, using, or disclosing personal information from children under the age of 13. The Rule enumerates methods for obtaining verifiable parental consent, while also allowing an interested party to file a written request for Commission approval of parental consent methods not currently enumerated.[4] To be considered, the party must submit a detailed description of the proposed parental consent method, together with an analysis of how the method meets the requirements for parental consent described in 16 CFR 312.5(b)(1).

Pursuant to Section 312.12(a) of the Rule, iVeriFly has submitted a proposed parental consent method to the Commission for approval. The full text of its application is available on the Commission's Web site at *www.ftc.gov.*

Section B. Questions on the Parental Consent Method

The Commission is seeking comment on the proposed parental consent method, and is particularly interested in receiving comment on the questions that follow. These questions are designed to assist the Commission's consideration of the petition and should not be construed as a limitation on the issues on which public comment may be submitted. Responses to these questions should cite the number of the question being answered. For all comments submitted, please provide any relevant data, statistics, or any other evidence, upon which those comments are based.

1. Is this method, both with respect to the process for obtaining consent for an initial operator and any subsequent operators, already covered by existing methods enumerated in Section 312.5(b)(1) of the Rule?

2. If this is a new method, provide comments on whether the proposed parental consent method, both with respect to an initial operator and any subsequent operators, meets the requirements for parental consent laid out in 16 CFR 312.5(b)(1). Specifically,

[1] 64 FR 59888 (1999).

[2] 16 CFR part 312.

[3] 78 FR 3972 (2013).

[4] 16 CFR 312.12(a); 78 FR at 3991–3992, 4013.

the Commission is looking for comments on whether the proposed parental consent method is reasonably calculated, in light of available technology, to ensure that the person providing consent is the child's parent.

3. Does this proposed method pose a risk to consumers' personal information? If so, is that risk outweighed by the benefit to consumers and businesses of using this method?

Section C. Invitation to Comment

You can file a comment online or on paper. For the Commission to consider your comment, we must receive it on or before January 21, 2014. Write ''iVeriFly Application for Parental Consent Method, Project No. P–135420'' 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 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 doesn't include any sensitive personal information, such as 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 doesn't include any sensitive health information, including 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 follow the procedure explained in FTC Rule 4.9(c), 16 CFR 4.9(c).[5] 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 comments online. To make sure that the Commission considers your online comment, you must file it at *https://ftcpublic.commentworks.com/ftc/coppaiveriflyapp* by following the instructions on the web-based form. If this Notice appears at *http://www.regulations.gov/#!home,* you also may file a comment through that Web site.

If you file your comment on paper, write ''iVeriFly Application for Parental Consent Method, Project No. P–135420'' 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 E), 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 and the news release describing it. 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 January 21, 2014. 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.htm.*

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 2013–30287 Filed 12–19–13; 8:45 am]

BILLING CODE 6750–01–P

[5] In particular, the written request for confidential treatment that accompanies the comment must include the factual and legal basis for the request, and must identify the specific portions of the comment to be withheld from the public record. *See* FTC Rule 4.9(c), 16 CFR 4.9(c).

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Parts 117, 161, and 164

46 CFR Part 4

[Docket No. USCG–2013–0466]

Overhead Clearance (Air-Draft) Accidents

AGENCY: Coast Guard, DHS.

ACTION: Request for comments on petition for rulemaking.

SUMMARY: The Coast Guard seeks public comment on a petition that requests the Coast Guard to initiate a rulemaking to address the problem of overhead clearance (air-draft) accidents. In its petition, which calls for vessel masters to be provided with accurate vertical air draft information, a maritime organization has described 16 overhead clearance accidents that it says were avoidable and that resulted in damage to or destruction of waterway infrastructure and inconvenienced the public. The Coast Guard will consider all comments received in response to this notification in determining whether or not to initiate the requested rulemaking.

DATES: Comments and related material must either be submitted to our online docket via *http://www.regulations.gov* on or before March 20, 2014, or reach the Docket Management Facility by that date.

ADDRESSES: You may submit comments identified by docket number USCG–2013–0466 using any one of the following methods:

(1) *Federal eRulemaking Portal: http://www.regulations.gov.*

(2) *Fax:* 202–493–2251.

(3) *Mail:* Docket Management Facility (M–30), U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

(4) *Hand delivery:* Same as mail address above, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

To avoid duplication, please use only one of these four methods. See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments.

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice,

contact LCDR William Nabach, Office of Vessel and Facility Operating Standards (CG–OES–2), U.S. Coast Guard Headquarters, at telephone 202–372–1386, or by email at *William.A.Nabach@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Renee V. Wright, Program Manager, Docket Operations, telephone 202–366–9826.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

We encourage you to submit comments and related material on the rulemaking petition described below regarding Overhead Clearance (Air-Draft) Accidents. All comments received will be posted, without change, to *http://www.regulations.gov* and will include any personal information you have provided.

Submitting comments: If you submit a comment, please include the docket number for this notice (USCG–2013–0466) and provide a reason for each suggestion or recommendation. You may submit your comments and material online, or by fax, mail or hand delivery, but please use only one of these means. We recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

To submit your comment online, go to *http://www.regulations.gov,* and follow the instructions on that Web site. The following link will take you directly to the docket where you may submit your comment: *http://www.regulations.gov/#!docketDetail;D=USCG-2013-0466.* If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know that they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period.

Viewing the rulemaking petition and comments: To view the petition and comments that have been submitted to the docket, go to *http://www.regulations.gov,* and follow the instructions on that Web site. The following link will take you directly to the docket: *http://www.regulations.gov/#!docketDetail;D=USCG-2013-0466.* If you do not have access to the internet, you may view the docket in person by visiting 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. We have an agreement with the Department of Transportation to use the Docket Management Facility.

Privacy Act: Anyone can search the electronic form of 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 a Privacy Act, system of records notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

Description of Petition for Rulemaking

In its Petition for Rulemaking dated May 22, 2013, the National Mariners Association (NMA) describes 16 separate marine casualties involving allisions with overhead structures which it identifies as resulting from inaccurate or non-existent air draft data available to the master of the vessel. NMA views these allisions as avoidable and noted that they resulted in unnecessary damage to or destruction of waterway infrastructure and inconvenienced the public.

Air Draft Determination

NMA requests that the Coast Guard establish regulations to require (1) the permanent marking of maximum design air draft for masts and booms on stationary vessel apparatus, and (2) the owner or operator to mark all crane or derrick barges with the maximum air draft or otherwise provide this maximum air draft information in writing to any vessel contracted to tow the barge. (See p. 4 of the Petition.) The petitioner identifies the vessel owner or operator as the responsible party for providing accurate vertical air draft information, for both the vessel and its tow, to the master of a vessel prior to conducting underway operations. (See pp. 3, 4 & 16 of the Petition.)

The petitioner notes that masters of towing vessels are greatly affected by this air-draft issue particularly because the barges they tow have cargo with significant and dynamic air draft requirements. (See pp. 5 & 7 of the Petition.) Moreover, the petitioner states that the master often lacks the necessary equipment to accurately assess the true vertical clearances. (See pp. 5 & 11 of the Petition.) Lacking such capacities, the mariner then estimates the height of their vessel or towed barges as best he or she can. (See p. 3 of the Petition.) The petitioner recommends a regulation to require that the Master of a towing vessel be provided with the air draft of the vessel, and that before a tow begins, the Master is provided with the air draft of the tow. The Petition states that ensuring that those persons directing and controlling the movement of towing vessels know the maximum overhead clearance (air draft) for their vessel and the barges in their tow will enable them to avoid trying to pass under bridges when there is insufficient clearance. (See p. 4 of Petition.)

Voyage Planning

NMA further notes that a professional pre-sailing survey may be required to protect waterway infrastructure. The petitioner recommends that the Coast Guard amend what NMA views as ''severely qualified'' language in 33 CFR 164.80 so that it covers all towing vessels. Paragraph (c) of § 164.80 requires the master to check the planned route for proximity to hazards before the voyage begins and that the voyage plan must consider ''vertical clearances (air-gaps) for all bridges, ports, and berthing areas.'' (See pp. 4 & 6 of Petition.)

Towing Safety Advisory Committee

The petitioner requested this issue be submitted to the Towing Safety Advisory Committee (TSAC). (See NMA submission to TSAC Meeting Notice docket USCG–2013–0605.) TSAC is a Federal advisory committee under 5 U.S.C. App. (Pub. L. 92–463). It was established under authority of 33 U.S.C. 1231a and advises the Secretary of Homeland Security on matters relating to shallow-draft inland and coastal waterway navigation and towing safety. The Coast Guard agreed with the petitioner and has tasked TSAC with reviewing the issue and providing recommendations with respect to towing vessels. See September 2013 TSAC meeting notice (78 FR 49543, 49544, August 14, 2013) and copy of Task #13–10, Recommendation to Establish Criteria for Identification of Air Draft for Towing Vessels and Tows, which is available in the docket for this notice.

Request for Comments

We invite you to review the petition in the docket and submit relevant comments, including comments on whether a rulemaking would be beneficial, or not. The Coast Guard will consider the petition, any comments received from the public, and other information to determine whether or not to initiate the requested rulemaking.

This notice is issued under authority of 5 U.S.C. 552(a) & 553(e), and 33 CFR 1.05–20.

Dated: November 27, 2013.

F.J. Sturm,

Acting Director of Commercial Regulations and Standards, U.S. Coast Guard.

[FR Doc. 2013–30259 Filed 12–19–13; 8:45 am]

BILLING CODE 9110–04–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 27

[GN Docket Nos. 12–268 and 13–185; DA 13–2351]

Wireless Telecommunications Bureau Seeks Comment on a Proposal To License the 600 MHz Band Using Partial Economic Areas

AGENCY: Federal Communications Commission.

ACTION: Proposed rule; request for comments.

SUMMARY: In this document, the Commission seeks comment on an alternative proposal submitted by the Competitive Carriers Association (CCA), to adopt a new geographic area size called Partial Economic Areas to license the 600 MHz Band and seeks comment on the specific boundaries proposed by CCA, which would enable smaller and rural carriers to bid on portions of Economic areas to obtain more efficiently sized spectrum licenses.

DATES: Submit comments on or before January 9, 2014. Submit reply comments on or before January 23, 2014.

ADDRESSES: Federal Communications Commission, 445 12th Street SW., Washington, DC 20554. You may submit comments, identified by GN Docket Nos. 12–268 and 13–185, DA 13–2351, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Federal Communications Commission's Web site: http://www.fcc.gov/cgb/ecfs/.* Follow the instructions for submitting comments.
- *People With Disabilities:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by email: *FCC504@fcc.gov* or phone: (202) 418–0530 or TTY: (202) 418–0432.
- *Availability of Documents.* Comments, reply comments, and *ex parte* submissions will be available for public inspection during regular business hours in the FCC Reference Center, Federal Communications Commission, 445 12th Street SW., CY–A257, Washington, DC 20554. These documents will also be available via ECFS. Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat.

For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Paul Malmud, Broadband Division, Wireless Telecommunications Bureau, at (202) 418–0006 or by email at *Paul.Malmud@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's document released on December 11, 2013, DA 13–2351, seeking comment on a proposal to license the 600 MHz Band using partial economic areas and seeking comment on the specific boundaries proposed by CCA. Copies of the document and any subsequently-filed documents in this matter may be obtained from Best Copy and Printing, Inc., in person at 445 12th Street SW., Room CY–B402, Washington, DC 20554, via telephone at (202) 488–5300, via facsimile at (202) 488–5563, or via email at *fcc@bcpiweb.com.* This document and any associated documents are also available for public inspection and copying during normal reference room hours at the following Commission office: FCC Reference Information Center, 445 12th Street SW., Room CY–A257, Washington, DC 20554. The complete text is also available on the Commission's Web site at *http://hraunfoss.fcc.gov/edocs_public/attachmatch/DA-13-2351A1.docx.* Alternative formats (computer diskette, large print, audio cassette, and Braille) are available by contacting Brian Millin at (202) 418–7426, TTY (202) 418–7365, or via email to *bmillin@fcc.gov.*

Synopsis

I. Synopsis

1. In *Expanding the Economic and Innovation Opportunities of Spectrum Through Incentive Auctions* 77 FR 69934 November 21, 2012 (*NPRM*), the Commission sought public comment on creating a 600 MHz band plan from the spectrum made available for flexible use through the broadcast television incentive auction. Specifically, it proposed to use geographic area licensing to license the 600 MHz band using Economic Areas (EAs). The Commission also sought comment on whether it should use geographic areas larger or smaller than EAs, such as Cellular Market Areas (CMAs). Although a number of commenters support the Commission's proposal to license the 600 MHz band on an EA basis, some commenters argue that EA licenses are too large for small and rural operators to obtain at auction or deploy. Consequently, these commenters support licensing the 600 MHz band using CMAs. Others oppose using CMAs because they do not ''nest'' (*i.e.,* fit neatly) within larger EA-based license areas and because using smaller license areas can frustrate a carrier's ability to acquire a larger footprint.

2. On November 27, 2013, the Competitive Carriers Association (CCA) submitted an alternative proposed scheme for smaller license areas based on a new geographic area size that CCA calls Partial Economic Areas (PEAs). *Letter from Competitive Carriers Association to FCC* at page 2 (Nov. 27, 2013) available at *http://apps.fcc.gov/ecfs/document/view?id=7520959815.* PEAs, as described by CCA, are a subdivision of EAs based on the CMA boundaries, which ensure that some licenses consist of large population centers while other PEAs consist of less populous areas. As a result, PEAs are smaller than EAs, and separate rural from urban markets to a greater degree than EAs. Unlike CMAs, the geographic boundaries are set so that they ''nest'' into the larger EAs. Although CCA continues to support CMAs as the optimal license size, it argues that PEAs are preferable to EAs in the 600 MHz band because PEAs would enable smaller and rural carriers to bid on portions of EAs to obtain more efficiently sized spectrum licenses. The counties contained in each PEA are listed in the appendix. On December 3, 2013, AT&T filed an *ex parte* letter urging the Commission to seek public comment on the PEA proposal and, as described further below, seek comment on how that proposal could be effectuated within a package-bidding framework. *Letter from AT&T to FCC* at page 3 (Dec. 3, 2013) available at *http://apps.fcc.gov/ecfs/document/view?id=7520960131.*

3. The Wireless Telecommunications Bureau (WTB) hereby seeks comment on CCA's proposed PEA licensing scheme, including the specific makeup and boundaries of the individual PEAs proposed by CCA. WTB encourages commenters to address the geographic area licensing issues raised in the *NPRM,* including the importance of using a license scheme that ''nests'' into EAs. We also seek comment on other new geographic licensing proposals that address the issues under consideration in this document. See, *Letter from Rural Wireless Association and National Telecommunications Cooperative Association to FCC* (Dec. 6, 2013) available at *http://apps.fcc.gov/ecfs/*

document/view?id=7520961063. In addition, to the extent parties may be interested in applying the PEA construct to other bands in which we are considering the issue of geographic license size, such as in *Amendment of the Commission's Rules with Regard to Commercial Operations in the 1695–1710 MHz, 1755–1780 MHz, and 2155–2180 MHz Bands* 78 FR 51559 August 20, 2013 (AWS–3 NPRM), WTB seeks comment on applying this approach.

4. As discussed above, larger carriers express concern that it is more difficult to acquire a national or regional footprint using smaller geographic area licenses. To address such concerns, and consistent with the statutory directive to consider assigning licenses that cover geographic areas of difference sizes, we seek comment on approaches that might enable interested parties to seek packages of 600 MHz licenses covering multiple PEAs. CCA and smaller carriers oppose the use of package bidding generally, and specifically with respect to a package of populous PEAs, contending that most packages would disproportionately burden rural and regional competitive carriers and undermine the benefits of the PEA hybrid proposal. CCA proposes that if the Commission adopts package bidding in conjunction with a PEA-based licensing approach, any package should be no more than the ten largest PEAs by population. AT&T, on the other hand, supports a national package bidding approach in conjunction with a PEA-based licensing approach, or at a minimum, a package that consists of the top 100 markets. Should the Commission offer geographic package bidding to 600 MHz auction bidders in conjunction with a PEA-based licensing approach? If so, how should the package(s) be composed? WTB seeks comment on these issues and, in particular, on the concept of a single package containing the top markets. WTB also seeks comment on the extent to which the licensing and package bidding concepts discussed herein may or may not affect the design of the incentive auction.

II. Procedural Matters

5. *Ex Parte Presentations—Permit-But-Disclose Proceeding:* This matter shall be treated as a ''permit-but-disclose'' proceeding in accordance with the ex parte rules. Persons making oral ex parte presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one- or two-sentence description of the views and arguments presented generally is required. Other requirements pertaining to oral and written presentations are set forth in § 1.1206(b) of the rules.

6. *Comment Period and Filing Procedures:* To allow the Commission to consider fully all substantive issues regarding the CCA public notice in as timely and efficient a manner as possible, commenters should raise all issues in their initial filings. New issues may not be raised in responses or replies. A party or interested person seeking to raise a new issue after the pleading cycle has closed must show good cause why it was not possible for it to have raised the issue previously. Submissions after the pleading cycle has closed that seek to raise new issues based on new facts or newly discovered facts should be filed within 15 days after such facts are discovered. Absent such a showing of good cause, any issues not timely raised may be disregarded by the Commission.

7. Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). *See Electronic Filing of Documents in Rulemaking Proceedings,* 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: *http://fjallfoss.fcc.gov/ecfs2/*.
- For ECFS filers, in completing the transmittal screen, commenters should include their full name, U.S. Postal Service mailing address, and the applicable docket number. Parties may also submit an electronic comment by Internet email. To get filing instructions for email comments, commenters should send an email to *ecfs@fcc.gov,* and should include the following words in the body of the message, ''get form.'' A sample form and directions will be sent in reply.
- Paper Filers: the original and one copy of each filing must be filed by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554.
- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th Street SW., Room TW–A325, Washington, DC 20554. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of *before* entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street SW., Washington, DC 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554.
- One copy of each pleading must be delivered electronically, by email or facsimile, or if delivered as paper copy, by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (according to the procedures set forth above for paper filings), to: (1) The Commission's duplicating contractor, Best Copy and Printing, Inc., at *fcc@bcpiweb.com* or (202) 488–5563 (facsimile); and (2) Paul Malmud, Broadband Division, WTB, at *Paul.Malmud@fcc.gov* or (202) 418–7247 (facsimile). Any submission that is emailed to Best Copy and Printing should include in the subject line of the email: (1) The docket number of this proceeding, which is listed on the first page of this public notice; (2) the name of the submitting party; and (3) a brief description or title identifying the type of document being submitted (*e.g.,* GN Docket No. 12–268, WT Docket No. 13–185, [name of submitting party], Notice of *Ex Parte* Communication).
- *People With Disabilities.* To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer & Governmental Affairs Bureau at 202–418–0530 (voice), 202–418–0432 (tty).
- *Availability of Documents.* Comments, reply comments, and *ex parte* submissions will be available for public inspection during regular business hours in the FCC Reference Center, Federal Communications Commission, 445 12th Street SW., CY–A257, Washington, DC 20554.

These documents will also be available via ECFS. Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat.

8. *Initial Regulatory Flexibility Analysis:* The *NPRM* and *AWS–3 NPRM* in this proceeding included an Initial Regulatory Flexibility Analysis (IRFA)

pursuant to 5 U.S.C. 603, exploring the potential impact of the Commission's proposal on small entities. The matters discussed in this notice do not modify in any way the IRFAs we previously issued.

9. *Initial Paperwork Reduction Act of 1995 Analysis:* The *NPRM* and *AWS–3 NPRM* in this proceeding included an Initial Paperwork Reduction Act of 1995 Analysis. The matters discussed in this notice do not modify in any way the Initial Paperwork Reduction Act of 1995 Analysis we previously issued.

10. Appendix: PEA County List

PEA No.	State	County	Pop 2010	EA No.	CMA No.
1	ME	Penobscot County	153923	1	224
1	ME	Kennebec County	122151	1	465
1	ME	Aroostook County	71870	1	464
1	ME	Hancock County	54418	1	466
1	ME	Somerset County	52228	1	464
1	ME	Waldo County	38786	1	465
1	ME	Washington County	32856	1	466
1	ME	Piscataquis County	17535	1	464
2	ME	Cumberland County	281674	2	152
2	ME	York County	197131	2	156
2	ME	Knox County	39736	2	465
2	ME	Sagadahoc County	35293	2	152
2	ME	Lincoln County	34457	2	465
3	ME	Androscoggin County	107702	2	279
3	ME	Oxford County	57833	2	463
3	ME	Franklin County	30768	2	463
4	MA	Middlesex County	1503085	3	6
4	MA	Essex County	743159	3	6
4	MA	Suffolk County	722023	3	6
4	MA	Norfolk County	670850	3	6
4	MA	Plymouth County	494919	3	6
4	MA	Barnstable County	215888	3	471
4	MA	Dukes County	16535	3	471
4	MA	Nantucket County	10172	3	471
5	NH	Hillsborough County	400721	3	133
5	NH	Rockingham County	295223	3	6
6	NH	Merrimack County	146445	3	549
6	NH	Strafford County	123143	3	156
6	NH	Belknap County	60088	3	549
6	NH	Carroll County	47818	3	549
7	MA	Worcester County	798552	3	55
7	RI	Providence County	626667	3	38
7	MA	Bristol County	548285	3	76
7	RI	Kent County	166158	3	38
7	RI	Washington County	126979	3	38
7	RI	Newport County	82888	3	624
7	RI	Bristol County	49875	3	38
8	NH	Grafton County	89118	3	548
8	NH	Cheshire County	77117	3	548
8	VT	Windsor County	56670	3	680
8	VT	Windham County	44513	3	680
8	NH	Sullivan County	43742	3	548
8	NH	Coos County	33055	3	548
8	VT	Orange County	28936	3	679
8	VT	Essex County	6306	3	679
9	CT	New London County	274055	10	154
9	CT	Windham County	118428	10	358
10	CT	Hartford County	894014	10	32
10	MA	Hampden County	463490	10	63
10	CT	Middlesex County	165676	10	32
10	MA	Hampshire County	158080	10	63
10	CT	Tolland County	152691	10	32
11	VT	Chittenden County	156545	4	248
11	VT	Washington County	59534	4	679
11	VT	Franklin County	47746	4	679
11	VT	Caledonia County	31227	4	679
11	VT	Orleans County	27231	4	679
11	VT	Lamoille County	24475	4	679
11	VT	Grand Isle County	6970	4	248
12	NY	Dutchess County	297488	10	151
12	CT	Litchfield County	189927	10	357
12	MA	Berkshire County	131219	10	213
12	MA	Franklin County	71372	10	470
12	VT	Bennington County	37125	10	680
13	NY	Clinton County	82128	4	560
13	VT	Rutland County	61642	4	680
13	NY	Franklin County	51599	4	560

PEA No.	State	County	Pop 2010	EA No.	CMA No.
13	NY	Essex County	39370	4	560
13	VT	Addison County	36821	4	680
14	NY	Kings County	2504700	10	1
14	NY	Queens County	2230722	10	1
14	NY	New York County	1585873	10	1
14	NY	Suffolk County	1493350	10	1
14	NY	Bronx County	1385108	10	1
14	NY	Nassau County	1339532	10	1
14	NY	Westchester County	949113	10	1
14	CT	Fairfield County	916829	10	42
14	NJ	Bergen County	905116	10	1
14	CT	New Haven County	862477	10	49
14	NJ	Middlesex County	809858	10	62
14	NJ	Essex County	783969	10	1
14	NJ	Hudson County	634266	10	1
14	NJ	Monmouth County	630380	10	70
14	NJ	Ocean County	576567	10	551
14	NJ	Union County	536499	10	1
14	NJ	Passaic County	501226	10	1
14	NJ	Morris County	492276	10	1
14	NY	Richmond County	468730	10	1
14	NY	Orange County	372813	10	144
14	NJ	Mercer County	366513	10	121
14	NJ	Somerset County	323444	10	1
14	NY	Rockland County	311687	10	1
14	NY	Putnam County	99710	10	1
15	NY	Albany County	304204	5	44
15	NY	Saratoga County	219607	5	44
15	NY	Rensselaer County	159429	5	44
15	NY	Schenectady County	154727	5	44
15	NY	Montgomery County	50219	5	44
16	NY	Columbia County	63096	5	564
16	NY	Greene County	49221	5	564
16	NY	Schoharie County	32749	5	563
17	NY	Warren County	65707	5	266
17	NY	Washington County	63216	5	266
17	NY	Fulton County	55531	5	560
17	NY	Hamilton County	4836	5	560
18	PA	Luzerne County	320918	10	56
18	PA	Lackawanna County	214437	10	56
18	NY	Ulster County	182493	10	563
18	PA	Monroe County	169842	10	56
18	NJ	Sussex County	149265	10	552
18	NY	Sullivan County	77547	10	563
18	PA	Pike County	57369	10	616
18	PA	Wayne County	52822	10	616
19	PA	Philadelphia County	1526006	12	4
19	PA	Montgomery County	799874	12	4
19	PA	Bucks County	625249	12	4
19	PA	Delaware County	558979	12	4
19	NJ	Camden County	513657	12	4
19	PA	Chester County	498886	12	4
19	NJ	Burlington County	448734	12	4
19	NJ	Gloucester County	288288	12	4
20	DE	New Castle County	538479	12	69
20	NJ	Atlantic County	274549	12	134
20	DE	Kent County	162310	12	359
20	NJ	Cumberland County	156898	12	228
20	MD	Cecil County	101108	12	69
20	NJ	Cape May County	97265	12	134
20	NJ	Salem County	66083	12	69
21	PA	Lehigh County	349497	10	58
21	PA	Northampton County	297735	10	58
21	NJ	Hunterdon County	128349	10	550
21	NJ	Warren County	108692	10	58
21	PA	Carbon County	65249	10	58
22	NY	Oneida County	234878	6	115
22	NY	Jefferson County	116229	6	559
22	NY	St. Lawrence County	111944	6	559
22	NY	Herkimer County	64519	6	115
22	NY	Lewis County	27087	6	559
23	DE	Sussex County	197145	14	359
23	MD	Wicomico County	98733	14	468
23	MD	Worcester County	51454	14	468

PEA No.	State	County	Pop 2010	EA No.	CMA No.
23	VA	Accomack County	33164	14	692
23	MD	Somerset County	26470	14	468
23	VA	Northampton County	12389	14	692
24	NY	Broome County	200600	6	122
24	NY	Tompkins County	101564	6	562
24	NY	Cayuga County	80026	6	562
24	NY	Otsego County	62259	6	563
24	NY	Tioga County	51125	6	122
24	NY	Chenango County	50477	6	562
24	NY	Cortland County	49336	6	562
24	NY	Delaware County	47980	6	563
24	PA	Susquehanna County	43356	6	122
24	NY	Schuyler County	18343	6	562
25	NY	Onondaga County	467026	6	53
25	NY	Oswego County	122109	6	53
25	NY	Madison County	73442	6	53
26	PA	Lancaster County	519445	12	105
26	PA	Berks County	411442	12	118
26	PA	Schuylkill County	148289	12	619
27	NC	Pasquotank County	40661	20	573
27	NC	Hertford County	24669	20	573
27	NC	Bertie County	21282	20	573
27	NC	Chowan County	14793	20	573
27	NC	Perquimans County	13453	20	573
27	NC	Gates County	12197	20	573
27	NC	Camden County	9980	20	573
28	VA	Virginia Beach city	437994	20	43
28	VA	Norfolk city	242803	20	43
28	VA	Chesapeake city	222209	20	43
28	VA	Newport News city	180719	20	104
28	VA	Hampton city	137436	20	104
28	VA	Portsmouth city	95535	20	43
28	VA	Suffolk city	84585	20	43
28	VA	James City County	67009	20	104
28	VA	York County	65464	20	104
28	VA	Gloucester County	36858	20	104
28	VA	Isle of Wight County	35270	20	689
28	NC	Currituck County	23547	20	43
28	VA	Southampton County	18570	20	689
28	VA	Williamsburg city	14068	20	104
28	VA	Poquoson city	12150	20	104
28	VA	Mathews County	8978	20	692
28	VA	Franklin city	8582	20	689
28	VA	Surry County	7058	20	689
29	NC	Pitt County	168148	21	578
29	NC	Craven County	103505	21	577
29	NC	Carteret County	66469	21	577
29	NC	Lenoir County	59495	21	577
29	NC	Beaufort County	47759	21	578
29	NC	Dare County	33920	21	578
29	NC	Martin County	24505	21	578
29	NC	Greene County	21362	21	577
29	NC	Washington County	13228	21	578
29	NC	Pamlico County	13144	21	577
29	NC	Jones County	10153	21	577
29	NC	Hyde County	5810	21	578
29	NC	Tyrrell County	4407	21	578
30	NY	Chemung County	88830	7	284
30	PA	Bradford County	62622	7	615
30	PA	Tioga County	41981	7	614
31	PA	Lycoming County	116111	10	251
31	PA	Northumberland County	94528	10	619
31	PA	Columbia County	67295	10	619
31	PA	Union County	44947	10	619
31	PA	Snyder County	39702	10	619
31	PA	Clinton County	39238	10	614
31	PA	Wyoming County	28276	10	615
31	PA	Montour County	18267	10	619
31	PA	Sullivan County	6428	10	615
32	PA	York County	434972	11	99
32	PA	Dauphin County	268100	11	84
32	PA	Cumberland County	235406	11	84
32	PA	Lebanon County	133568	11	623
32	PA	Adams County	101407	11	99

PEA No.	State	County	Pop 2010	EA No.	CMA No.
32	PA	Perry County	45969	11	84
32	PA	Juniata County	24636	11	622
33	VA	Fairfax County	1081726	13	8
33	MD	Montgomery County	971777	13	8
33	MD	Prince George's County	863420	13	8
33	MD	Baltimore County	805029	13	14
33	MD	Baltimore city	620961	13	14
33	DC	District of Columbia	601723	13	8
33	MD	Anne Arundel County	537656	13	14
33	VA	Prince William County	402002	13	8
33	VA	Loudoun County	312311	13	8
33	MD	Howard County	287085	13	14
33	MD	Harford County	244826	13	14
33	VA	Arlington County	207627	13	8
33	MD	Carroll County	167134	13	14
33	MD	Charles County	146551	13	8
33	VA	Alexandria city	139966	13	8
33	MD	St. Mary's County	105151	13	468
33	MD	Calvert County	88737	13	468
33	VA	Manassas city	37821	13	8
33	VA	Fairfax city	22565	13	8
33	VA	Manassas Park city	14273	13	8
33	VA	Falls Church city	12332	13	8
34	VA	Chesterfield County	316236	15	59
34	VA	Henrico County	306935	15	59
34	VA	Richmond city	204214	15	59
34	VA	Hanover County	99863	15	59
34	VA	Powhatan County	28046	15	59
34	VA	Goochland County	21717	15	59
34	VA	New Kent County	18429	15	59
34	VA	King William County	15935	15	692
34	VA	Northumberland County	12330	15	692
34	VA	Lancaster County	11391	15	692
34	VA	Essex County	11151	15	692
34	VA	Middlesex County	10959	15	692
34	VA	Richmond County	9254	15	692
34	VA	Charles City County	7256	15	59
34	VA	King and Queen County	6945	15	692
35	VA	Stafford County	128961	13	691
35	VA	Spotsylvania County	122397	13	691
35	MD	Queen Anne's County	47798	13	468
35	VA	Culpeper County	46689	13	691
35	MD	Talbot County	37782	13	468
35	VA	Orange County	33481	13	691
35	MD	Caroline County	33066	13	468
35	MD	Dorchester County	32618	13	468
35	VA	Caroline County	28545	13	692
35	VA	Fredericksburg city	24286	13	691
35	VA	King George County	23584	13	692
35	MD	Kent County	20197	13	468
35	VA	Westmoreland County	17454	13	692
35	VA	Madison County	13308	13	691
36	NY	Monroe County	744344	7	34
36	NY	Ontario County	107931	7	34
36	NY	Steuben County	98990	7	561
36	NY	Wayne County	93772	7	34
36	NY	Livingston County	65393	7	34
36	NY	Genesee County	60079	7	561
36	NY	Orleans County	42883	7	34
36	NY	Wyoming County	42155	7	561
36	NY	Seneca County	35251	7	562
36	NY	Yates County	25348	7	562
37	VA	Prince George County	35725	15	235
37	VA	Mecklenburg County	32727	15	688
37	VA	Petersburg city	32420	15	235
37	VA	Dinwiddie County	28001	15	235
37	VA	Prince Edward County	23368	15	687
37	VA	Hopewell city	22591	15	235
37	VA	Brunswick County	17434	15	688
37	VA	Colonial Heights city	17411	15	235
37	VA	Buckingham County	17146	15	687
37	VA	Nottoway County	15853	15	688
37	VA	Lunenburg County	12914	15	688
37	VA	Amelia County	12690	15	688

PEA No.	State	County	Pop 2010	EA No.	CMA No.
37	VA	Charlotte County	12586	15	687
37	VA	Greensville County	12243	15	689
37	VA	Sussex County	12087	15	689
37	VA	Cumberland County	10052	15	687
37	VA	Emporia city	5927	15	689
38	NC	Onslow County	177772	21	258
38	NC	Wayne County	122623	21	574
38	NC	Duplin County	58505	21	576
39	PA	Blair County	127089	9	225
39	PA	Mifflin County	46682	9	622
39	PA	Huntingdon County	45913	9	622
40	NC	Nash County	95840	19	572
40	NC	Wilson County	81234	19	572
40	NC	Franklin County	60619	19	571
40	NC	Granville County	59916	19	571
40	NC	Edgecombe County	56552	19	572
40	NC	Halifax County	54691	19	572
40	NC	Vance County	45422	19	571
40	NC	Person County	39464	19	571
40	NC	Northampton County	22099	19	572
40	NC	Warren County	20972	19	571
41	PA	Centre County	153990	9	259
41	PA	Clearfield County	81642	9	618
41	PA	Jefferson County	45200	9	618
41	PA	Elk County	31946	9	613
41	PA	Cameron County	5085	9	613
42	NC	New Hanover County	202667	25	218
42	NC	Brunswick County	107431	25	218
42	NC	Columbus County	58098	25	575
42	NC	Pender County	52217	25	576
43	MD	Frederick County	233385	13	469
43	PA	Franklin County	149618	13	621
43	MD	Washington County	147430	13	257
43	MD	Allegany County	75087	13	269
43	MD	Garrett County	30097	13	467
43	WV	Mineral County	28212	13	269
43	PA	Fulton County	14845	13	621
44	NC	Johnston County	168878	19	574
44	NC	Harnett County	114678	19	574
44	NC	Chatham County	63505	19	570
44	NC	Sampson County	63431	19	576
44	NC	Lee County	57866	19	570
45	VA	Albemarle County	98970	15	256
45	VA	Charlottesville city	43475	15	256
45	VA	Louisa County	33153	15	691
45	VA	Fluvanna County	25691	15	256
45	VA	Greene County	18403	15	256
45	VA	Nelson County	15020	15	686
46	NY	Chautauqua County	134905	8	561
46	NY	Cattaraugus County	80317	8	561
46	NY	Allegany County	48946	8	561
46	PA	McKean County	43450	8	613
46	PA	Potter County	17457	8	614
47	NC	Wake County	900993	19	71
47	NC	Durham County	267587	19	71
47	NC	Orange County	133801	19	71
48	PA	Cambria County	143679	9	143
48	PA	Somerset County	77742	9	143
48	PA	Bedford County	49762	9	621
49	NY	Erie County	919040	8	25
49	NY	Niagara County	216469	8	25
50	NC	Cumberland County	319431	22	149
51	WV	Berkeley County	104169	13	704
51	VA	Frederick County	78305	13	690
51	VA	Fauquier County	65203	13	690
51	WV	Jefferson County	53498	13	704
51	VA	Shenandoah County	41993	13	690
51	VA	Warren County	37575	13	690
51	WV	Randolph County	29405	13	705
51	VA	Winchester city	26203	13	690
51	VA	Page County	24042	13	690
51	WV	Hampshire County	23964	13	704
51	WV	Morgan County	17541	13	704
51	VA	Clarke County	14034	13	690

PEA No.	State	County	Pop 2010	EA No.	CMA No.
51	WV	Hardy County	14025	13	704
51	WV	Grant County	11937	13	704
51	VA	Rappahannock County	7373	13	690
51	WV	Tucker County	7141	13	705
52	NC	Robeson County	134168	22	575
52	NC	Hoke County	46952	22	575
52	NC	Scotland County	36157	22	569
52	NC	Bladen County	35190	22	575
53	SC	Horry County	269291	25	629
53	SC	Georgetown County	60158	25	629
53	SC	Marion County	33062	25	629
53	SC	Dillon County	32062	25	628
54	NC	Moore County	88247	18	570
54	NC	Richmond County	46639	18	569
54	NC	Montgomery County	27798	18	569
55	PA	Butler County	183862	53	617
55	PA	Lawrence County	91108	53	617
55	PA	Indiana County	88880	53	618
55	PA	Armstrong County	68941	53	617
56	VA	Rockingham County	76314	16	686
56	VA	Augusta County	73750	16	686
56	VA	Harrisonburg city	48914	16	686
56	WV	Greenbrier County	35480	16	707
56	VA	Staunton city	23746	16	686
56	VA	Rockbridge County	22307	16	685
56	VA	Waynesboro city	21006	16	686
56	VA	Alleghany County	16250	16	685
56	WV	Pocahontas County	8719	16	705
56	WV	Pendleton County	7695	16	704
56	VA	Lexington city	7042	16	685
56	VA	Buena Vista city	6650	16	685
56	VA	Covington city	5961	16	685
56	VA	Bath County	4731	16	685
56	VA	Highland County	2321	16	686
57	PA	Crawford County	88765	54	612
57	PA	Venango County	54984	54	612
57	PA	Warren County	41815	54	612
57	PA	Clarion County	39988	54	617
57	PA	Forest County	7716	54	612
58	PA	Allegheny County	1223348	53	13
58	PA	Westmoreland County	365169	53	13
58	PA	Washington County	207820	53	13
58	PA	Beaver County	170539	53	13
59	SC	Florence County	136885	25	264
59	SC	Darlington County	68681	25	628
59	SC	Williamsburg County	34423	25	630
60	VA	Roanoke city	97032	17	157
60	VA	Roanoke County	92376	17	157
60	VA	Botetourt County	33148	17	157
60	VA	Salem city	24802	17	157
60	VA	Craig County	5190	17	157
61	NC	Guilford County	488406	18	47
61	NC	Forsyth County	350670	18	47
61	NC	Davidson County	162878	18	47
61	NC	Alamance County	151131	18	280
61	NC	Randolph County	141752	18	47
61	NC	Stokes County	47401	18	47
61	NC	Davie County	41240	18	579
61	NC	Yadkin County	38406	18	47
62	PA	Erie County	280566	54	130
63	PA	Fayette County	136606	53	620
63	WV	Monongalia County	96189	53	703
63	WV	Harrison County	69099	53	703
63	WV	Marion County	56418	53	703
63	PA	Greene County	38686	53	620
63	WV	Preston County	33520	53	703
63	WV	Upshur County	24254	53	705
63	WV	Taylor County	16895	53	703
63	WV	Barbour County	16589	53	703
63	WV	Lewis County	16372	53	702
63	WV	Doddridge County	8202	53	702
64	VA	Montgomery County	94392	17	683
64	VA	Lynchburg city	75568	17	203
64	VA	Bedford County	68676	17	684

PEA No.	State	County	Pop 2010	EA No.	CMA No.
64	VA	Franklin County	56159	17	684
64	VA	Campbell County	54842	17	203
64	VA	Halifax County	36241	17	687
64	VA	Pulaski County	34872	17	683
64	VA	Amherst County	32353	17	203
64	VA	Carroll County	30042	17	683
64	VA	Wythe County	29235	17	682
64	VA	Giles County	17286	17	683
64	VA	Radford city	16408	17	683
64	VA	Grayson County	15533	17	682
64	VA	Floyd County	15279	17	683
64	VA	Appomattox County	14973	17	203
64	WV	Monroe County	13502	17	707
64	NC	Alleghany County	11155	17	567
64	VA	Bedford city	6222	17	684
65	SC	Charleston County	350209	26	90
65	SC	Berkeley County	177843	26	90
65	SC	Dorchester County	136555	26	90
65	SC	Colleton County	38892	26	632
66	SC	Sumter County	107456	24	630
66	SC	Orangeburg County	92501	24	631
66	SC	Kershaw County	61697	24	628
66	SC	Clarendon County	34971	24	630
66	SC	Lee County	19220	24	630
66	SC	Calhoun County	15175	24	631
67	NC	Rockingham County	93643	18	571
67	NC	Surry County	73673	18	567
67	NC	Wilkes County	69340	18	567
67	VA	Pittsylvania County	63506	18	262
67	VA	Henry County	54151	18	684
67	VA	Danville city	43055	18	262
67	NC	Caswell County	23719	18	571
67	VA	Patrick County	18490	18	683
67	VA	Martinsville city	13821	18	684
68	SC	York County	226073	23	633
68	SC	Lancaster County	76652	23	633
68	SC	Chesterfield County	46734	23	628
68	SC	Chester County	33140	23	627
68	SC	Marlboro County	28933	23	628
68	NC	Anson County	26948	23	569
69	NC	Cabarrus County	178011	23	579
69	NC	Iredell County	159437	23	579
69	NC	Rowan County	138428	23	579
69	NC	Cleveland County	98078	23	568
69	NC	Lincoln County	78265	23	568
69	NC	Rutherford County	67810	23	568
69	NC	Stanly County	60585	23	579
70	FL	Miami-Dade County	2496435	31	12
70	FL	Broward County	1748066	31	12
70	FL	Palm Beach County	1320134	31	72
70	FL	Monroe County	73090	31	370
71	FL	St. Lucie County	277789	31	208
71	FL	Martin County	146318	31	208
71	FL	Indian River County	138028	31	361
71	FL	Okeechobee County	39996	31	361
71	FL	Hendry County	39140	31	360
71	FL	Glades County	12884	31	361
72	OH	Summit County	541781	55	52
72	OH	Stark County	375586	55	87
72	OH	Mahoning County	238823	55	66
72	OH	Trumbull County	210312	55	66
72	OH	Portage County	161419	55	52
72	PA	Mercer County	116638	55	238
72	OH	Columbiana County	107841	55	595
72	OH	Ashtabula County	101497	55	587
72	OH	Carroll County	28836	55	87
73	WV	Wetzel County	16583	52	702
73	OH	Monroe County	14642	52	591
73	WV	Tyler County	9208	52	702
74	NC	Mecklenburg County	919628	23	61
74	NC	Gaston County	206086	23	61
74	NC	Union County	201292	23	61
75	OH	Belmont County	70400	52	178
75	OH	Jefferson County	69709	52	199

PEA No.	State	County	Pop 2010	EA No.	CMA No.
75	WV	Ohio County	44443	52	178
75	WV	Marshall County	33107	52	178
75	WV	Hancock County	30676	52	199
75	WV	Brooke County	24069	52	199
76	FL	Orange County	1145956	30	60
76	FL	Brevard County	543376	30	137
76	FL	Seminole County	422718	30	60
76	FL	Osceola County	268685	30	60
77	SC	Richland County	384504	24	95
77	SC	Lexington County	262391	24	95
78	GA	Chatham County	265128	28	155
78	SC	Beaufort County	162233	28	632
78	GA	Effingham County	52250	28	155
78	GA	Bryan County	30233	28	155
78	SC	Jasper County	24777	28	632
78	SC	Hampton County	21090	28	632
79	GA	Burke County	23316	27	378
79	SC	Barnwell County	22621	27	631
79	GA	Jefferson County	16930	27	378
79	SC	Bamberg County	15987	27	631
79	GA	Wilkes County	10593	27	374
79	SC	Allendale County	10419	27	631
79	GA	Jenkins County	8340	27	378
79	GA	Lincoln County	7996	27	374
79	GA	Warren County	5834	27	378
79	GA	Glascock County	3082	27	378
80	SC	Newberry County	37508	24	626
80	SC	Fairfield County	23956	24	627
80	SC	Saluda County	19875	24	626
81	FL	Polk County	602095	30	114
81	FL	Highlands County	98786	30	361
81	FL	Hardee County	27731	30	362
82	FL	Lee County	618754	32	164
82	FL	Collier County	321520	32	360
83	NC	Catawba County	154358	46	166
83	NC	Burke County	90912	46	166
83	NC	McDowell County	44996	46	568
83	NC	Alexander County	37198	46	166
84	OH	Wayne County	114520	55	590
84	OH	Tuscarawas County	92582	55	591
84	OH	Ashland County	53139	55	590
84	OH	Holmes County	42366	55	590
84	OH	Harrison County	15864	55	591
85	OH	Cuyahoga County	1280122	55	16
85	OH	Lorain County	301356	55	136
85	OH	Lake County	230041	55	16
85	OH	Medina County	172332	55	16
85	OH	Geauga County	93389	55	16
86	GA	Bulloch County	70217	28	378
86	GA	Liberty County	63453	28	382
86	GA	Wayne County	30099	28	382
86	GA	Tattnall County	25520	28	381
86	GA	Screven County	14593	28	378
86	GA	Long County	14464	28	382
86	GA	Evans County	11000	28	381
86	GA	Candler County	10998	28	378
87	FL	Volusia County	494593	30	146
87	FL	Marion County	331298	30	245
87	FL	Lake County	297052	30	363
87	FL	Citrus County	141236	30	363
87	FL	Flagler County	95696	30	364
87	FL	Sumter County	93420	30	363
88	WV	Kanawha County	193063	48	140
88	WV	Cabell County	96319	48	110
88	WV	Wood County	86956	48	200
88	WV	Raleigh County	78859	48	707
88	OH	Lawrence County	62450	48	110
88	OH	Washington County	61778	48	200
88	WV	Putnam County	55486	48	140
88	KY	Boyd County	49542	48	110
88	WV	Fayette County	46039	48	707
88	WV	Wayne County	42481	48	110
88	KY	Greenup County	36910	48	110
88	WV	Logan County	36743	48	706

PEA No.	State	County	Pop 2010	EA No.	CMA No.
88	OH	Gallia County	30934	48	593
88	WV	Jackson County	29211	48	701
88	KY	Carter County	27720	48	110
88	WV	Mason County	27324	48	701
88	WV	Nicholas County	26233	48	705
88	WV	Boone County	24629	48	706
88	WV	Wyoming County	23796	48	706
88	OH	Meigs County	23770	48	594
88	WV	Lincoln County	21720	48	706
88	WV	Roane County	14926	48	701
88	WV	Braxton County	14523	48	705
88	WV	Summers County	13927	48	707
88	WV	Ritchie County	10449	48	702
88	WV	Clay County	9386	48	705
88	WV	Webster County	9154	48	705
88	WV	Gilmer County	8693	48	702
88	KY	Elliott County	7852	48	451
88	WV	Calhoun County	7627	48	701
88	WV	Pleasants County	7605	48	702
88	WV	Wirt County	5717	48	200
89	FL	Manatee County	322833	33	211
89	FL	Charlotte County	159978	33	362
89	FL	DeSoto County	34862	33	362
90	NC	Caldwell County	83029	46	566
90	NC	Watauga County	51079	46	566
90	NC	Ashe County	27281	46	567
90	TN	Johnson County	18244	46	650
90	NC	Yancey County	17818	46	566
90	NC	Avery County	17797	46	566
90	NC	Mitchell County	15579	46	566
91	GA	Richmond County	200549	27	108
91	SC	Aiken County	160099	27	108
91	GA	Columbia County	124053	27	108
91	SC	Edgefield County	26985	27	626
91	GA	McDuffie County	21875	27	108
92	FL	Duval County	864263	29	51
92	FL	Alachua County	247336	29	192
92	FL	Clay County	190865	29	51
92	FL	St. Johns County	190039	29	51
92	FL	Putnam County	74364	29	364
92	FL	Nassau County	73314	29	51
92	FL	Bradford County	28520	29	192
92	FL	Baker County	27115	29	51
93	SC	Greenwood County	69661	41	626
93	SC	Laurens County	66537	41	626
93	SC	Cherokee County	55342	41	627
93	SC	Union County	28961	41	627
93	SC	Abbeville County	25417	41	626
93	SC	McCormick County	10233	41	626
94	GA	Glynn County	79626	29	382
94	GA	Camden County	50513	29	382
94	GA	Coffee County	42356	29	380
94	GA	Ware County	36312	29	381
94	GA	Pierce County	18758	29	381
94	GA	Brantley County	18411	29	381
94	GA	McIntosh County	14333	29	382
94	GA	Charlton County	12171	29	381
94	GA	Bacon County	11096	29	381
94	GA	Atkinson County	8375	29	384
94	GA	Clinch County	6798	29	384
95	TN	Sullivan County	156823	45	85
95	TN	Washington County	122979	45	85
95	TN	Greene County	68831	45	646
95	TN	Carter County	57424	45	85
95	TN	Hawkins County	56833	45	85
95	VA	Washington County	54876	45	85
95	VA	Smyth County	32208	45	682
95	VA	Scott County	23177	45	85
95	TN	Unicoi County	18313	45	85
95	VA	Bristol city	17835	45	85
96	FL	Sarasota County	379448	33	167
97	FL	Hillsborough County	1229226	34	22
97	FL	Pinellas County	916542	34	22
97	FL	Pasco County	464697	34	22

PEA No.	State	County	Pop 2010	EA No.	CMA No.
97	FL	Hernando County	172778	34	363
98	KY	Pike County	65024	47	451
98	WV	Mercer County	62264	47	707
98	VA	Tazewell County	45078	47	682
98	VA	Wise County	41452	47	681
98	KY	Floyd County	39451	47	451
98	VA	Russell County	28897	47	681
98	KY	Perry County	28712	47	452
98	WV	Mingo County	26839	47	706
98	VA	Lee County	25587	47	681
98	KY	Letcher County	24519	47	452
98	VA	Buchanan County	24098	47	681
98	KY	Johnson County	23356	47	451
98	WV	McDowell County	22113	47	706
98	KY	Knott County	16346	47	452
98	VA	Dickenson County	15903	47	681
98	KY	Lawrence County	15860	47	451
98	KY	Estill County	14672	47	452
98	KY	Morgan County	13923	47	451
98	KY	Breathitt County	13878	47	452
98	KY	Jackson County	13494	47	452
98	KY	Magoffin County	13333	47	451
98	KY	Martin County	12929	47	451
98	KY	Powell County	12613	47	452
98	KY	Lee County	7887	47	452
98	KY	Wolfe County	7355	47	452
98	VA	Galax city	7042	17	682
98	VA	Bland County	6824	47	682
98	KY	Owsley County	4755	47	452
98	VA	Norton city	3958	47	681
99	SC	Greenville County	451225	41	67
99	SC	Spartanburg County	284307	41	67
99	SC	Anderson County	187126	41	227
99	SC	Pickens County	119224	41	67
99	SC	Oconee County	74273	41	625
99	NC	Polk County	20510	41	568
100	OH	Licking County	166492	51	590
100	OH	Muskingum County	86074	51	591
100	OH	Marion County	66501	51	589
100	OH	Knox County	60921	51	590
100	OH	Union County	52300	51	588
100	OH	Logan County	45858	51	588
100	OH	Guernsey County	40087	51	591
100	OH	Coshocton County	36901	51	590
100	OH	Morrow County	34827	51	590
100	OH	Noble County	14645	51	591
101	OH	Scioto County	79499	51	593
101	OH	Ross County	78064	51	593
101	OH	Athens County	64757	51	594
101	OH	Perry County	36058	51	594
101	OH	Jackson County	33225	51	593
101	OH	Hocking County	29380	51	594
101	OH	Fayette County	29030	51	592
101	OH	Pike County	28709	51	593
101	OH	Morgan County	15054	51	594
101	OH	Vinton County	13435	51	594
102	OH	Richland County	124475	55	231
102	OH	Erie County	77079	55	586
102	OH	Huron County	59626	55	586
102	OH	Crawford County	43784	55	589
103	FL	Columbia County	67531	29	366
103	FL	Suwannee County	41551	29	366
103	FL	Levy County	40801	29	365
103	FL	Gilchrist County	16939	29	365
103	FL	Dixie County	16422	29	365
103	FL	Union County	15535	29	366
103	FL	Hamilton County	14799	29	366
103	FL	Lafayette County	8870	29	367
104	OH	Franklin County	1163414	51	31
104	OH	Delaware County	174214	51	31
104	OH	Fairfield County	146156	51	31
104	OH	Pickaway County	55698	51	31
104	OH	Madison County	43435	51	31
105	NC	Buncombe County	238318	42	183

PEA No.	State	County	Pop 2010	EA No.	CMA No.
105	NC	Henderson County	106740	42	568
105	NC	Haywood County	59036	42	565
105	NC	Jackson County	40271	42	565
105	NC	Transylvania County	33090	42	565
105	NC	Madison County	20764	42	183
105	NC	Swain County	13981	42	565
106	GA	Laurens County	48434	38	377
106	GA	Baldwin County	45720	38	377
106	GA	Sumter County	32819	38	379
106	GA	Toombs County	27223	38	381
106	GA	Crisp County	23439	38	379
106	GA	Emanuel County	22598	38	378
106	GA	Dodge County	21796	38	380
106	GA	Washington County	21187	38	377
106	GA	Appling County	18236	38	381
106	GA	Telfair County	16500	38	380
106	GA	Jeff Davis County	15068	38	380
106	GA	Dooly County	14918	38	379
106	GA	Macon County	14740	38	379
106	GA	Bleckley County	13063	38	380
106	GA	Pulaski County	12010	38	380
106	GA	Johnson County	9980	38	377
106	GA	Wilkinson County	9563	38	377
106	GA	Hancock County	9429	38	377
106	GA	Wilcox County	9255	38	380
106	GA	Montgomery County	9123	38	380
106	GA	Wheeler County	7421	38	380
106	GA	Treutlen County	6885	38	378
106	GA	Schley County	5010	38	379
107	OH	Hancock County	74782	56	589
107	OH	Sandusky County	60944	56	586
107	OH	Seneca County	56745	56	586
107	OH	Hardin County	32058	56	589
107	OH	Wyandot County	22615	56	589
108	MI	Wayne County	1820584	57	5
108	MI	Oakland County	1202362	57	5
108	MI	Macomb County	840978	57	5
108	MI	Genesee County	425790	57	68
108	MI	Washtenaw County	344791	57	5
108	MI	Livingston County	180967	57	5
108	MI	St. Clair County	163040	57	5
108	MI	Lapeer County	88319	57	5
108	MI	Shiawassee County	70648	57	68
109	GA	Hall County	179684	40	372
109	GA	Clarke County	116714	40	234
109	GA	Barrow County	69367	40	372
109	GA	Jackson County	60485	40	234
109	GA	Habersham County	43041	40	372
109	GA	Oconee County	32808	40	234
109	GA	Lumpkin County	29966	40	372
109	GA	Madison County	28120	40	234
109	GA	White County	27144	40	372
109	GA	Stephens County	26175	40	372
109	GA	Hart County	25213	40	374
109	GA	Dawson County	22330	40	372
109	GA	Franklin County	22084	40	372
109	GA	Elbert County	20166	40	374
109	GA	Banks County	18395	40	372
109	GA	Morgan County	17868	40	374
109	GA	Rabun County	16276	40	372
109	GA	Greene County	15994	40	374
109	GA	Oglethorpe County	14899	40	374
109	GA	Jasper County	13900	40	374
109	GA	Taliaferro County	1717	40	374
110	OH	Lucas County	441815	56	48
110	OH	Wood County	125488	56	48
110	OH	Fulton County	42698	56	48
110	OH	Ottawa County	41428	56	48
111	OH	Brown County	44846	49	592
111	OH	Highland County	43589	49	592
111	OH	Clinton County	42040	49	592
111	OH	Adams County	28550	49	592
111	KY	Mason County	17490	49	450
111	KY	Lewis County	13870	49	450

PEA No.	State	County	Pop 2010	EA No.	CMA No.
111	KY	Bracken County	8488	49	450
112	GA	Lowndes County	109233	37	384
112	GA	Colquitt County	45498	37	384
112	GA	Tift County	40118	37	384
112	GA	Mitchell County	23498	37	383
112	GA	Worth County	21679	37	384
112	GA	Berrien County	19286	37	384
112	GA	Ben Hill County	17634	37	380
112	GA	Cook County	17212	37	384
112	GA	Brooks County	16243	37	384
112	GA	Lanier County	10078	37	384
112	GA	Irwin County	9538	37	380
112	GA	Turner County	8930	37	380
112	GA	Calhoun County	6694	37	383
112	GA	Echols County	4034	37	384
112	GA	Baker County	3451	37	383
113	OH	Clark County	138333	50	180
113	OH	Darke County	52959	50	588
113	OH	Shelby County	49423	50	588
113	OH	Champaign County	40097	50	180
114	MI	Saginaw County	200169	57	94
114	MI	Bay County	107771	57	94
114	MI	Midland County	83629	57	94
114	MI	Isabella County	70311	57	478
114	MI	Tuscola County	55729	57	481
114	MI	Sanilac County	43114	57	481
114	MI	Gratiot County	42476	57	478
114	MI	Huron County	33118	57	481
114	MI	Clare County	30926	57	477
114	MI	Iosco County	25887	57	477
114	MI	Gladwin County	25692	57	477
114	MI	Ogemaw County	21699	57	477
114	MI	Arenac County	15899	57	477
114	MI	Alcona County	10942	57	475
115	GA	Bibb County	155547	38	138
115	GA	Houston County	139900	38	138
115	GA	Jones County	28669	38	138
115	GA	Peach County	27695	38	138
115	GA	Monroe County	26424	38	376
115	GA	Putnam County	21218	38	374
115	GA	Crawford County	12630	38	376
115	GA	Twiggs County	9023	38	138
115	GA	Taylor County	8906	38	376
116	TN	Knox County	432226	44	79
116	TN	Blount County	123010	44	79
116	TN	Sevier County	89889	44	646
116	TN	Anderson County	75129	44	79
116	TN	Hamblen County	62544	44	646
116	TN	Roane County	54181	44	645
116	TN	Jefferson County	51407	44	646
116	TN	Loudon County	48556	44	649
116	TN	Campbell County	40716	44	645
116	TN	Cocke County	35662	44	646
116	TN	Grainger County	22657	44	646
116	TN	Scott County	22228	44	645
116	TN	Morgan County	21987	44	645
116	TN	Union County	19109	44	79
116	TN	Hancock County	6819	44	645
117	KY	Fayette County	295803	47	116
117	KY	Franklin County	49285	47	449
117	KY	Jessamine County	48586	47	116
117	KY	Scott County	47173	47	116
117	KY	Clark County	35613	47	116
117	KY	Montgomery County	26499	47	450
117	KY	Woodford County	24939	47	116
117	KY	Rowan County	23333	47	450
117	KY	Anderson County	21421	47	446
117	KY	Mercer County	21331	47	446
117	KY	Bourbon County	19985	47	116
117	KY	Harrison County	18846	47	449
117	KY	Fleming County	14348	47	450
117	KY	Bath County	11591	47	450
117	KY	Owen County	10841	47	449
117	KY	Nicholas County	7135	47	450

PEA No.	State	County	Pop 2010	EA No.	CMA No.
117	KY	Menifee County	6306	47	450
117	KY	Robertson County	2282	47	450
118	OH	Montgomery County	535153	50	40
118	OH	Greene County	161573	50	40
118	OH	Miami County	102506	50	40
118	OH	Preble County	42270	50	40
119	KY	Madison County	82916	47	448
119	KY	Pulaski County	63063	47	448
119	KY	Laurel County	58849	47	448
119	KY	Whitley County	35637	47	453
119	TN	Claiborne County	32213	47	645
119	KY	Knox County	31883	47	453
119	KY	Harlan County	29278	47	453
119	KY	Bell County	28691	47	453
119	KY	Boyle County	28432	47	448
119	KY	Lincoln County	24742	47	448
119	KY	Taylor County	24512	47	446
119	KY	Clay County	21730	47	453
119	KY	Wayne County	20813	47	447
119	KY	Adair County	18656	47	447
119	KY	McCreary County	18306	47	447
119	KY	Russell County	17565	47	447
119	KY	Rockcastle County	17056	47	448
119	KY	Garrard County	16912	47	448
119	KY	Casey County	15955	47	448
119	KY	Leslie County	11310	47	453
119	KY	Green County	11258	47	446
119	KY	Clinton County	10272	47	447
120	GA	Fulton County	920581	40	17
120	GA	Gwinnett County	805321	40	17
120	GA	DeKalb County	691893	40	17
120	GA	Cobb County	688078	40	17
120	GA	Clayton County	259424	40	17
120	GA	Cherokee County	214346	40	17
120	GA	Henry County	203922	40	17
120	GA	Forsyth County	175511	40	17
120	GA	Paulding County	142324	40	17
120	GA	Douglas County	132403	40	17
120	GA	Fayette County	106567	40	17
120	GA	Newton County	99958	40	17
120	GA	Rockdale County	85215	40	17
120	GA	Walton County	83768	40	17
120	GA	Butts County	23655	40	17
121	MI	Chippewa County	38520	58	473
121	MI	Emmet County	32694	58	474
121	MI	Alpena County	29598	58	475
121	MI	Cheboygan County	26152	58	475
121	MI	Charlevoix County	25949	58	474
121	MI	Roscommon County	24449	58	477
121	MI	Otsego County	24164	58	475
121	MI	Crawford County	14074	58	475
121	MI	Presque Isle County	13376	58	475
121	MI	Mackinac County	11113	58	473
121	MI	Montmorency County	9765	58	475
121	MI	Oscoda County	8640	58	475
121	MI	Luce County	6631	58	473
122	OH	Allen County	106331	56	158
122	OH	Auglaize County	45949	56	158
122	OH	Mercer County	40814	56	588
122	OH	Defiance County	39037	56	585
122	OH	Williams County	37642	56	585
122	OH	Putnam County	34499	56	158
122	OH	Van Wert County	28744	56	158
122	OH	Henry County	28215	56	585
122	OH	Paulding County	19614	56	585
123	MI	Ingham County	280895	57	78
123	MI	Jackson County	160248	57	207
123	MI	Monroe County	152021	57	48
123	MI	Eaton County	107759	57	78
123	MI	Lenawee County	99892	57	480
123	MI	Clinton County	75382	57	78
123	MI	Hillsdale County	46688	57	480
124	GA	Dougherty County	94565	37	261
124	GA	Lee County	28298	37	261

PEA No.	State	County	Pop 2010	EA No.	CMA No.
124	GA	Terrell County	9315	37	379
124	GA	Randolph County	7719	37	379
124	GA	Clay County	3183	37	379
125	FL	Leon County	275487	35	168
125	FL	Bay County	168852	35	283
125	FL	Jackson County	49746	35	369
125	FL	Gadsden County	46389	35	168
125	GA	Thomas County	44720	35	383
125	FL	Wakulla County	30776	35	168
125	GA	Decatur County	27842	35	383
125	GA	Grady County	25011	35	383
125	FL	Taylor County	22570	35	367
125	FL	Madison County	19224	35	367
125	FL	Gulf County	15863	35	368
125	FL	Jefferson County	14761	35	367
125	FL	Calhoun County	14625	35	368
125	FL	Franklin County	11549	35	368
125	GA	Early County	11008	35	383
125	GA	Seminole County	8729	35	383
125	FL	Liberty County	8365	35	368
125	GA	Miller County	6125	35	383
126	OH	Hamilton County	802374	49	23
126	OH	Butler County	368130	49	145
126	OH	Warren County	212693	49	23
126	OH	Clermont County	197363	49	23
126	KY	Kenton County	159720	49	23
126	KY	Boone County	118811	49	23
126	KY	Campbell County	90336	49	23
126	IN	Dearborn County	50047	49	23
126	IN	Ripley County	28818	49	411
126	KY	Grant County	24662	49	449
126	IN	Franklin County	23087	49	408
126	KY	Pendleton County	14877	49	449
126	IN	Switzerland County	10613	49	411
126	KY	Gallatin County	8589	49	449
126	IN	Ohio County	6128	49	411
127	TN	Hamilton County	336463	43	88
127	TN	Bradley County	98963	43	649
127	GA	Walker County	68756	43	88
127	GA	Catoosa County	63942	43	88
127	TN	McMinn County	52266	43	649
127	TN	Monroe County	44519	43	649
127	TN	Rhea County	31809	43	649
127	TN	Marion County	28237	43	88
127	TN	Polk County	16825	43	649
127	GA	Dade County	16633	43	88
127	TN	Sequatchie County	14112	43	88
127	TN	Bledsoe County	12876	43	649
127	TN	Meigs County	11753	43	649
128	IN	Allen County	355329	66	96
128	IN	Noble County	47536	66	404
128	IN	DeKalb County	42223	66	96
128	IN	Adams County	34387	66	96
128	IN	Steuben County	34185	66	404
128	IN	Whitley County	33292	66	96
128	IN	Wells County	27636	66	96
129	KY	Hardin County	105543	70	446
129	KY	Nelson County	43437	70	446
129	IN	Harrison County	39364	70	410
129	KY	Meade County	28602	70	445
129	IN	Washington County	28262	70	410
129	KY	Grayson County	25746	70	445
129	KY	Breckinridge County	20059	70	445
129	KY	Marion County	19820	70	446
129	KY	Spencer County	17061	70	446
129	KY	Larue County	14193	70	446
129	KY	Washington County	11717	70	446
129	IN	Crawford County	10713	70	410
130	GA	Coweta County	127317	40	375
130	GA	Carroll County	110527	40	375
130	GA	Whitfield County	102599	40	371
130	GA	Bartow County	100157	40	373
130	GA	Floyd County	96317	40	373
130	GA	Troup County	67044	40	375

PEA No.	State	County	Pop 2010	EA No.	CMA No.
130	GA	Spalding County	64073	40	376
130	GA	Gordon County	55186	40	371
130	GA	Polk County	41475	40	373
130	GA	Murray County	39628	40	371
130	AL	Chambers County	34215	40	311
130	NC	Macon County	33922	40	565
130	GA	Pickens County	29431	40	371
130	GA	Haralson County	28780	40	375
130	GA	Gilmer County	28292	40	371
130	NC	Cherokee County	27444	40	565
130	GA	Upson County	27153	40	376
130	GA	Chattooga County	26015	40	373
130	AL	Cherokee County	25989	40	308
130	GA	Fannin County	23682	40	371
130	AL	Randolph County	22913	40	311
130	GA	Meriwether County	21992	40	376
130	GA	Union County	21356	40	371
130	GA	Lamar County	18317	40	376
130	GA	Pike County	17869	40	376
130	AL	Cleburne County	14972	40	311
130	GA	Heard County	11834	40	375
130	NC	Clay County	10587	40	565
130	GA	Towns County	10471	40	371
130	NC	Graham County	8861	40	565
130	GA	Talbot County	6865	40	376
131	IN	Grant County	70061	66	405
131	IN	Huntington County	37124	66	405
131	IN	Wabash County	32888	66	406
131	IN	Jay County	21253	66	405
131	IN	Blackford County	12766	66	405
132	KY	Jefferson County	741096	70	37
132	IN	Clark County	110232	70	37
132	IN	Floyd County	74578	70	37
132	KY	Bullitt County	74319	70	37
132	KY	Oldham County	60316	70	37
132	KY	Shelby County	42074	70	449
132	IN	Jefferson County	32428	70	411
132	IN	Scott County	24181	70	411
132	KY	Henry County	15416	70	449
132	KY	Carroll County	10811	70	449
132	KY	Trimble County	8809	70	449
133	GA	Muscogee County	189885	39	153
133	AL	Lee County	140247	39	314
133	AL	Russell County	52947	39	153
133	AL	Tallapoosa County	41616	39	311
133	GA	Harris County	32024	39	376
133	AL	Macon County	21452	39	314
133	AL	Clay County	13932	39	311
133	AL	Coosa County	11539	39	311
133	GA	Chattahoochee County	11267	39	153
133	GA	Marion County	8742	39	379
133	GA	Stewart County	6058	39	379
133	GA	Webster County	2799	39	379
134	IN	Monroe County	137974	67	282
134	IN	Bartholomew County	76794	67	410
134	IN	Wayne County	68917	67	408
134	IN	Henry County	49462	67	408
134	IN	Lawrence County	46134	67	410
134	IN	Jackson County	42376	67	410
134	IN	Jennings County	28525	67	411
134	IN	Randolph County	26171	67	408
134	IN	Decatur County	25740	67	411
134	IN	Fayette County	24277	67	408
134	IN	Orange County	19840	67	410
134	IN	Rush County	17392	67	408
134	IN	Brown County	15242	67	410
134	IN	Union County	7516	67	408
135	MI	Kalamazoo County	250331	62	132
135	MI	Calhoun County	136146	62	177
135	MI	Allegan County	111408	62	479
135	MI	Van Buren County	76258	62	132
135	MI	Barry County	59173	62	177
135	MI	Branch County	45248	62	480
136	MI	Muskegon County	172188	62	181

PEA No.	State	County	Pop 2010	EA No.	CMA No.
136	MI	Ionia County	63905	62	78
136	MI	Montcalm County	63342	62	478
136	MI	Newaygo County	48460	62	478
136	MI	Mecosta County	42798	62	478
136	MI	Oceana County	26570	62	181
137	MI	Grand Traverse County	86986	61	474
137	MI	Wexford County	32735	61	476
137	MI	Mason County	28705	61	476
137	MI	Manistee County	24733	61	476
137	MI	Antrim County	23580	61	474
137	MI	Osceola County	23528	61	476
137	MI	Leelanau County	21708	61	476
137	MI	Benzie County	17525	61	476
137	MI	Kalkaska County	17153	61	474
137	MI	Missaukee County	14849	61	476
137	MI	Lake County	11539	61	476
138	TN	Maury County	80956	71	651
138	TN	Coffee County	52796	71	644
138	TN	Bedford County	45058	71	648
138	TN	Franklin County	41052	71	648
138	TN	Warren County	39839	71	644
138	TN	Marshall County	30617	71	648
138	TN	Giles County	29485	71	648
138	TN	White County	25841	71	644
138	TN	Smith County	19166	71	644
138	TN	DeKalb County	18723	71	644
138	TN	Cannon County	13801	71	644
138	TN	Grundy County	13703	71	644
138	TN	Moore County	6362	71	648
138	TN	Van Buren County	5548	71	644
139	MI	Kent County	602622	62	64
139	MI	Ottawa County	263801	62	64
140	IN	Madison County	131636	67	217
140	IN	Delaware County	117671	67	236
140	IN	Howard County	82752	67	271
140	IN	Tipton County	15936	67	271
141	AL	Houston County	101547	36	246
141	AL	Dale County	50251	36	246
141	AL	Coffee County	49948	36	313
141	AL	Covington County	37765	36	313
141	AL	Barbour County	27457	36	314
141	AL	Geneva County	26790	36	313
141	FL	Washington County	24896	36	369
141	FL	Holmes County	19927	36	369
141	AL	Henry County	17302	36	314
141	GA	Quitman County	2513	36	379
142	IN	Elkhart County	197559	65	223
142	IN	Kosciusko County	77358	65	404
142	IN	LaGrange County	37128	65	404
143	KY	Warren County	113792	71	445
143	TN	Putnam County	72321	71	645
143	TN	Cumberland County	56053	71	645
143	KY	Barren County	42173	71	447
143	KY	Logan County	26835	71	445
143	TN	Macon County	22248	71	645
143	TN	Overton County	22083	71	645
143	KY	Allen County	19956	71	445
143	KY	Hart County	18199	71	447
143	TN	Fentress County	17959	71	645
143	KY	Simpson County	17327	71	445
143	KY	Butler County	12690	71	445
143	KY	Todd County	12460	71	445
143	KY	Edmonson County	12161	71	445
143	TN	Jackson County	11638	71	645
143	KY	Monroe County	10963	71	447
143	KY	Metcalfe County	10099	71	447
143	TN	Trousdale County	7870	71	645
143	TN	Clay County	7861	71	645
143	KY	Cumberland County	6856	71	447
143	TN	Pickett County	5077	71	645
144	IN	St. Joseph County	266931	65	129
144	MI	Berrien County	156813	65	193
144	MI	St. Joseph County	61295	65	480
144	MI	Cass County	52293	65	480

PEA No.	State	County	Pop 2010	EA No.	CMA No.
144	IN	Marshall County	47051	65	129
144	IN	Starke County	23363	65	403
144	IN	Fulton County	20836	65	406
144	IN	Pulaski County	13402	65	403
145	IN	Marion County	903393	67	28
145	IN	Hamilton County	274569	67	28
145	IN	Hendricks County	145448	67	28
145	IN	Johnson County	139654	67	28
145	IN	Hancock County	70002	67	28
145	IN	Morgan County	68894	67	28
145	IN	Boone County	56640	67	28
145	IN	Shelby County	44436	67	28
146	AL	Montgomery County	229363	79	139
146	AL	Elmore County	79303	79	139
146	AL	Autauga County	54571	79	139
147	AL	Dallas County	43820	79	310
147	AL	Pike County	32899	79	313
147	AL	Butler County	20947	79	313
147	AL	Crenshaw County	13906	79	313
147	AL	Lowndes County	11299	79	310
147	AL	Bullock County	10914	79	314
147	AL	Perry County	10591	79	310
148	AL	Jefferson County	658466	78	41
148	AL	Shelby County	195085	78	41
148	AL	Calhoun County	118572	78	249
148	AL	St. Clair County	83593	78	41
148	AL	Talladega County	82291	78	311
148	AL	Walker County	67023	78	41
149	FL	Escambia County	297619	81	127
149	FL	Okaloosa County	180822	81	265
149	FL	Santa Rosa County	151372	81	127
149	FL	Walton County	55043	81	369
150	AL	Madison County	334811	74	120
150	AL	Morgan County	119490	74	307
150	AL	Etowah County	104430	74	272
150	AL	Marshall County	93019	74	120
150	AL	Lauderdale County	92709	74	226
150	AL	Limestone County	82782	74	120
150	AL	DeKalb County	71109	74	308
150	AL	Colbert County	54428	74	226
150	AL	Jackson County	53227	74	308
150	AL	Lawrence County	34339	74	307
150	TN	Lincoln County	33361	74	648
150	AL	Franklin County	31704	74	307
151	TN	Davidson County	626681	71	46
151	TN	Rutherford County	262604	71	46
151	TN	Williamson County	183182	71	46
151	TN	Montgomery County	172331	71	209
151	TN	Sumner County	160645	71	46
151	TN	Wilson County	113993	71	46
151	KY	Christian County	73955	71	209
151	TN	Robertson County	66283	71	46
151	TN	Dickson County	49666	71	46
151	TN	Cheatham County	39105	71	46
152	IN	Tippecanoe County	172780	67	247
152	IN	Vigo County	107848	67	185
152	IN	Cass County	38966	67	406
152	IN	Montgomery County	38124	67	407
152	IN	Putnam County	37963	67	407
152	IN	Miami County	36903	67	406
152	IN	Clinton County	33224	67	406
152	IN	Greene County	33165	67	409
152	IN	Clay County	26890	67	185
152	IN	White County	24643	67	403
152	IN	Owen County	21575	67	409
152	IN	Sullivan County	21475	67	185
152	IN	Carroll County	20155	67	406
152	IN	Parke County	17339	67	407
152	IN	Fountain County	17240	67	407
152	IL	Clark County	16335	67	400
152	IN	Vermillion County	16212	67	185
152	IN	Benton County	8854	67	407
152	IN	Warren County	8508	67	407
153	IN	Lake County	496005	64	54

PEA No.	State	County	Pop 2010	EA No.	CMA No.
153	IN	Porter County	164343	64	54
153	IN	LaPorte County	111467	64	403
153	IN	Jasper County	33478	64	403
153	IN	Newton County	14244	64	403
154	IN	Dubois County	41889	69	409
154	IN	Knox County	38440	69	409
154	IN	Daviess County	31648	69	409
154	IN	Spencer County	20952	69	409
154	IL	Crawford County	19817	69	400
154	IN	Perry County	19338	69	409
154	IL	Lawrence County	16833	69	402
154	IL	Wayne County	16760	69	402
154	IL	Richland County	16233	69	402
154	IL	White County	14665	69	402
154	IN	Pike County	12845	69	409
154	IL	Wabash County	11947	69	402
154	IN	Martin County	10334	69	409
154	IL	Edwards County	6721	69	402
155	AL	Tuscaloosa County	194656	78	222
155	AL	Cullman County	80406	78	307
155	AL	Blount County	57322	78	307
155	AL	Chilton County	43643	78	310
155	AL	Marion County	30776	78	307
155	AL	Winston County	24484	78	307
155	AL	Bibb County	22915	78	310
155	AL	Fayette County	17241	78	309
155	AL	Hale County	15760	78	309
156	IN	Vanderburgh County	179703	69	119
156	KY	Daviess County	96656	69	293
156	IN	Warrick County	59689	69	119
156	KY	Hopkins County	46920	69	444
156	KY	Henderson County	46250	69	119
156	IN	Gibson County	33503	69	119
156	KY	Muhlenberg County	31499	69	445
156	IN	Posey County	25910	69	119
156	KY	Ohio County	23842	69	445
156	KY	Union County	15007	69	444
156	KY	Webster County	13621	69	444
156	KY	McLean County	9531	69	445
156	KY	Crittenden County	9315	69	444
156	KY	Hancock County	8565	69	445
157	AL	Escambia County	38319	80	312
157	AL	Clarke County	25833	80	312
157	AL	Monroe County	23068	80	312
157	AL	Washington County	17581	80	312
157	AL	Conecuh County	13228	80	312
157	AL	Wilcox County	11670	80	310
158	TN	Lawrence County	41869	71	647
158	TN	Hickman County	24690	71	647
158	TN	Humphreys County	18538	71	643
158	TN	Wayne County	17021	71	647
158	KY	Trigg County	14339	71	444
158	TN	Stewart County	13324	71	643
158	TN	Lewis County	12161	71	647
158	TN	Houston County	8426	71	643
158	TN	Perry County	7915	71	647
159	WI	Manitowoc County	81442	63	717
160	AL	Mobile County	412992	80	83
160	AL	Baldwin County	182265	80	83
161	WI	Sheboygan County	115507	63	277
162	AL	Marengo County	21027	77	309
162	AL	Choctaw County	13859	77	309
162	AL	Sumter County	13763	77	309
162	AL	Greene County	9045	77	309
163	WI	Racine County	195408	63	189
164	IL	Kendall County	114736	64	303
164	IL	Kankakee County	113449	64	273
164	IL	Grundy County	50063	64	304
164	IL	Iroquois County	29718	64	395
165	AL	Pickens County	19746	75	309
165	AL	Lamar County	14564	75	309
166	IL	Cook County	5194675	64	3
166	IL	DuPage County	916924	64	3
166	IL	Lake County	703462	64	3

PEA No.	State	County	Pop 2010	EA No.	CMA No.
166	IL	Will County	677560	64	3
166	IL	Kane County	515269	64	3
166	IL	McHenry County	308760	64	3
166	WI	Kenosha County	166426	64	244
167	WI	Milwaukee County	947735	63	21
167	WI	Waukesha County	389891	63	21
167	WI	Washington County	131887	63	21
167	WI	Ozaukee County	86395	63	21
168	WI	Brown County	248007	59	186
168	MI	Marquette County	67077	59	472
168	WI	Shawano County	41949	59	711
168	WI	Marinette County	41749	59	711
168	WI	Oconto County	37660	59	711
168	MI	Delta County	37069	59	473
168	MI	Houghton County	36628	59	472
168	WI	Door County	27785	59	717
168	MI	Dickinson County	26168	59	472
168	MI	Menominee County	24029	59	472
168	WI	Kewaunee County	20574	59	717
168	MI	Gogebic County	16427	59	472
168	MI	Iron County	11817	59	472
168	MI	Alger County	9601	59	473
168	MI	Baraga County	8860	59	472
168	MI	Schoolcraft County	8485	59	473
168	MI	Ontonagon County	6780	59	472
168	WI	Iron County	5916	59	709
168	WI	Florence County	4423	59	710
168	WI	Menominee County	4232	59	711
168	MI	Keweenaw County	2156	59	472
169	TN	McNairy County	26075	75	647
169	TN	Hardin County	26026	75	647
170	IL	Champaign County	201081	68	196
170	IL	Macon County	110768	68	230
170	IL	Vermilion County	81625	68	400
170	IL	Coles County	53873	68	400
170	IL	Effingham County	34242	68	399
170	IL	Shelby County	22363	68	399
170	IL	Fayette County	22140	68	399
170	IL	Douglas County	19980	68	400
170	IL	Edgar County	18576	68	400
170	IL	Piatt County	16729	68	398
170	IL	Moultrie County	14846	68	398
170	IL	Ford County	14081	68	395
170	IL	Clay County	13815	68	402
170	IL	Cumberland County	11048	68	400
170	IL	Jasper County	9698	68	400
171	KY	McCracken County	65565	72	443
171	KY	Calloway County	37191	72	443
171	KY	Graves County	37121	72	443
171	KY	Marshall County	31448	72	443
171	IL	Massac County	15429	72	401
171	KY	Caldwell County	12984	72	444
171	KY	Livingston County	9519	72	444
171	KY	Lyon County	8314	72	444
171	KY	Ballard County	8249	72	443
171	KY	Carlisle County	5104	72	443
172	WI	Walworth County	102228	63	716
172	WI	Fond du Lac County	101633	63	716
172	WI	Dodge County	88759	63	716
172	WI	Jefferson County	83686	63	716
172	WI	Green Lake County	19051	63	714
173	WI	Outagamie County	176695	60	125
173	WI	Winnebago County	166994	60	125
173	WI	Waupaca County	52410	60	714
173	WI	Calumet County	48971	60	125
173	WI	Waushara County	24496	60	714
174	TN	Madison County	98294	73	647
174	TN	Gibson County	49683	73	643
174	TN	Fayette County	38413	73	647
174	TN	Dyer County	38335	73	643
174	TN	Weakley County	35021	73	643
174	TN	Henry County	32330	73	643
174	TN	Obion County	31807	73	643
174	TN	Carroll County	28522	73	643

PEA No.	State	County	Pop 2010	EA No.	CMA No.
174	TN	Lauderdale County	27815	73	643
174	TN	Henderson County	27769	73	647
174	TN	Hardeman County	27253	73	647
174	TN	Haywood County	18787	73	647
174	TN	Chester County	17131	73	647
174	TN	Benton County	16489	73	643
174	TN	Crockett County	14586	73	643
174	TN	Decatur County	11757	73	647
174	TN	Lake County	7832	73	643
174	KY	Fulton County	6813	73	443
174	KY	Hickman County	4902	73	443
175	MS	Harrison County	187105	82	173
175	MS	Jackson County	139668	82	252
175	MS	Hancock County	43929	82	173
175	MS	George County	22578	82	503
175	MS	Stone County	17786	82	173
176	IL	LaSalle County	113924	64	395
176	IL	Livingston County	38950	64	395
176	IL	Bureau County	34978	64	395
176	IL	Putnam County	6006	64	395
177	IL	Winnebago County	295266	64	131
177	WI	Rock County	160331	64	216
177	IL	Boone County	54165	64	131
178	MS	Lee County	82910	75	494
178	MS	Lowndes County	59779	75	498
178	MS	Oktibbeha County	47671	75	498
178	MS	Alcorn County	37057	75	494
178	MS	Monroe County	36989	75	496
178	MS	Pontotoc County	29957	75	494
178	MS	Union County	27134	75	494
178	MS	Prentiss County	25276	75	494
178	MS	Itawamba County	23401	75	494
178	MS	Tippah County	22232	75	494
178	MS	Grenada County	21906	75	496
178	MS	Clay County	20634	75	496
178	MS	Tishomingo County	19593	75	494
178	MS	Winston County	19198	75	498
178	MS	Chickasaw County	17392	75	496
178	MS	Calhoun County	14962	75	496
178	MS	Noxubee County	11545	75	498
178	MS	Montgomery County	10925	75	498
178	MS	Webster County	10253	75	498
178	MS	Choctaw County	8547	75	498
179	WI	Dane County	488073	104	113
179	WI	Columbia County	56833	104	716
180	IL	McLean County	169572	64	250
180	IL	DeKalb County	105160	64	394
180	IL	Ogle County	53497	64	394
180	IL	Stephenson County	47711	64	394
180	IL	Lee County	36031	64	394
180	IL	De Witt County	16561	64	398
180	IL	Carroll County	15387	64	394
181	IL	Peoria County	186494	101	103
181	IL	Tazewell County	135394	101	103
181	IL	Woodford County	38664	101	103
182	IL	Sangamon County	197465	97	176
182	IL	Christian County	34800	97	399
182	IL	Logan County	30305	97	398
182	IL	Montgomery County	30104	97	399
182	IL	Menard County	12705	97	176
183	IL	Williamson County	66357	96	401
183	MO	St. Francois County	65359	96	516
183	IL	Jackson County	60218	96	401
183	IL	Franklin County	39561	96	401
183	IL	Jefferson County	38827	96	401
183	IL	Randolph County	33476	96	401
183	MO	Washington County	25195	96	516
183	IL	Saline County	24913	96	402
183	IL	Perry County	22350	96	401
183	MO	Ste. Genevieve County	18145	96	516
183	IL	Union County	17808	96	401
183	IL	Washington County	14716	96	401
183	IL	Johnson County	12582	96	401
183	IL	Hamilton County	8457	96	402

PEA No.	State	County	Pop 2010	EA No.	CMA No.
183	IL	Alexander County	8238	96	401
183	IL	Pulaski County	6161	96	401
183	IL	Gallatin County	5589	96	402
183	IL	Pope County	4470	96	402
183	IL	Hardin County	4320	96	402
184	MS	Pearl River County	55834	83	503
185	WI	Marathon County	134063	108	263
185	WI	Wood County	74749	108	714
185	WI	Portage County	70019	108	714
186	MS	DeSoto County	161252	73	36
186	MS	Lafayette County	47351	73	493
186	MS	Marshall County	37144	73	493
186	MS	Panola County	34707	73	493
186	MS	Tate County	28886	73	493
186	MS	Yalobusha County	12678	73	496
186	MS	Tunica County	10778	73	493
186	MS	Benton County	8729	73	494
186	MS	Quitman County	8223	73	493
187	TN	Shelby County	927644	73	36
187	TN	Tipton County	61081	73	36
187	AR	Crittenden County	50902	73	36
188	WI	Oneida County	35998	108	710
188	WI	Clark County	34690	108	713
188	WI	Lincoln County	28743	108	710
188	WI	Vilas County	21430	108	710
188	WI	Taylor County	20689	108	710
188	WI	Langlade County	19977	108	710
188	WI	Ashland County	16157	108	709
188	WI	Bayfield County	15014	108	709
188	WI	Price County	14159	108	709
188	WI	Forest County	9304	108	710
189	MS	Lauderdale County	80261	77	499
189	MS	Forrest County	74934	77	503
189	MS	Jones County	67761	77	502
189	MS	Lamar County	55658	77	503
189	MS	Pike County	40404	77	500
189	MS	Lincoln County	34869	77	500
189	MS	Adams County	32297	77	500
189	MS	Neshoba County	29676	77	499
189	MS	Copiah County	29449	77	501
189	MS	Scott County	28264	77	499
189	MS	Simpson County	27503	77	501
189	MS	Marion County	27088	77	501
189	MS	Leake County	23805	77	499
189	MS	Newton County	21720	77	499
189	MS	Wayne County	20747	77	502
189	MS	Covington County	19568	77	502
189	MS	Jasper County	17062	77	502
189	MS	Clarke County	16732	77	502
189	MS	Smith County	16491	77	502
189	MS	Walthall County	15443	77	501
189	MS	Greene County	14400	77	503
189	MS	Amite County	13131	77	500
189	MS	Lawrence County	12929	77	501
189	MS	Jefferson Davis County	12487	77	501
189	MS	Perry County	12250	77	503
189	MS	Kemper County	10456	77	499
189	MS	Claiborne County	9604	77	500
189	MS	Franklin County	8118	77	500
189	MS	Jefferson County	7726	77	500
190	MO	St. Louis County	998954	96	11
190	MO	St. Charles County	360485	96	11
190	MO	St. Louis city	319294	96	11
190	IL	St. Clair County	270056	96	11
190	IL	Madison County	269282	96	11
190	MO	Jefferson County	218733	96	11
190	MO	Franklin County	101492	96	11
190	IL	Marion County	39437	96	399
190	IL	Clinton County	37762	96	11
190	IL	Monroe County	32957	96	11
190	IL	Bond County	17768	96	399
191	LA	Jefferson Parish	432552	83	29
191	LA	Orleans Parish	343829	83	29
191	LA	St. Tammany Parish	233740	83	29

PEA No.	State	County	Pop 2010	EA No.	CMA No.
191	LA	Tangipahoa Parish	121097	83	460
191	LA	Terrebonne Parish	111860	83	184
191	LA	Lafourche Parish	96318	83	184
191	LA	St. Charles Parish	52780	83	461
191	LA	Washington Parish	47168	83	460
191	LA	St. John the Baptist Parish	45924	83	461
191	LA	St. Bernard Parish	35897	83	29
191	LA	Plaquemines Parish	23042	83	462
191	LA	St. James Parish	22102	83	461
192	MO	Cape Girardeau County	75674	96	521
192	MO	Butler County	42794	96	522
192	MO	Scott County	39191	96	522
192	MO	Stoddard County	29968	96	522
192	MO	Perry County	18971	96	521
192	MO	New Madrid County	18956	96	522
192	MO	Mississippi County	14358	96	522
192	MO	Ripley County	14100	96	520
192	MO	Wayne County	13521	96	521
192	MO	Bollinger County	12363	96	521
192	MO	Madison County	12226	96	521
192	MO	Iron County	10630	96	520
192	MO	Reynolds County	6696	96	520
192	MO	Carter County	6265	96	520
193	MS	Hinds County	245285	77	106
193	MS	Rankin County	141617	77	106
193	MS	Madison County	95203	77	106
193	MS	Warren County	48773	77	497
193	MS	Yazoo County	28065	77	497
193	MS	Attala County	19564	77	498
193	MS	Holmes County	19198	77	495
194	IL	Knox County	52919	101	396
194	IL	Fulton County	37069	101	396
194	IL	McDonough County	32612	101	396
194	IL	Warren County	17707	101	396
194	IL	Mason County	14666	101	398
194	IL	Marshall County	12640	101	395
194	IL	Stark County	5994	101	395
195	WI	Sauk County	61976	104	715
195	WI	Richland County	18021	104	715
195	WI	Crawford County	16644	104	715
196	MS	Washington County	51137	76	497
196	MS	Bolivar County	34145	76	495
196	MS	Leflore County	32317	76	495
196	MS	Sunflower County	29450	76	495
196	MS	Coahoma County	26151	76	493
196	MS	Tallahatchie County	15378	76	495
196	MS	Carroll County	10597	76	495
196	MS	Humphreys County	9375	76	497
196	MS	Sharkey County	4916	76	497
196	MS	Issaquena County	1406	76	497
197	IA	Scott County	165224	102	98
197	IL	Rock Island County	147546	102	98
197	IL	Henry County	50486	102	98
198	AR	Craighead County	96443	95	327
198	AR	Mississippi County	46480	95	327
198	AR	Greene County	42090	95	327
198	MO	Dunklin County	31953	95	522
198	AR	Poinsett County	24583	95	327
198	MO	Pemiscot County	18296	95	522
198	AR	Randolph County	17969	95	326
198	AR	Lawrence County	17415	95	326
198	AR	Clay County	16083	95	327
199	IA	Dubuque County	93653	104	286
199	WI	Grant County	51208	104	715
199	WI	Green County	36842	104	715
199	WI	Juneau County	26664	104	714
199	WI	Iowa County	23687	104	715
199	IL	Jo Daviess County	22678	104	394
199	WI	Adams County	20875	104	714
199	IA	Jackson County	19848	104	416
199	IA	Clayton County	18129	104	423
199	IA	Delaware County	17764	104	423
199	WI	Lafayette County	16836	104	715
199	WI	Marquette County	15404	104	714

PEA No.	State	County	Pop 2010	EA No.	CMA No.
199	IA	Allamakee County	14330	104	423
200	AR	St. Francis County	28258	73	328
200	AR	Phillips County	21757	73	328
200	AR	Cross County	17870	73	328
200	AR	Lee County	10424	73	328
201	IL	Adams County	67103	97	397
201	IL	Morgan County	35547	97	397
201	MO	Marion County	28781	97	509
201	IL	Pike County	16430	97	397
201	IL	Greene County	13886	97	397
201	IL	Cass County	13642	97	397
201	MO	Lewis County	10211	97	506
201	MO	Ralls County	10167	97	509
201	IL	Schuyler County	7544	97	396
201	IL	Brown County	6937	97	397
201	IL	Scott County	5355	97	397
202	WI	Monroe County	44673	105	713
202	WI	Trempealeau County	28816	105	713
202	WI	Jackson County	20449	105	713
203	WI	La Crosse County	114638	105	290
203	WI	Vernon County	29773	105	715
203	MN	Houston County	19027	105	492
204	LA	East Baton Rouge Parish	440171	84	80
204	LA	Livingston Parish	128026	84	80
204	LA	Ascension Parish	107215	84	80
204	LA	Iberville Parish	33387	84	459
204	LA	West Baton Rouge Parish	23788	84	80
204	LA	Assumption Parish	23421	84	459
205	IL	Whiteside County	58498	102	394
205	IA	Clinton County	49116	102	416
205	IA	Muscatine County	42745	102	415
205	IA	Cedar County	18499	102	416
205	IL	Mercer County	16434	102	396
205	IA	Louisa County	11387	102	415
206	MO	Lincoln County	52566	96	511
206	IL	Macoupin County	47765	96	397
206	MO	Warren County	32513	96	511
206	MO	Crawford County	24696	96	515
206	IL	Jersey County	22985	96	305
206	MO	Pike County	18516	96	509
206	MO	Gasconade County	15222	96	514
206	MO	Montgomery County	12236	96	511
206	IL	Calhoun County	5089	96	397
207	LA	Pointe Coupee Parish	22802	84	458
207	LA	East Feliciana Parish	20267	84	460
207	LA	West Feliciana Parish	15625	84	460
207	LA	St. Helena Parish	11203	84	460
208	MS	Wilkinson County	9878	84	500
209	LA	Concordia Parish	20822	77	457
209	LA	Madison Parish	12093	77	455
209	LA	Catahoula Parish	10407	77	457
209	LA	Tensas Parish	5252	77	455
210	IA	Linn County	211226	103	195
210	IA	Johnson County	130882	103	296
210	IA	Benton County	26076	103	422
210	IA	Washington County	21704	103	417
210	IA	Jones County	20638	103	416
210	IA	Iowa County	16355	103	417
211	WI	Eau Claire County	98736	107	232
211	WI	Chippewa County	62415	107	232
211	MN	Goodhue County	46183	107	492
211	WI	Barron County	45870	107	708
211	WI	Polk County	44205	107	708
211	WI	Dunn County	43857	107	712
211	WI	Pierce County	41019	107	712
211	MN	Pine County	29750	107	487
211	WI	Sawyer County	16557	107	709
211	WI	Washburn County	15911	107	708
211	WI	Burnett County	15457	107	708
211	WI	Rusk County	14755	107	709
211	WI	Pepin County	7469	107	712
212	LA	Lafayette Parish	221578	85	174
212	LA	St. Landry Parish	83384	85	458
212	LA	Iberia Parish	73240	85	459

PEA No.	State	County	Pop 2010	EA No.	CMA No.
212	LA	Acadia Parish	61773	85	458
212	LA	Vermilion Parish	57999	85	458
212	LA	St. Mary Parish	54650	85	459
212	LA	St. Martin Parish	52160	85	174
212	LA	Evangeline Parish	33984	85	458
213	LA	Ouachita Parish	153720	89	219
213	LA	Lincoln Parish	46735	89	454
213	LA	Morehouse Parish	27979	89	455
213	LA	Union Parish	22721	89	454
213	LA	Franklin Parish	20767	89	455
213	LA	Richland Parish	20725	89	455
213	LA	Jackson Parish	16274	89	454
213	LA	West Carroll Parish	11604	89	455
213	LA	Caldwell Parish	10132	89	457
213	LA	East Carroll Parish	7759	89	455
214	MN	St. Louis County	200226	109	141
214	MN	Itasca County	45058	109	484
214	WI	Douglas County	44159	109	141
214	MN	Carlton County	35386	109	487
214	MN	Koochiching County	13311	109	484
214	MN	Lake County	10866	109	485
214	MN	Cook County	5176	109	485
215	AR	Pulaski County	382748	90	92
215	AR	Faulkner County	113237	90	92
215	AR	Saline County	107118	90	92
215	AR	Jefferson County	77435	90	291
215	AR	White County	77076	90	329
215	AR	Lonoke County	68356	90	92
215	AR	Independence County	36647	90	326
215	AR	Cleburne County	25970	90	329
215	AR	Arkansas County	19019	90	328
215	AR	Jackson County	17997	90	326
215	AR	Sharp County	17264	90	326
215	AR	Prairie County	8715	90	329
215	AR	Monroe County	8149	90	328
215	AR	Woodruff County	7260	90	329
216	MN	Olmsted County	144248	106	288
216	MN	Winona County	51461	106	492
216	MN	Mower County	39163	106	492
216	MN	Wabasha County	21676	106	492
216	IA	Winneshiek County	21056	106	423
216	MN	Fillmore County	20866	106	492
216	MN	Dodge County	20087	106	492
216	WI	Buffalo County	13587	106	712
216	IA	Howard County	9566	106	424
217	MO	Callaway County	44332	98	511
217	MO	Audrain County	25529	98	509
217	MO	Randolph County	25414	98	508
217	MO	Cooper County	17601	98	510
217	MO	Howard County	10144	98	510
217	MO	Monroe County	8840	98	509
217	MO	Shelby County	6373	98	508
218	MO	Boone County	162642	98	278
218	MO	Cole County	75990	98	514
218	MO	Moniteau County	15607	98	514
218	MO	Osage County	13878	98	514
219	MO	Pulaski County	52274	94	515
219	MO	Phelps County	45156	94	515
219	MO	Camden County	44002	94	513
219	MO	Webster County	36202	94	519
219	MO	Laclede County	35571	94	519
219	MO	Polk County	31137	94	513
219	MO	Texas County	26008	94	519
219	MO	Miller County	24748	94	514
219	MO	Morgan County	20565	94	514
219	MO	Wright County	18815	94	519
219	MO	Dallas County	16777	94	513
219	MO	Dent County	15657	94	515
219	MO	Oregon County	10881	94	520
219	MO	Hickory County	9627	94	513
219	MO	Maries County	9176	94	515
219	MO	Shannon County	8441	94	520
220	AR	Garland County	96024	90	333
220	AR	Union County	41639	90	335

PEA No.	State	County	Pop 2010	EA No.	CMA No.
220	AR	Hot Spring County	32923	90	333
220	AR	Ouachita County	26120	90	335
220	AR	Clark County	22995	90	333
220	AR	Hempstead County	22609	90	334
220	AR	Ashley County	21853	90	335
220	AR	Drew County	18509	90	335
220	AR	Grant County	17853	90	333
220	AR	Lincoln County	14134	90	335
220	AR	Howard County	13789	90	332
220	AR	Desha County	13008	90	335
220	AR	Chicot County	11800	90	335
220	AR	Bradley County	11508	90	335
220	AR	Pike County	11291	90	332
220	AR	Montgomery County	9487	90	332
220	AR	Nevada County	8997	90	334
220	AR	Cleveland County	8689	90	335
220	AR	Dallas County	8116	90	333
220	AR	Calhoun County	5368	90	335
221	AR	Pope County	61754	90	330
221	AR	Baxter County	41513	90	325
221	AR	Boone County	36903	90	324
221	AR	Carroll County	27446	90	324
221	AR	Johnson County	25540	90	331
221	AR	Yell County	22185	90	330
221	AR	Conway County	21273	90	330
221	AR	Van Buren County	17295	90	330
221	AR	Marion County	16653	90	325
221	AR	Izard County	13696	90	325
221	AR	Stone County	12394	90	325
221	AR	Fulton County	12245	90	325
221	AR	Perry County	10445	90	330
221	AR	Newton County	8330	90	324
221	AR	Searcy County	8195	90	325
222	LA	Rapides Parish	131613	86	205
222	LA	Vernon Parish	52334	86	456
222	LA	Avoyelles Parish	42073	86	458
222	LA	Beauregard Parish	35654	86	458
222	LA	Allen Parish	25764	86	458
222	LA	Grant Parish	22309	86	205
222	LA	La Salle Parish	14890	86	457
223	MO	Greene County	275174	94	163
223	MO	Christian County	77422	94	163
223	MO	Taney County	51675	94	518
223	MO	Howell County	40400	94	518
223	MO	Lawrence County	38634	94	517
223	MO	Barry County	35597	94	517
223	MO	Stone County	32202	94	518
223	MO	Douglas County	13684	94	518
223	MO	Ozark County	9723	94	518
223	MO	Dade County	7883	94	517
224	LA	Natchitoches Parish	39566	88	456
224	LA	De Soto Parish	26656	88	456
224	LA	Sabine Parish	24233	88	456
224	LA	Winn Parish	15313	88	457
224	LA	Red River Parish	9091	88	456
225	MN	Hennepin County	1152425	107	15
225	MN	Ramsey County	508640	107	15
225	MN	Dakota County	398552	107	15
225	MN	Anoka County	330844	107	15
225	MN	Washington County	238136	107	15
225	MN	Scott County	129928	107	15
225	MN	Wright County	124700	107	15
225	MN	Carver County	91042	107	15
225	WI	St. Croix County	84345	107	15
225	MN	Chisago County	53887	107	15
226	LA	Calcasieu Parish	192768	86	197
226	LA	Jefferson Davis Parish	31594	86	458
226	LA	Cameron Parish	6839	86	458
227	LA	Caddo Parish	254969	88	100
227	LA	Bossier Parish	116979	88	100
227	LA	Webster Parish	41207	88	100
227	LA	Claiborne Parish	17195	88	454
227	LA	Bienville Parish	14353	88	454
228	AR	Columbia County	24552	88	334

PEA No.	State	County	Pop 2010	EA No.	CMA No.
228	AR	Lafayette County	7645	88	334
229	IA	Black Hawk County	131090	100	201
229	IA	Story County	89542	100	421
229	IA	Cerro Gordo County	44151	100	425
229	IA	Marshall County	40648	100	422
229	IA	Des Moines County	40325	100	415
229	IA	Webster County	38013	100	421
229	IA	Jasper County	36842	100	417
229	IA	Lee County	35862	100	415
229	IA	Marion County	33309	100	417
229	IA	Boone County	26306	100	421
229	IA	Bremer County	24276	100	201
229	IA	Mahaska County	22381	100	417
229	IA	Buchanan County	20958	100	423
229	IA	Fayette County	20880	100	423
229	IA	Carroll County	20816	100	420
229	IA	Buena Vista County	20260	100	426
229	IA	Henry County	20145	100	415
229	IL	Hancock County	19104	100	396
229	IA	Poweshiek County	18914	100	417
229	IA	Tama County	17767	100	422
229	IA	Hardin County	17534	100	422
229	IA	Crawford County	17096	100	419
229	IA	Clay County	16667	100	426
229	IA	Dickinson County	16667	100	426
229	IA	Floyd County	16303	100	424
229	IA	Hamilton County	15673	100	421
229	IA	Kossuth County	15543	100	425
229	IA	Butler County	14867	100	424
229	IA	Wright County	13229	100	421
229	IA	Grundy County	12453	100	422
229	IA	Chickasaw County	12439	100	424
229	IA	Hancock County	11341	100	425
229	IA	Winnebago County	10866	100	425
229	IA	Mitchell County	10776	100	424
229	IA	Franklin County	10680	100	425
229	IA	Keokuk County	10511	100	417
229	IA	Sac County	10350	100	420
229	IA	Emmet County	10302	100	426
229	IA	Humboldt County	9815	100	421
229	IA	Calhoun County	9670	100	420
229	IA	Palo Alto County	9421	100	426
229	IA	Greene County	9336	100	420
229	IA	Worth County	7598	100	425
229	IL	Henderson County	7331	100	396
229	IA	Pocahontas County	7310	100	426
229	MO	Clark County	7139	100	506
229	MO	Scotland County	4843	100	506
230	MO	Johnson County	52595	99	510
230	MO	Pettis County	42201	99	510
230	MO	Lafayette County	33381	99	510
230	MO	Adair County	25607	99	506
230	MO	Saline County	23370	99	510
230	MO	Nodaway County	23370	99	504
230	MO	Clinton County	20743	99	507
230	MO	Macon County	15566	99	508
230	MO	Livingston County	15195	99	507
230	MO	DeKalb County	12892	99	507
230	MO	Linn County	12761	99	508
230	MO	Grundy County	10261	99	505
230	MO	Caldwell County	9424	99	507
230	MO	Carroll County	9295	99	507
230	MO	Harrison County	8957	99	505
230	MO	Daviess County	8433	99	507
230	MO	Chariton County	7831	99	508
230	MO	Gentry County	6738	99	504
230	MO	Sullivan County	6714	99	505
230	MO	Putnam County	4979	99	505
230	MO	Holt County	4912	99	504
230	MO	Schuyler County	4431	99	506
230	MO	Knox County	4131	99	506
230	MO	Mercer County	3785	99	505
230	MO	Worth County	2171	99	504
231	IA	Polk County	430640	100	102

PEA No.	State	County	Pop 2010	EA No.	CMA No.
231	IA	Dallas County	66135	100	102
231	IA	Warren County	46225	100	102
232	TX	Jefferson County	252273	87	101
232	TX	Orange County	81837	87	101
232	TX	Hardin County	54635	87	101
232	TX	Jasper County	35710	87	668
232	TX	Tyler County	21766	87	668
232	TX	Newton County	14445	87	668
233	AR	Benton County	221339	92	182
233	AR	Washington County	203065	92	182
233	OK	Delaware County	41487	92	599
233	MO	McDonald County	23083	92	517
233	OK	Adair County	22683	92	599
233	AR	Madison County	15717	92	324
234	IA	Wapello County	35625	100	414
234	IA	Jefferson County	16843	100	414
234	IA	Madison County	15679	100	418
234	IA	Appanoose County	12887	100	414
234	IA	Union County	12534	100	413
234	IA	Guthrie County	10954	100	418
234	IA	Clarke County	9286	100	413
234	IA	Lucas County	8898	100	413
234	IA	Davis County	8753	100	414
234	IA	Decatur County	8457	100	413
234	IA	Monroe County	7970	100	414
234	IA	Adair County	7682	100	418
234	IA	Van Buren County	7570	100	414
234	IA	Wayne County	6403	100	413
234	IA	Ringgold County	5131	100	413
235	MO	Jackson County	674158	99	24
235	KS	Johnson County	544179	99	24
235	MO	Clay County	221939	99	24
235	KS	Wyandotte County	157505	99	24
235	MO	Cass County	99478	99	24
235	MO	Platte County	89322	99	24
235	KS	Miami County	32787	99	437
235	KS	Franklin County	25992	99	437
235	MO	Ray County	23494	99	24
235	MO	Henry County	22272	99	512
235	MO	Vernon County	21159	99	512
235	MO	Benton County	19056	99	513
235	MO	Bates County	17049	99	512
235	KS	Bourbon County	15173	99	437
235	MO	Cedar County	13982	99	512
235	MO	St. Clair County	9805	99	512
235	KS	Linn County	9656	99	437
235	KS	Anderson County	8102	99	437
236	AR	Sebastian County	125744	91	165
236	AR	Crawford County	61948	91	165
236	OK	Le Flore County	50384	91	165
236	OK	Sequoyah County	42391	91	165
236	AR	Logan County	22353	91	331
236	AR	Franklin County	18125	91	331
236	OK	Haskell County	12769	91	605
236	AR	Scott County	11233	91	331
236	OK	Latimer County	11154	91	605
237	MO	Jasper County	117404	93	239
237	MO	Newton County	58114	93	239
237	KS	Crawford County	39134	93	442
237	OK	Ottawa County	31848	93	599
237	KS	Cherokee County	21603	93	442
237	MO	Barton County	12402	93	517
238	MN	Stearns County	150642	107	198
238	MN	Sherburne County	88499	107	198
238	MN	Rice County	64142	107	491
238	MN	Blue Earth County	64013	107	491
238	MN	Crow Wing County	62500	107	487
238	MN	Beltrami County	44442	107	483
238	MN	Kandiyohi County	42239	107	488
238	MN	Benton County	38451	107	198
238	MN	Isanti County	37816	107	487
238	MN	McLeod County	36651	107	488
238	MN	Steele County	36576	107	491
238	MN	Douglas County	36009	107	486

PEA No.	State	County	Pop 2010	EA No.	CMA No.
238	MN	Morrison County	33198	107	487
238	MN	Nicollet County	32727	107	488
238	MN	Freeborn County	31255	107	491
238	MN	Cass County	28567	107	487
238	MN	Le Sueur County	27703	107	491
238	MN	Mille Lacs County	26097	107	487
238	MN	Brown County	25893	107	490
238	MN	Lyon County	25857	107	489
238	MN	Todd County	24895	107	486
238	MN	Meeker County	23300	107	488
238	MN	Nobles County	21378	107	490
238	MN	Martin County	20840	107	490
238	MN	Hubbard County	20428	107	487
238	MN	Waseca County	19136	107	491
238	MN	Kanabec County	16239	107	487
238	MN	Aitkin County	16202	107	487
238	MN	Redwood County	16059	107	489
238	MN	Renville County	15730	107	488
238	MN	Sibley County	15226	107	488
238	MN	Faribault County	14553	107	491
238	MN	Wadena County	13843	107	486
238	MN	Chippewa County	12441	107	488
238	MN	Cottonwood County	11687	107	490
238	MN	Watonwan County	11211	107	490
238	MN	Pope County	10995	107	486
238	MN	Yellow Medicine County	10438	107	489
238	MN	Jackson County	10266	107	490
238	MN	Swift County	9783	107	486
238	MN	Stevens County	9726	107	486
238	MN	Murray County	8725	107	490
238	MN	Clearwater County	8695	107	483
238	MN	Lac qui Parle County	7259	107	489
238	IA	Osceola County	6462	107	427
238	MN	Grant County	6018	107	486
238	MN	Lincoln County	5896	107	489
239	KS	Douglas County	110826	99	301
239	MO	Buchanan County	89201	99	275
239	KS	Leavenworth County	76227	99	432
239	MO	Andrew County	17291	99	275
239	KS	Atchison County	16924	99	432
239	KS	Doniphan County	7945	99	432
240	IA	Page County	15932	118	412
240	IA	Mills County	15059	118	412
240	IA	Cass County	13956	118	418
240	IA	Montgomery County	10740	118	412
240	IA	Fremont County	7441	118	412
240	IA	Taylor County	6317	118	412
240	IA	Audubon County	6119	118	418
240	MO	Atchison County	5685	118	504
240	IA	Adams County	4029	118	412
241	TX	Angelina County	86771	131	662
241	TX	Walker County	67861	131	668
241	TX	Nacogdoches County	64524	131	662
241	TX	Polk County	45413	131	668
241	TX	San Jacinto County	26384	131	668
241	TX	Shelby County	25448	131	662
241	TX	Houston County	23732	131	668
241	TX	Limestone County	23384	131	661
241	TX	Freestone County	19816	131	661
241	TX	Leon County	16801	131	661
241	TX	Robertson County	16622	131	661
241	TX	Trinity County	14585	131	668
241	TX	Madison County	13664	131	668
241	TX	Sabine County	10834	131	662
241	TX	San Augustine County	8865	131	662
242	TX	Harris County	4092459	131	10
242	TX	Fort Bend County	585375	131	10
242	TX	Montgomery County	455746	131	10
242	TX	Brazoria County	313166	131	10
242	TX	Galveston County	291309	131	170
242	TX	Liberty County	75643	131	10
242	TX	Waller County	43205	131	10
242	TX	Chambers County	35096	131	672
243	TX	Grayson County	120877	127	292

PEA No.	State	County	Pop 2010	EA No.	CMA No.
243	TX	Bowie County	92565	127	240
243	TX	Hunt County	86129	127	658
243	TX	Lamar County	49793	127	658
243	AR	Miller County	43462	127	240
243	OK	Bryan County	42416	127	604
243	TX	Wood County	41964	127	658
243	TX	Upshur County	39309	127	658
243	TX	Hopkins County	35161	127	658
243	TX	Fannin County	33915	127	658
243	OK	McCurtain County	33151	127	605
243	TX	Titus County	32334	127	658
243	TX	Cass County	30464	127	658
243	AR	Polk County	20662	127	332
243	AR	Sevier County	17058	127	332
243	OK	Choctaw County	15205	127	605
243	AR	Little River County	13171	127	240
243	TX	Morris County	12934	127	658
243	TX	Red River County	12860	127	658
243	TX	Camp County	12401	127	658
243	OK	Pushmataha County	11572	127	605
243	TX	Rains County	10914	127	658
243	TX	Franklin County	10605	127	658
243	TX	Marion County	10546	127	658
243	TX	Delta County	5231	127	658
244	TX	Smith County	209714	127	237
244	TX	Gregg County	121730	127	206
244	TX	Henderson County	78532	127	661
244	TX	Harrison County	65631	127	206
244	TX	Anderson County	58458	127	661
244	TX	Rusk County	53330	127	662
244	TX	Van Zandt County	52579	127	661
244	TX	Cherokee County	50845	127	662
244	TX	Navarro County	47735	127	661
244	TX	Panola County	23796	127	662
245	NE	Douglas County	517110	118	65
245	NE	Sarpy County	158840	118	65
245	IA	Pottawattamie County	93158	118	65
245	IA	Harrison County	14928	118	419
245	IA	Shelby County	12167	118	419
246	OK	Tulsa County	603403	124	57
246	OK	Rogers County	86905	124	57
246	OK	Payne County	77350	124	598
246	OK	Wagoner County	73085	124	57
246	OK	Muskogee County	70990	124	601
246	OK	Creek County	69967	124	57
246	OK	Washington County	50976	124	599
246	OK	Osage County	47472	124	57
246	OK	Cherokee County	46987	124	599
246	OK	Kay County	46562	124	598
246	OK	Pittsburg County	45837	124	601
246	OK	Mayes County	41259	124	57
246	OK	Okmulgee County	40069	124	601
246	KS	Montgomery County	35471	124	442
246	KS	Labette County	21607	124	442
246	OK	McIntosh County	20252	124	601
246	OK	Pawnee County	16577	124	598
246	KS	Neosho County	16512	124	442
246	OK	Craig County	15029	124	599
246	KS	Allen County	13371	124	437
246	OK	Noble County	11561	124	598
246	OK	Nowata County	10536	124	599
246	KS	Wilson County	9409	124	442
246	KS	Chautauqua County	3669	124	442
246	KS	Woodson County	3309	124	437
247	IA	Woodbury County	102172	117	253
247	IA	Sioux County	33704	117	427
247	IA	Plymouth County	24986	117	427
247	NE	Dakota County	21006	117	253
247	SD	Union County	14399	117	642
247	IA	O'Brien County	14398	117	427
247	IA	Cherokee County	12072	117	427
247	IA	Monona County	9243	117	419
247	IA	Ida County	7089	117	420
247	NE	Thurston County	6940	117	535

PEA No.	State	County	Pop 2010	EA No.	CMA No.
247	NE	Dixon County	6000	117	535
248	TX	Brazos County	194851	131	287
248	TX	Grimes County	26604	131	668
249	KS	Shawnee County	177934	123	179
249	KS	Riley County	71115	123	431
249	KS	Geary County	34362	123	431
249	KS	Lyon County	33690	123	436
249	KS	Pottawatomie County	21604	123	431
249	KS	Dickinson County	19754	123	435
249	KS	Jefferson County	19126	123	179
249	KS	Osage County	16295	123	179
249	KS	Jackson County	13462	123	432
249	KS	Nemaha County	10178	123	431
249	KS	Marshall County	10117	123	431
249	KS	Brown County	9984	123	432
249	KS	Coffey County	8601	123	437
249	KS	Clay County	8535	123	430
249	KS	Wabaunsee County	7053	123	436
249	KS	Morris County	5923	123	436
249	KS	Washington County	5799	123	430
249	KS	Chase County	2790	123	436
250	NE	Gage County	22311	119	542
250	NE	Seward County	16750	119	539
250	NE	Otoe County	15740	119	542
250	NE	Saline County	14200	119	541
250	NE	York County	13665	119	539
250	NE	Richardson County	8363	119	542
250	NE	Jefferson County	7547	119	541
250	NE	Nemaha County	7248	119	542
250	NE	Fillmore County	5890	119	541
250	NE	Thayer County	5228	119	541
250	NE	Johnson County	5217	119	542
250	NE	Pawnee County	2773	119	542
251	TX	Victoria County	86793	131	300
251	TX	Wharton County	41280	131	667
251	TX	Matagorda County	36702	131	667
251	TX	Washington County	33718	131	667
251	TX	Austin County	28417	131	667
251	TX	Fayette County	24554	131	667
251	TX	Calhoun County	21381	131	671
251	TX	Colorado County	20874	131	667
251	TX	DeWitt County	20097	131	671
251	TX	Lavaca County	19263	131	667
251	TX	Burleson County	17187	131	667
251	TX	Jackson County	14075	131	667
251	TX	Goliad County	7210	131	671
252	NE	Lancaster County	285407	119	172
253	SD	Codington County	27227	116	637
253	SD	Roberts County	10149	116	637
253	SD	Grant County	7356	116	637
253	SD	Hamlin County	5903	116	637
253	MN	Big Stone County	5269	116	486
253	SD	Deuel County	4364	116	637
253	SD	Clark County	3691	116	637
253	MN	Traverse County	3558	116	486
254	NE	Dodge County	36691	118	537
254	NE	Madison County	34876	118	535
254	NE	Platte County	32237	118	537
254	NE	Cass County	25241	118	542
254	NE	Saunders County	20780	118	537
254	NE	Washington County	20234	118	537
254	NE	Colfax County	10515	118	537
254	NE	Wayne County	9595	118	535
254	NE	Cuming County	9139	118	535
254	NE	Butler County	8395	118	537
254	NE	Pierce County	7266	118	535
254	NE	Burt County	6858	118	535
254	NE	Antelope County	6685	118	535
254	NE	Stanton County	6129	118	535
254	NE	Boone County	5505	118	537
254	NE	Polk County	5406	118	537
254	NE	Nance County	3735	118	537
255	TX	Dallas County	2368139	127	9
255	TX	Tarrant County	1809034	127	9

PEA No.	State	County	Pop 2010	EA No.	CMA No.
255	TX	Collin County	782341	127	9
255	TX	Denton County	662614	127	9
255	TX	Johnson County	150934	127	9
255	TX	Ellis County	149610	127	9
255	TX	Parker County	116927	127	9
255	TX	Kaufman County	103350	127	9
255	TX	Rockwall County	78337	127	9
255	TX	Wise County	59127	127	9
255	TX	Hood County	51182	127	9
256	OK	Oklahoma County	718633	125	45
256	OK	Cleveland County	255755	125	45
256	OK	Canadian County	115541	125	45
256	OK	Pottawatomie County	69442	125	45
256	OK	Logan County	41848	125	598
256	OK	McClain County	34506	125	45
256	OK	Lincoln County	34273	125	598
256	OK	Seminole County	25482	125	601
256	OK	Hughes County	14003	125	601
256	OK	Okfuskee County	12191	125	601
257	KS	Sedgwick County	498365	122	89
257	KS	Butler County	65880	122	89
257	KS	Reno County	64511	122	441
257	KS	Cowley County	36311	122	441
257	KS	Harvey County	34684	122	441
257	KS	Sumner County	24132	122	441
257	KS	Kingman County	7858	122	441
257	KS	Greenwood County	6689	122	436
257	KS	Harper County	6034	122	441
257	KS	Elk County	2882	122	442
258	OK	Comanche County	124098	125	260
258	OK	Grady County	52431	125	602
258	OK	Carter County	47557	125	604
258	OK	Stephens County	45048	125	603
258	OK	Pontotoc County	37492	125	604
258	OK	Caddo County	29600	125	602
258	OK	Garvin County	27576	125	604
258	OK	Marshall County	15840	125	604
258	OK	Atoka County	14182	125	604
258	OK	Murray County	13488	125	604
258	OK	Johnston County	10957	125	604
258	OK	Love County	9423	125	604
258	OK	Jefferson County	6472	125	603
258	OK	Cotton County	6193	125	603
258	OK	Coal County	5925	125	604
259	TX	Bastrop County	74171	130	667
259	TX	Caldwell County	38066	130	667
259	TX	Milam County	24757	130	661
259	TX	Lee County	16612	130	667
260	ND	Grand Forks County	66861	110	276
260	MN	Polk County	31600	110	276
260	MN	Roseau County	15629	110	482
260	ND	Rolette County	13937	110	581
260	MN	Pennington County	13930	110	482
260	ND	Ramsey County	11451	110	581
260	ND	Walsh County	11119	110	582
260	MN	Marshall County	9439	110	482
260	ND	Traill County	8121	110	582
260	ND	Pembina County	7413	110	582
260	ND	Benson County	6660	110	581
260	MN	Kittson County	4552	110	482
260	MN	Red Lake County	4089	110	482
260	MN	Lake of the Woods County	4045	110	483
260	ND	Cavalier County	3993	110	581
260	ND	Nelson County	3126	110	582
260	ND	Eddy County	2385	110	584
260	ND	Towner County	2246	110	581
260	ND	Steele County	1975	110	582
261	TX	Nueces County	340223	132	112
261	TX	San Patricio County	64804	132	112
261	TX	Bee County	31861	132	671
261	TX	Aransas County	23158	132	671
261	TX	Refugio County	7383	132	671
262	TX	Travis County	1024266	130	75
262	TX	Williamson County	422679	130	75

PEA No.	State	County	Pop 2010	EA No.	CMA No.
262	TX	Hays County	157107	130	75
263	ND	Cass County	149778	113	221
263	MN	Clay County	58999	113	221
263	MN	Otter Tail County	57303	113	486
263	MN	Becker County	32504	113	486
263	ND	Stutsman County	21100	113	584
263	ND	Richland County	16321	113	582
263	ND	Barnes County	11066	113	582
263	MN	Norman County	6852	113	483
263	MN	Wilkin County	6576	113	486
263	ND	Ransom County	5457	113	582
263	MN	Mahnomen County	5413	113	483
263	ND	Dickey County	5289	113	582
263	ND	Pierce County	4357	113	581
263	ND	Wells County	4207	113	584
263	ND	LaMoure County	4139	113	582
263	ND	Sargent County	3829	113	582
263	ND	Foster County	3343	113	584
263	ND	Griggs County	2420	113	582
263	ND	Sheridan County	1321	113	584
264	TX	Jim Wells County	40838	132	670
264	TX	Kleberg County	32061	132	670
264	TX	Duval County	11782	132	670
264	TX	Live Oak County	11531	132	670
264	TX	Brooks County	7223	132	670
264	TX	McMullen County	707	132	670
264	TX	Kenedy County	416	132	670
265	TX	Hidalgo County	774769	133	128
265	TX	Cameron County	406220	133	162
265	TX	Starr County	60968	133	670
265	TX	Willacy County	22134	133	670
266	TX	Bell County	310235	127	160
266	TX	McLennan County	234906	127	194
266	TX	Coryell County	75388	127	160
266	TX	Brown County	38106	127	660
266	TX	Erath County	37890	127	660
266	TX	Hill County	35089	127	660
266	TX	Lampasas County	19677	127	666
266	TX	Eastland County	18583	127	660
266	TX	Bosque County	18212	127	660
266	TX	Falls County	17866	127	661
266	TX	Comanche County	13974	127	660
266	TX	Coleman County	8895	127	660
266	TX	Hamilton County	8517	127	660
266	TX	Somervell County	8490	127	660
266	TX	San Saba County	6131	127	666
266	TX	Mills County	4936	127	660
267	TX	Burnet County	42750	130	666
267	TX	Llano County	19301	130	666
267	TX	Blanco County	10497	130	666
268	TX	Bexar County	1714773	134	33
268	TX	Guadalupe County	131533	134	33
268	TX	Comal County	108472	134	33
268	TX	Kerr County	49625	134	666
268	TX	Wilson County	42918	134	671
268	TX	Kendall County	33410	134	666
268	TX	Gillespie County	24837	134	666
268	TX	Gonzales County	19807	134	667
268	TX	Karnes County	14824	134	671
269	OK	Garfield County	60580	125	302
269	OK	Kingfisher County	15034	125	600
269	OK	Blaine County	11943	125	600
269	OK	Woods County	8878	125	597
269	OK	Major County	7527	125	597
269	OK	Alfalfa County	5642	125	597
269	OK	Grant County	4527	125	598
270	TX	Wichita County	131500	127	233
270	TX	Cooke County	38437	127	657
270	TX	Palo Pinto County	28111	127	657
270	TX	Montague County	19719	127	657
270	TX	Young County	18550	127	656
270	TX	Wilbarger County	13535	127	656
270	TX	Clay County	10752	127	233
270	TX	Stephens County	9630	127	656

PEA No.	State	County	Pop 2010	EA No.	CMA No.
270	TX	Archer County	9054	127	656
270	TX	Jack County	9044	127	657
270	OK	Tillman County	7992	127	603
270	TX	Hardeman County	4139	127	656
270	TX	Baylor County	3726	127	656
270	TX	Throckmorton County	1641	127	656
270	TX	Foard County	1336	127	656
271	SD	Minnehaha County	169468	116	267
271	SD	Lincoln County	44828	116	642
271	SD	Brookings County	31965	116	641
271	SD	Yankton County	22438	116	642
271	SD	Davison County	19504	116	640
271	SD	Beadle County	17398	116	641
271	SD	Hughes County	17022	116	640
271	SD	Clay County	13864	116	642
271	IA	Lyon County	11581	116	427
271	SD	Lake County	11200	116	641
271	MN	Rock County	9687	116	490
271	MN	Pipestone County	9596	116	490
271	SD	Charles Mix County	9129	116	640
271	NE	Cedar County	8852	116	535
271	NE	Knox County	8701	116	535
271	SD	Turner County	8347	116	642
271	SD	Hutchinson County	7343	116	642
271	SD	Bon Homme County	7070	116	642
271	SD	Moody County	6486	116	641
271	SD	Tripp County	5644	116	639
271	SD	McCook County	5618	116	642
271	SD	Brule County	5255	116	640
271	SD	Kingsbury County	5148	116	641
271	SD	Gregory County	4271	116	639
271	SD	Lyman County	3755	116	639
271	SD	Hand County	3431	116	640
271	SD	Hanson County	3331	116	642
271	SD	Douglas County	3002	116	640
271	SD	Stanley County	2966	116	639
271	SD	Aurora County	2710	116	640
271	SD	Miner County	2389	116	641
271	SD	Sanborn County	2355	116	641
271	SD	Jerauld County	2071	116	640
271	SD	Buffalo County	1912	116	640
271	SD	Hyde County	1420	116	640
271	SD	Sully County	1373	116	640
272	OK	Custer County	27469	126	600
272	OK	Jackson County	26446	126	603
272	OK	Beckham County	22119	126	602
272	OK	Woodward County	20081	126	597
272	OK	Washita County	11629	126	602
272	OK	Kiowa County	9446	126	602
272	OK	Greer County	6239	126	602
272	OK	Dewey County	4810	126	600
272	OK	Ellis County	4151	126	597
272	OK	Harper County	3685	126	597
272	OK	Roger Mills County	3647	126	600
272	OK	Harmon County	2922	126	602
273	TX	Webb County	250304	134	281
273	TX	Maverick County	54258	134	669
273	TX	Medina County	46006	134	669
273	TX	Atascosa County	44911	134	670
273	TX	Uvalde County	26405	134	669
273	TX	Bandera County	20485	134	669
273	TX	Frio County	17217	134	669
273	TX	Zapata County	14018	134	670
273	TX	Zavala County	11677	134	669
273	TX	Dimmit County	9996	134	669
273	TX	La Salle County	6886	134	669
273	TX	Jim Hogg County	5300	134	670
273	TX	Real County	3309	134	669
274	NE	Hall County	58607	120	539
274	NE	Buffalo County	46102	120	538
274	NE	Adams County	31364	120	541
274	NE	Dawson County	24326	120	538
274	NE	Red Willow County	11055	120	540
274	NE	Custer County	10939	120	536

PEA No.	State	County	Pop 2010	EA No.	CMA No.
274	NE	Holt County	10435	120	534
274	NE	Phelps County	9188	120	540
274	NE	Hamilton County	9124	120	539
274	NE	Merrick County	7845	120	537
274	NE	Clay County	6542	120	541
274	NE	Kearney County	6489	120	540
274	NE	Howard County	6274	120	536
274	NE	Furnas County	4959	120	540
274	NE	Nuckolls County	4500	120	541
274	NE	Valley County	4260	120	536
274	NE	Webster County	3812	120	541
274	NE	Harlan County	3423	120	540
274	NE	Franklin County	3225	120	540
274	NE	Sherman County	3152	120	536
274	NE	Brown County	3145	120	534
274	NE	Hitchcock County	2908	120	540
274	NE	Frontier County	2756	120	540
274	NE	Greeley County	2538	120	536
274	NE	Boyd County	2099	120	534
274	NE	Garfield County	2049	120	534
274	NE	Gosper County	2044	120	540
274	NE	Rock County	1526	120	534
274	NE	Hayes County	967	120	540
274	NE	Keya Paha County	824	120	534
274	NE	Wheeler County	818	120	534
274	NE	Loup County	632	120	536
275	SD	Brown County	36531	114	636
275	SD	Spink County	6415	114	636
275	SD	Day County	5710	114	637
275	SD	Walworth County	5438	114	635
275	SD	Dewey County	5301	114	635
275	SD	Marshall County	4656	114	637
275	SD	Edmunds County	4071	114	636
275	SD	Ziebach County	2801	114	635
275	SD	McPherson County	2459	114	636
275	SD	Faulk County	2364	114	636
275	SD	Potter County	2329	114	635
275	SD	Campbell County	1466	114	635
276	KS	Saline County	55606	122	435
276	KS	Finney County	36776	122	438
276	KS	Ford County	33848	122	439
276	KS	McPherson County	29180	122	435
276	KS	Ellis County	28452	122	434
276	KS	Barton County	27674	122	434
276	KS	Seward County	22952	122	438
276	OK	Texas County	20640	122	596
276	KS	Marion County	12660	122	435
276	KS	Rice County	10083	122	435
276	KS	Pratt County	9656	122	440
276	KS	Cloud County	9533	122	430
276	KS	Grant County	7829	122	438
276	KS	Pawnee County	6973	122	434
276	KS	Russell County	6970	122	434
276	KS	Ellsworth County	6497	122	435
276	KS	Mitchell County	6373	122	430
276	KS	Ottawa County	6091	122	430
276	KS	Gray County	6006	122	439
276	KS	Stevens County	5724	122	438
276	KS	Norton County	5671	122	429
276	KS	Phillips County	5642	122	429
276	OK	Beaver County	5636	122	596
276	KS	Rooks County	5181	122	429
276	KS	Republic County	4980	122	430
276	KS	Scott County	4936	122	433
276	KS	Barber County	4861	122	440
276	KS	Meade County	4575	122	439
276	KS	Stafford County	4437	122	440
276	KS	Haskell County	4256	122	438
276	KS	Kearny County	3977	122	438
276	KS	Osborne County	3858	122	429
276	KS	Smith County	3853	122	429
276	KS	Rush County	3307	122	434
276	KS	Lincoln County	3241	122	430
276	KS	Morton County	3233	122	438

PEA No.	State	County	Pop 2010	EA No.	CMA No.
276	KS	Ness County	3107	122	434
276	KS	Jewell County	3077	122	430
276	KS	Edwards County	3037	122	440
276	KS	Trego County	3001	122	434
276	KS	Decatur County	2961	122	428
276	KS	Hamilton County	2690	122	438
276	KS	Graham County	2597	122	429
276	KS	Kiowa County	2553	122	440
276	KS	Rawlins County	2519	122	428
276	OK	Cimarron County	2475	122	596
276	KS	Stanton County	2235	122	438
276	KS	Wichita County	2234	122	433
276	KS	Clark County	2215	122	439
276	KS	Hodgeman County	1916	122	439
276	KS	Comanche County	1891	122	440
276	KS	Lane County	1750	122	433
276	KS	Greeley County	1247	122	433
277	TX	Taylor County	131506	128	220
277	TX	Jones County	20202	128	220
277	TX	Scurry County	16921	128	659
277	TX	Nolan County	15216	128	659
277	TX	Callahan County	13544	128	220
277	TX	Mitchell County	9403	128	659
277	TX	Haskell County	5899	128	656
277	TX	Fisher County	3974	128	659
277	TX	Knox County	3719	128	656
277	TX	Shackelford County	3378	128	656
277	TX	Stonewall County	1490	128	655
277	TX	King County	286	128	655
278	TX	Tom Green County	110224	129	294
278	TX	Val Verde County	48879	129	669
278	TX	Runnels County	10501	129	660
278	TX	McCulloch County	8283	129	666
278	TX	Kimble County	4607	129	666
278	TX	Sutton County	4128	129	665
278	TX	Concho County	4087	129	666
278	TX	Mason County	4012	129	666
278	TX	Kinney County	3598	129	669
278	TX	Schleicher County	3461	129	665
278	TX	Coke County	3320	129	659
278	TX	Menard County	2242	129	666
278	TX	Edwards County	2002	129	669
278	TX	Irion County	1599	129	665
278	TX	Sterling County	1143	129	659
279	TX	Garza County	6461	137	655
279	TX	Floyd County	6446	137	655
279	TX	Crosby County	6059	137	655
279	TX	Dickens County	2444	137	655
279	TX	Briscoe County	1637	137	655
279	TX	Motley County	1210	137	655
279	TX	Kent County	808	137	655
280	NE	Lincoln County	36288	121	538
280	NE	Keith County	8368	121	538
280	NE	Chase County	3966	121	540
280	NE	Perkins County	2970	121	538
280	CO	Sedgwick County	2379	121	349
280	NE	Garden County	2057	121	533
280	NE	Deuel County	1941	121	533
280	NE	Logan County	763	121	536
280	NE	Hooker County	736	121	536
280	NE	Thomas County	647	121	536
280	NE	McPherson County	539	121	536
280	NE	Blaine County	478	121	536
280	NE	Arthur County	460	121	536
281	TX	Potter County	121073	138	188
281	TX	Randall County	120725	138	188
281	TX	Gray County	22535	138	653
281	TX	Hutchinson County	22150	138	653
281	TX	Moore County	21904	138	652
281	TX	Deaf Smith County	19372	138	652
281	TX	Ochiltree County	10223	138	653
281	TX	Childress County	7041	138	655
281	TX	Dallam County	6703	138	652
281	TX	Carson County	6182	138	653

PEA No.	State	County	Pop 2010	EA No.	CMA No.
281	TX	Hartley County	6062	138	652
281	TX	Hansford County	5613	138	653
281	TX	Wheeler County	5410	138	653
281	TX	Hemphill County	3807	138	653
281	TX	Donley County	3677	138	653
281	TX	Hall County	3353	138	655
281	TX	Lipscomb County	3302	138	653
281	TX	Collingsworth County	3057	138	653
281	TX	Sherman County	3034	138	652
281	TX	Oldham County	2052	138	652
281	TX	Armstrong County	1901	138	653
281	TX	Cottle County	1505	138	655
281	TX	Roberts County	929	138	653
282	ND	Burleigh County	81308	112	298
282	ND	Morton County	27471	112	298
282	ND	Stark County	24199	112	583
282	ND	McLean County	8962	112	580
282	ND	Mercer County	8424	112	583
282	ND	Sioux County	4153	112	583
282	SD	Corson County	4050	112	635
282	ND	Emmons County	3550	112	584
282	ND	Dunn County	3536	112	583
282	ND	Bowman County	3151	112	583
282	ND	McIntosh County	2809	112	584
282	ND	Hettinger County	2477	112	583
282	ND	Kidder County	2435	112	584
282	ND	Grant County	2394	112	583
282	ND	Logan County	1990	112	584
282	ND	Oliver County	1846	112	583
282	ND	Golden Valley County	1680	112	583
282	MT	Wibaux County	1017	112	526
282	ND	Billings County	783	112	583
282	ND	Slope County	727	112	583
283	ND	Ward County	61675	111	580
283	ND	Williams County	22398	111	580
283	ND	Mountrail County	7673	111	580
283	ND	Bottineau County	6429	111	581
283	ND	McKenzie County	6360	111	583
283	ND	McHenry County	5395	111	581
283	ND	Renville County	2470	111	580
283	ND	Divide County	2071	111	580
283	ND	Burke County	1968	111	580
284	TX	Lubbock County	278831	137	161
284	TX	Hale County	36273	137	654
284	TX	Hockley County	22935	137	654
284	TX	Lamb County	13977	137	654
284	TX	Terry County	12651	137	654
284	TX	Swisher County	7854	137	654
284	TX	Lynn County	5915	137	654
284	TX	Cochran County	3127	137	654
285	CO	Morgan County	28159	141	349
285	CO	Elbert County	23086	141	352
285	CO	Logan County	22709	141	349
285	CO	Yuma County	10043	141	349
285	CO	Kit Carson County	8270	141	352
285	KS	Thomas County	7900	141	428
285	KS	Sherman County	6010	141	428
285	CO	Lincoln County	5467	141	352
285	CO	Washington County	4814	141	349
285	CO	Phillips County	4442	141	349
285	KS	Logan County	2756	141	433
285	KS	Cheyenne County	2726	141	428
285	KS	Gove County	2695	141	433
285	KS	Sheridan County	2556	141	428
285	NE	Dundy County	2008	141	540
285	KS	Wallace County	1485	141	433
286	TX	Ector County	137130	135	255
286	TX	Midland County	136872	135	295
286	TX	Howard County	35012	135	659
286	TX	Andrews County	14786	135	659
286	TX	Dawson County	13833	135	659
286	TX	Ward County	10658	135	665
286	TX	Winkler County	7110	135	665
286	TX	Martin County	4799	135	659

PEA No.	State	County	Pop 2010	EA No.	CMA No.
286	TX	Crane County	4375	135	665
286	TX	Crockett County	3719	135	665
286	TX	Reagan County	3367	135	665
286	TX	Upton County	3355	135	665
286	TX	Glasscock County	1226	135	659
286	TX	Borden County	641	135	659
286	TX	Loving County	82	135	665
287	SD	Pennington County	100948	115	289
287	SD	Meade County	25434	115	289
287	SD	Lawrence County	24097	115	634
287	SD	Shannon County	13586	115	638
287	SD	Butte County	10110	115	634
287	SD	Todd County	9612	115	639
287	SD	Custer County	8216	115	638
287	SD	Fall River County	7094	115	638
287	NE	Cherry County	5713	115	534
287	NE	Sheridan County	5469	115	533
287	SD	Bennett County	3431	115	639
287	SD	Jackson County	3031	115	639
287	SD	Perkins County	2982	115	634
287	ND	Adams County	2343	115	583
287	SD	Mellette County	2048	115	639
287	SD	Haakon County	1937	115	639
287	SD	Harding County	1255	115	634
287	MT	Carter County	1160	115	532
287	SD	Jones County	1006	115	639
287	NE	Grant County	614	115	536
288	TX	Pecos County	15507	135	664
288	TX	Reeves County	13783	135	664
288	TX	Brewster County	9232	135	663
288	TX	Presidio County	7818	135	663
288	TX	Jeff Davis County	2342	135	663
288	TX	Terrell County	984	135	664
289	NM	Curry County	48376	138	556
289	NM	Roosevelt County	19846	138	556
289	TX	Parmer County	10269	138	654
289	NM	Quay County	9041	138	556
289	TX	Castro County	8062	138	654
289	TX	Bailey County	7165	138	654
289	NM	Union County	4549	138	554
289	NM	De Baca County	2022	138	556
289	NM	Harding County	695	138	554
290	NE	Scotts Bluff County	36970	142	533
290	WY	Goshen County	13249	142	721
290	NE	Box Butte County	11308	142	533
290	NE	Cheyenne County	9998	142	533
290	NE	Dawes County	9182	142	533
290	NE	Morrill County	5042	142	533
290	NE	Kimball County	3821	142	533
290	NE	Sioux County	1311	142	533
290	NE	Banner County	690	142	533
291	NM	Chaves County	65645	136	558
291	NM	Lea County	64727	136	558
291	NM	Eddy County	53829	136	558
291	TX	Gaines County	17526	136	659
291	TX	Yoakum County	7879	136	654
292	CO	Pueblo County	159063	140	241
293	CO	El Paso County	622263	141	117
294	CO	Otero County	18831	140	355
294	CO	Las Animas County	15507	140	356
294	CO	Alamosa County	15445	140	354
294	NM	Colfax County	13750	140	554
294	CO	Prowers County	12551	140	355
294	CO	Rio Grande County	11982	140	354
294	CO	Conejos County	8256	140	354
294	CO	Huerfano County	6711	140	356
294	CO	Bent County	6499	140	355
294	CO	Saguache County	6108	140	354
294	CO	Crowley County	5823	140	355
294	CO	Baca County	3788	140	356
294	CO	Costilla County	3524	140	356
294	CO	Cheyenne County	1836	140	352
294	CO	Kiowa County	1398	140	355
294	CO	Mineral County	712	140	354

PEA No.	State	County	Pop 2010	EA No.	CMA No.
295	CO	Denver County	600158	141	19
295	CO	Arapahoe County	572003	141	19
295	CO	Jefferson County	534543	141	19
295	CO	Adams County	441603	141	19
295	CO	Boulder County	294567	141	19
295	CO	Douglas County	285465	141	19
295	CO	Broomfield County	55889	141	19
295	CO	Gilpin County	5441	141	19
296	CO	Larimer County	299630	141	210
296	CO	Weld County	252825	141	243
297	CO	Teller County	23350	141	117
298	NM	Santa Fe County	144170	139	556
298	NM	Rio Arriba County	40246	139	553
298	NM	Taos County	32937	139	553
298	NM	San Miguel County	29393	139	556
298	NM	Los Alamos County	17950	139	556
298	NM	Mora County	4881	139	554
298	NM	Guadalupe County	4687	139	556
299	NM	Do±a Ana County	209233	157	285
299	NM	Otero County	63797	157	558
299	NM	Lincoln County	20497	157	558
299	NM	Sierra County	11988	157	555
299	TX	Hudspeth County	3476	157	663
299	TX	Culberson County	2398	157	663
300	TX	El Paso County	800647	157	81
301	NM	Bernalillo County	662564	156	86
302	NM	Sandoval County	131561	156	86
303	CO	Mesa County	146723	141	350
303	CO	Garfield County	56389	141	350
303	CO	Eagle County	52197	141	350
303	CO	Fremont County	46824	141	351
303	CO	Montrose County	41276	141	350
303	CO	Delta County	30952	141	350
303	CO	Summit County	27994	141	350
303	CO	Routt County	23509	141	348
303	CO	Chaffee County	17809	141	351
303	CO	Pitkin County	17148	141	350
303	CO	Park County	16206	141	351
303	CO	Gunnison County	15324	141	350
303	CO	Grand County	14843	141	348
303	CO	Moffat County	13795	141	348
303	CO	Clear Creek County	9088	141	350
303	CO	San Miguel County	7359	141	353
303	CO	Lake County	7310	141	351
303	CO	Rio Blanco County	6666	141	348
303	CO	Ouray County	4436	141	353
303	CO	Custer County	4255	141	351
303	CO	Jackson County	1394	141	348
303	CO	Hinsdale County	843	141	353
304	NM	Valencia County	76569	156	555
304	AZ	Apache County	71518	156	320
304	NM	McKinley County	71492	156	553
304	NM	Cibola County	27213	156	553
304	NM	Socorro County	17866	156	555
304	NM	Torrance County	16383	156	556
304	NM	Catron County	3725	156	555
305	NM	San Juan County	130044	155	553
305	CO	La Plata County	51334	155	353
305	CO	Montezuma County	25535	155	353
305	CO	Archuleta County	12084	155	354
305	CO	Dolores County	2064	155	353
305	CO	San Juan County	699	155	353
306	WY	Laramie County	91738	143	721
306	WY	Natrona County	75450	143	299
306	WY	Campbell County	46133	143	719
306	WY	Sweetwater County	43806	143	720
306	WY	Fremont County	40123	143	720
306	WY	Albany County	36299	143	721
306	WY	Uinta County	21118	143	720
306	WY	Lincoln County	18106	143	720
306	WY	Carbon County	15885	143	720
306	WY	Converse County	13833	143	722
306	WY	Sublette County	10247	143	720
306	WY	Platte County	8667	143	721

PEA No.	State	County	Pop 2010	EA No.	CMA No.
306	WY	Washakie County	8533	143	718
306	WY	Weston County	7208	143	719
306	WY	Crook County	7083	143	719
306	ID	Caribou County	6963	143	393
306	ID	Bear Lake County	5986	143	393
306	WY	Hot Springs County	4812	143	718
306	WY	Niobrara County	2484	143	721
306	UT	Rich County	2264	143	673
306	UT	Daggett County	1059	143	677
307	MT	Yellowstone County	147972	144	268
307	MT	Gallatin County	89513	144	530
307	WY	Sheridan County	29116	144	719
307	WY	Park County	28205	144	718
307	MT	Park County	15636	144	530
307	MT	Big Horn County	12865	144	531
307	MT	Custer County	11699	144	532
307	WY	Big Horn County	11668	144	718
307	MT	Roosevelt County	10425	144	526
307	MT	Carbon County	10078	144	531
307	MT	Richland County	9746	144	526
307	MT	Rosebud County	9233	144	531
307	MT	Stillwater County	9117	144	529
307	MT	Dawson County	8966	144	526
307	WY	Johnson County	8569	144	719
307	MT	Madison County	7691	144	530
307	MT	Valley County	7369	144	525
307	MT	Musselshell County	4538	144	529
307	MT	Sweet Grass County	3651	144	529
307	MT	Sheridan County	3384	144	526
307	MT	Fallon County	2890	144	532
307	MT	Daniels County	1751	144	526
307	MT	Powder River County	1743	144	532
307	MT	McCone County	1734	144	526
307	MT	Garfield County	1206	144	525
307	MT	Prairie County	1179	144	532
307	MT	Golden Valley County	884	144	529
307	MT	Treasure County	718	144	531
307	MT	Petroleum County	494	144	529
308	AZ	Pinal County	375770	158	322
308	AZ	Gila County	53597	158	322
308	AZ	Graham County	37220	158	323
308	NM	Grant County	29514	158	557
308	NM	Luna County	25095	158	557
308	AZ	Greenlee County	8437	158	323
308	NM	Hidalgo County	4894	158	557
309	AZ	Navajo County	107449	154	320
309	UT	San Juan County	14746	154	678
309	UT	Kane County	7125	154	678
310	MT	Cascade County	81327	145	297
310	MT	Hill County	16096	145	524
310	MT	Glacier County	13399	145	523
310	MT	Fergus County	11586	145	529
310	MT	Blaine County	6491	145	524
310	MT	Pondera County	6153	145	523
310	MT	Teton County	6073	145	523
310	MT	Chouteau County	5813	145	524
310	MT	Toole County	5324	145	524
310	MT	Phillips County	4253	145	525
310	MT	Liberty County	2339	145	524
310	MT	Wheatland County	2168	145	528
310	MT	Judith Basin County	2072	145	528
310	MT	Meagher County	1891	145	528
311	AZ	Pima County	980263	159	77
311	AZ	Cochise County	131346	159	323
311	AZ	Santa Cruz County	47420	159	323
312	UT	Summit County	36324	152	674
312	UT	Uintah County	32588	152	677
312	UT	Sanpete County	27822	152	675
312	UT	Wasatch County	23530	152	674
312	UT	Carbon County	21403	152	677
312	UT	Sevier County	20802	152	675
312	UT	Duchesne County	18607	152	677
312	UT	Millard County	12503	152	675
312	UT	Emery County	10976	152	677

PEA No.	State	County	Pop 2010	EA No.	CMA No.
312	UT	Juab County	10246	152	675
312	UT	Morgan County	9469	152	674
312	UT	Grand County	9225	152	677
312	UT	Wayne County	2778	152	678
313	AZ	Coconino County	134421	154	319
314	AZ	Maricopa County	3817117	158	26
315	UT	Salt Lake County	1029655	152	39
315	UT	Utah County	516564	152	159
315	UT	Davis County	306479	152	39
315	UT	Weber County	231236	152	39
315	UT	Tooele County	58218	152	39
316	ID	Bonneville County	104234	148	393
316	ID	Bannock County	82839	148	393
316	ID	Bingham County	45607	148	393
316	ID	Madison County	37536	148	393
316	ID	Jefferson County	26140	148	393
316	WY	Teton County	21294	148	720
316	ID	Fremont County	13242	148	393
316	ID	Teton County	10170	148	393
316	ID	Lemhi County	7936	148	390
316	ID	Power County	7817	148	393
316	ID	Custer County	4368	148	390
316	ID	Butte County	2891	148	392
316	ID	Clark County	982	148	393
317	UT	Cache County	112656	152	673
317	UT	Box Elder County	49975	152	673
317	ID	Franklin County	12786	152	393
317	ID	Oneida County	4286	152	393
318	MT	Missoula County	109299	146	527
318	MT	Flathead County	90928	146	523
318	MT	Lewis and Clark County	63395	146	527
318	MT	Ravalli County	40212	146	527
318	MT	Silver Bow County	34200	146	528
318	MT	Lake County	28746	146	523
318	MT	Lincoln County	19687	146	523
318	MT	Sanders County	11413	146	523
318	MT	Jefferson County	11406	146	528
318	MT	Deer Lodge County	9298	146	528
318	MT	Beaverhead County	9246	146	530
318	MT	Powell County	7027	146	527
318	MT	Broadwater County	5612	146	528
318	MT	Mineral County	4223	146	527
318	MT	Granite County	3079	146	527
319	ID	Twin Falls County	77230	149	392
319	ID	Cassia County	22952	149	392
319	ID	Jerome County	22374	149	392
319	ID	Blaine County	21376	149	392
319	ID	Minidoka County	20069	149	392
319	ID	Gooding County	15464	149	392
319	ID	Lincoln County	5208	149	392
319	ID	Camas County	1117	149	392
320	NV	Clark County	1951269	153	93
320	AZ	Mohave County	200186	153	318
321	UT	Washington County	138115	153	676
321	UT	Iron County	46163	153	676
321	NV	Nye County	43946	153	546
321	UT	Beaver County	6629	153	676
321	NV	Lincoln County	5345	153	547
321	UT	Garfield County	5172	153	678
321	NV	Mineral County	4772	153	546
321	UT	Piute County	1556	153	678
321	NV	Esmeralda County	783	153	546
322	AZ	Yuma County	195751	160	321
322	CA	Imperial County	174528	160	342
322	AZ	La Paz County	20489	160	321
323	NV	Washoe County	421407	151	171
323	NV	Carson City	55274	151	545
323	NV	Lyon County	51980	151	545
323	NV	Elko County	48818	151	544
323	NV	Douglas County	46997	151	545
323	CA	Lassen County	34895	151	337
323	NV	Churchill County	24877	151	543
323	CA	Plumas County	20007	151	337
323	CA	Inyo County	18546	151	341

PEA No.	State	County	Pop 2010	EA No.	CMA No.
323	NV	Humboldt County	16528	151	543
323	CA	Mono County	14202	151	341
323	NV	White Pine County	10030	151	547
323	NV	Pershing County	6753	151	543
323	NV	Lander County	5775	151	544
323	NV	Storey County	4010	151	545
323	CA	Sierra County	3240	151	345
323	NV	Eureka County	1987	151	544
323	CA	Alpine County	1175	151	338
324	ID	Ada County	392365	150	190
324	ID	Elmore County	27038	150	391
324	ID	Payette County	22623	150	389
324	ID	Gem County	16719	150	389
324	ID	Washington County	10198	150	389
324	ID	Valley County	9862	150	389
324	ID	Boise County	7028	150	390
324	ID	Adams County	3976	150	389
325	ID	Kootenai County	138494	147	388
325	WA	Stevens County	43531	147	695
325	ID	Bonner County	40877	147	388
325	ID	Nez Perce County	39265	147	388
325	ID	Latah County	37244	147	388
325	ID	Idaho County	16267	147	389
325	WA	Pend Oreille County	13001	147	695
325	ID	Shoshone County	12765	147	388
325	ID	Boundary County	10972	147	388
325	ID	Benewah County	9285	147	388
325	ID	Clearwater County	8761	147	388
325	WA	Ferry County	7551	147	695
325	ID	Lewis County	3821	147	388
326	CA	Los Angeles County	9818605	160	2
326	CA	Orange County	3010232	160	2
326	CA	Riverside County	2189641	160	2
326	CA	San Bernardino County	2035210	160	2
326	CA	Ventura County	823318	160	73
327	CA	San Diego County	3095313	161	18
328	ID	Canyon County	188923	150	391
328	OR	Malheur County	31313	150	608
328	ID	Owyhee County	11526	150	391
328	OR	Harney County	7422	150	611
329	WA	Spokane County	471221	147	109
329	WA	Whitman County	44776	147	700
329	WA	Asotin County	21623	147	700
329	WA	Lincoln County	10570	147	697
329	WA	Garfield County	2266	147	700
330	OR	Umatilla County	75889	168	608
330	WA	Walla Walla County	58781	168	700
330	OR	Union County	25748	168	608
330	OR	Baker County	16134	168	608
330	OR	Morrow County	11173	168	607
330	OR	Grant County	7445	168	608
330	OR	Wallowa County	7008	168	608
330	WA	Columbia County	4078	168	700
330	OR	Gilliam County	1871	168	607
330	OR	Wheeler County	1441	168	607
331	CA	Fresno County	930450	162	74
331	CA	Tulare County	442179	162	150
331	CA	Kings County	152982	162	347
331	CA	Madera County	150865	162	339
332	CA	Kern County	839631	160	97
332	CA	Santa Barbara County	423895	160	124
332	CA	San Luis Obispo County	269637	160	340
333	WA	Yakima County	243231	169	191
333	WA	Benton County	175177	169	214
333	WA	Grant County	89120	169	697
333	WA	Franklin County	78163	169	214
333	WA	Chelan County	72453	169	694
333	WA	Okanogan County	41120	169	694
333	WA	Kittitas County	40915	169	697
333	WA	Douglas County	38431	169	694
333	WA	Adams County	18728	169	697
334	CA	El Dorado County	181058	164	346
334	CA	Amador County	38091	164	338
335	OR	Deschutes County	157733	167	611

PEA No.	State	County	Pop 2010	EA No.	CMA No.
335	OR	Wasco County	25213	167	607
335	OR	Hood River County	22346	167	607
335	OR	Jefferson County	21720	167	607
335	OR	Crook County	20978	167	611
335	WA	Klickitat County	20318	167	699
335	WA	Skamania County	11066	167	699
335	OR	Lake County	7895	167	611
335	OR	Sherman County	1765	167	607
336	CA	Monterey County	415057	163	126
336	CA	Merced County	255793	163	339
336	CA	San Benito County	55269	163	339
337	CA	Santa Clara County	1781642	163	27
337	CA	Alameda County	1510271	163	7
337	CA	Contra Costa County	1049025	163	7
337	CA	San Francisco County	805235	163	7
337	CA	San Mateo County	718451	163	7
337	CA	San Joaquin County	685306	163	107
337	CA	Stanislaus County	514453	163	142
337	CA	Santa Cruz County	262382	163	175
337	CA	Marin County	252409	163	7
337	CA	Tuolumne County	55365	163	338
337	CA	Calaveras County	45578	163	338
337	CA	Mariposa County	18251	163	338
338	CA	Sacramento County	1418788	164	35
338	CA	Placer County	348432	164	35
338	CA	Yolo County	200849	164	35
339	CA	Butte County	220000	164	215
339	CA	Nevada County	98764	164	345
339	CA	Sutter County	94737	164	274
339	CA	Yuba County	72155	164	274
339	CA	Glenn County	28122	164	343
339	CA	Colusa County	21419	164	343
340	WA	Whatcom County	201140	170	270
340	WA	Skagit County	116901	170	693
340	WA	San Juan County	15769	170	693
341	CA	Shasta County	177223	165	254
341	OR	Klamath County	66380	165	611
341	CA	Tehama County	63463	165	343
341	CA	Siskiyou County	44900	165	336
341	CA	Modoc County	9686	165	337
342	WA	King County	1931249	170	20
342	WA	Pierce County	795225	170	82
342	WA	Snohomish County	713335	170	20
342	WA	Thurston County	252264	170	242
342	WA	Kitsap County	251133	170	212
342	WA	Lewis County	75455	170	698
342	WA	Pacific County	20920	170	698
343	CA	Sonoma County	483878	163	123
343	CA	Solano County	413344	163	111
343	CA	Napa County	136484	163	111
344	OR	Multnomah County	735334	167	30
344	OR	Washington County	529710	167	30
344	WA	Clark County	425363	167	30
344	OR	Clackamas County	375992	167	30
344	OR	Marion County	315335	167	148
344	OR	Linn County	116672	167	609
344	WA	Cowlitz County	102410	167	698
344	OR	Yamhill County	99193	167	606
344	OR	Benton County	85579	167	609
344	OR	Polk County	75403	167	148
344	OR	Columbia County	49351	167	606
344	OR	Lincoln County	46034	167	609
344	OR	Clatsop County	37039	167	606
344	OR	Tillamook County	25250	167	606
344	WA	Wahkiakum County	3978	167	698
345	OR	Lane County	351715	166	135
345	OR	Jackson County	203206	166	229
345	OR	Douglas County	107667	166	610
345	OR	Josephine County	82713	166	610
345	OR	Coos County	63043	166	610
345	CA	Del Norte County	28610	166	336
345	OR	Curry County	22364	166	610
346	CA	Humboldt County	134623	163	336
346	CA	Mendocino County	87841	163	344

PEA No.	State	County	Pop 2010	EA No.	CMA No.
346	CA	Lake County	64665	163	344
346	CA	Trinity County	13786	163	336
347	WA	Island County	78506	170	693
347	WA	Grays Harbor County	72797	170	696
347	WA	Clallam County	71404	170	693
347	WA	Mason County	60699	170	696
347	WA	Jefferson County	29872	170	693
348	AK	Anchorage Municipality	291826	171	187
348	AK	Fairbanks North Star Borough	97581	171	315
348	AK	Matanuska-Susitna Borough	88995	171	316
348	AK	Kenai Peninsula Borough	55400	171	316
348	AK	Juneau City and Borough	31275	171	317
348	AK	Bethel Census Area	17013	171	316
348	AK	Kodiak Island Borough	13592	171	316
348	AK	Ketchikan Gateway Borough	13477	171	317
348	AK	Valdez-Cordova Census Area	9636	171	316
348	AK	Nome Census Area	9492	171	315
348	AK	North Slope Borough	9430	171	315
348	AK	Sitka City and Borough	8881	171	317
348	AK	Northwest Arctic Borough	7523	171	315
348	AK	Wade Hampton Census Area	7459	171	315
348	AK	Southeast Fairbanks Census Area	7029	171	315
348	AK	Yukon-Koyukuk Census Area	5588	171	315
348	AK	Aleutians West Census Area	5561	171	316
348	AK	Prince of Wales-Hyder Census Area	5559	171	317
348	AK	Dillingham Census Area	4847	171	316
348	AK	Petersburg Census Area	3815	171	317
348	AK	Aleutians East Borough	3141	171	316
348	AK	Haines Borough	2508	171	317
348	AK	Wrangell City and Borough	2369	171	317
348	AK	Hoonah-Angoon Census Area	2150	171	317
348	AK	Denali Borough	1826	171	315
348	AK	Lake and Peninsula Borough	1631	171	316
348	AK	Bristol Bay Borough	997	171	316
348	AK	Skagway Municipality	968	171	317
348	AK	Yakutat City and Borough	662	171	317
349	HI	Honolulu County	953207	172	50
349	HI	Hawaii County	185079	172	387
349	HI	Maui County	154834	172	386
349	HI	Kauai County	67091	172	385
349	HI	Kalawao County	90	172	386
350	PR	San Juan Municipio	395326	174	91
350	PR	Bayamón Municipio	208116	174	91
350	PR	Carolina Municipio	176762	174	91
350	PR	Ponce Municipio	166327	174	147
350	PR	Caguas Municipio	142893	174	91
350	PR	Guaynabo Municipio	97924	174	91
350	PR	Arecibo Municipio	96440	174	202
350	PR	Toa Baja Municipio	89609	174	91
350	PR	Mayagüez Municipio	89080	174	169
350	PR	Trujillo Alto Municipio	74842	174	91
350	PR	Toa Alta Municipio	74066	174	91
350	PR	Aguadilla Municipio	60949	174	204
350	PR	Vega Baja Municipio	59662	174	91
350	PR	Humacao Municipio	58466	174	91
350	PR	Rio Grande Municipio	54304	174	91
350	PR	Cabo Rojo Municipio	50917	174	169
350	PR	Juana Diaz Municipio	50747	174	147
350	PR	Cayey Municipio	48119	174	91
350	PR	Canóvanas Municipio	47648	174	91
350	PR	Isabela Municipio	45631	174	204
350	PR	Gurabo Municipio	45369	174	91
350	PR	Guayama Municipio	45362	174	726
350	PR	Manati Municipio	44113	174	91
350	PR	Cidra Municipio	43480	174	91
350	PR	San Sebastián Municipio	42430	174	724
350	PR	Yauco Municipio	42043	174	724
350	PR	Aguada Municipio	41959	174	204
350	PR	Hatillo Municipio	41953	174	202
350	PR	San Lorenzo Municipio	41058	174	91
350	PR	Coamo Municipio	40512	174	726
350	PR	Juncos Municipio	40290	174	91
350	PR	Moca Municipio	40109	174	204
350	PR	Vega Alta Municipio	39951	174	91

PEA No.	State	County	Pop 2010	EA No.	CMA No.
350	PR	Las Piedras Municipio	38675	174	91
350	PR	Dorado Municipio	38165	174	91
350	PR	Yabucoa Municipio	37941	174	726
350	PR	Corozal Municipio	37142	174	91
350	PR	Fajardo Municipio	36993	174	91
350	PR	San Germán Municipio	35527	174	169
350	PR	Camuy Municipio	35159	174	202
350	PR	Utuado Municipio	33149	174	725
350	PR	Morovis Municipio	32610	174	725
350	PR	Salinas Municipio	31078	174	91
350	PR	Lares Municipio	30753	174	724
350	PR	Naranjito Municipio	30402	174	91
350	PR	Barranquitas Municipio	30318	174	726
350	PR	Loiza Municipio	30060	174	91
350	PR	Añasco Municipio	29261	174	169
350	PR	Aguas Buenas Municipio	28659	174	91
350	PR	Cataño Municipio	28140	174	91
350	PR	Naguabo Municipio	26720	174	727
350	PR	Villalba Municipio	26073	174	147
350	PR	Quebradillas Municipio	25919	174	202
350	PR	Aibonito Municipio	25900	174	726
350	PR	Lajas Municipio	25753	174	724
350	PR	Sabana Grande Municipio	25265	174	724
350	PR	Barceloneta Municipio	24816	174	91
350	PR	Peñuelas Municipio	24282	174	724
350	PR	Orocovis Municipio	23423	174	725
350	PR	Santa Isabel Municipio	23274	174	726
350	PR	Guayanilla Municipio	21581	174	724
350	PR	Comerio Municipio	20778	174	726
350	PR	Luquillo Municipio	20068	174	91
350	PR	Arroyo Municipio	19575	174	726
350	PR	Adjuntas Municipio	19483	174	724
350	PR	Guánica Municipio	19427	174	724
350	PR	Patillas Municipio	19277	174	726
350	PR	Ciales Municipio	18782	174	725
350	PR	Hormigueros Municipio	17250	174	169
350	PR	Jayuya Municipio	16642	174	725
350	PR	Rincón Municipio	15200	174	723
350	PR	Ceiba Municipio	13631	174	727
350	PR	Florida Municipio	12680	174	91
350	PR	Maunabo Municipio	12225	174	726
350	PR	Las Marias Municipio	9881	174	724
350	PR	Vieques Municipio	9301	174	728
350	PR	Maricao Municipio	6276	174	724
350	PR	Culebra Municipio	1818	174	729
351	AZ	Yavapai County	211033	154	319

Federal Communications Commission.

Jessica Almond,

Chief of Staff, Wireless Telecommunications Bureau.

[FR Doc. 2013–30143 Filed 12–19–13; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 79

[MB Docket Nos. 12–108, 12–107; FCC 13–138]

Accessibility of User Interfaces, and Video Programming Guides and Menus; Accessible Emergency Information, and Apparatus Requirements for Emergency Information and Video Description: Implementation of the Twenty- First Century Communications and Video Accessibility Act of 2010

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: In this document, the Federal Communications Commission (Commission) seeks comment on issues related to rules implementing the requirements of the Twenty-First Century Communications and Video Accessibility Act of 2010 (''CVAA''). Specifically, the Commission explores whether the Commission should adopt rules to define the term ''usable'' for purposes of implementing the CVAA. The Commission also explores whether the phrase ''accessibility features'' in the Communications Act of 1934 (''the Act'') includes user display settings for closed captioning and whether those sections can be interpreted to require covered entities to ensure that consumers are able to locate and control such settings. In addition, the Commission explores whether there are possible sources of authority for requiring MVPDs to ensure that video programming guides and menus that

provide channel and program information include high level channel and program descriptions and titles, as well as a symbol identifying the programs with accessibility options. The Commission also explores whether to require manufacturers of apparatus covered by the CVAA to provide access to the secondary audio stream used for audible emergency information by a mechanism reasonably comparable to a button, key, or icon. Furthermore, the Commission explores whether it should impose additional notification requirements on MVPDs regarding the availability of accessible equipment and, if so, what those notification requirements should be. The Commission tentatively concludes that equipment manufacturers subject to the CVAA should be required pursuant to the CVAA to inform consumers about the availability of audibly accessible devices and accessibility solutions.

DATES: Comments are due on or before February 18, 2014; reply comments are due on or before March 20, 2014. Written comments on the Paperwork Reduction Act proposed information collection requirements must be submitted by the public, Office of Management and Budget (OMB), and other interested parties on or before February 18, 2014.

ADDRESSES: You may submit comments, identified by MB Docket Nos. 12–108, 12–107, by any of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Federal Communications Commission's Web site: http://fjallfoss.fcc.gov/ecfs2/.* Follow the instructions for submitting comments.
- *Mail:* Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.
- *People with Disabilities:* Contact the FCC to request reasonable accommodations (accessible format documents, sign language interpreters, CART, etc.) by email: *FCC504@fcc.gov* or phone: (202) 418–0530 or TTY: (202) 418–0432.

In addition to filing comments with the Secretary, a copy of any comments on the Paperwork Reduction Act proposed information collection requirements contained herein should be submitted to the Federal Communications Commission via email to *PRA@fcc.gov* and to Nicholas A. Fraser, Office of Management and Budget, via email to *Nicholas_A._Fraser@omb.eop.gov* or via fax at (202) 395–5167. For detailed instructions for submitting comments and additional information on the rulemaking process, see the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Adam Copeland, *Adam.Copeland@fcc.gov,* or Maria Mullarkey, *Maria.Mullarkey@fcc.gov,* of the Policy Division, Media Bureau, (202) 418–2120. For additional information concerning the Paperwork Reduction Act information collection requirements contained in this document, contact Cathy Williams at (202) 418–2918 or send an email to *PRA@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Further Notice of Proposed Rulemaking,* FCC 13–138, adopted on October 29, 2013 and released on October 31, 2013. The full text of this document is available for public inspection and copying during regular business hours in the FCC Reference Center, Federal Communications Commission, 445 12th Street SW., Room CY–A257, Washington, DC 20554. This document will also be available via ECFS at *http://fjallfoss.fcc.gov/ecfs/.* Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat. The complete text may be purchased from the Commission's copy contractor, 445 12th Street SW., Room CY–B402, Washington, DC 20554. Alternative formats are available for people with disabilities (Braille, large print, electronic files, audio format), by sending an email to *fcc504@fcc.gov* or calling the Commission's Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

The *FNPRM* seeks comment on a potential new or revised information collection requirement. If the Commission adopts a new or revised information collection requirement, the Commission will publish a separate document in the **Federal Register** inviting the public to comment on the requirement, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3501–3520). In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4), the Commission seeks specific comment on how it might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.''

Summary of the Further Notice of Proposed Rulemaking

I. Introduction

1. We issue a *Further Notice of Proposed Rulemaking* (''*FNPRM*'') that:

- Explores whether the Commission should adopt rules to define the term ''usable'' for purposes of implementing Section 204 of the CVAA.
- Explores whether the phrase ''accessibility features'' in Sections 303(aa)(3) and 303(bb)(2) of the Act includes user display settings for closed captioning and whether those sections can be interpreted to require covered entities to ensure that consumers are able to locate and control such settings;
- Explores whether there are possible sources of authority for the Commission to require MVPDs to ensure that video programming guides and menus that provide channel and program information include high level channel and program descriptions and titles, as well as a symbol identifying the programs with accessibility options;
- Explores whether the Commission should require manufacturers of apparatus covered by Section 203 of the CVAA to provide access to the secondary audio stream used for audible emergency information by a mechanism reasonably comparable to a button, key, or icon;
- Explores whether the Commission should impose additional notification requirements on MVPDs regarding the availability of accessible equipment and, if so, what those notification requirements should be; and
- Tentatively concludes that equipment manufacturers subject to Section 205 should be required pursuant to Section 205(b)(1) to inform consumers about the availability of audibly accessible devices and accessibility solutions.

II. Further Notice of Proposed Rulemaking

2. *Usability Requirements.* We seek comment on whether we should adopt rules to define the term ''usable'' for purposes of implementing Section 204 of the CVAA. Section 303(aa)(1) of the Act specifies that covered apparatus must ''be designed, developed, and fabricated so that control of appropriate built-in apparatus functions are accessible to *and usable by* individuals who are blind or visually impaired.'' Similarly, Section 303(aa)(2) of the Act specifies that the appropriate built-in apparatus functions that are accessed through on-screen text menus or other visual indicators ''shall be accompanied by audio output that is either integrated or peripheral to the apparatus, so that

such menus or indicators are accessible to *and usable by* individuals who are blind or visually impaired in real-time.'' In other CVAA contexts, the Commission has relied on the definition of ''usable'' in § 6.3(1) of our rules, which states that ''[t]he term *usable* shall mean that individuals with disabilities have access to the full functionality and documentation for the product, including instructions, product information (including accessible feature information), documentation, bills and technical support which is provided to individuals without disabilities.'' [1] For example, Section 716 of the Act requires providers of advanced communications services (''ACS'') (*i.e.,* non-interconnected VoIP service, electronic messaging service, and interoperable video conferencing service) and manufacturers of equipment used for ACS to make their products ''accessible to and usable by'' persons with disabilities, and the rules implementing these sections adopt the Commission's ''well established'' definition of ''usable'' in § 6.3(l).[2] In addition, when implementing Section 718 of the Act, which imposes accessibility requirements on service providers and manufacturers with respect to Internet browsers on mobile phones, the Commission defined the term ''usable'' ''as the Commission has previously defined th[is] term[] when implementing Sections [716 and 255] of the Act.'' [3] We seek comment on whether we should define the term ''usable'' consistent with the definition in § 6.3(l). We also seek comment on the costs and benefits of imposing usability requirements on covered entities, including small entities.

3. Further, we seek comment on whether we should impose information, documentation, and training requirements consistent with the requirements set forth in § 6.11 of our rules for purposes of implementing Sections 204 and 205 of the CVAA. Section 6.11 of our rules requires manufacturers and service providers to ''ensure access to information and documentation it provides to its customers, if readily achievable,'' which ''includes user guides, bills, installation guides for end-user installable devices, and product support communications, regarding both the product in general and the accessibility features of the product,'' and it delineates ''other readily achievable steps'' that should be taken ''as necessary.'' [4] Section 6.11 also requires manufacturers and service providers to include the contact method for obtaining the information required by § 6.11(a) in general product information, and to consider certain accessibility-related topics when developing or modifying training programs.[5] The Commission previously has adopted information, documentation, and training requirements when implementing Sections 716 and 718 of the Act, which both require that covered products be ''accessible to and usable by'' individuals with disabilities.[6] We seek comment on whether to adopt analogous requirements pursuant to Section 204, which likewise requires that covered apparatus be ''accessible to and usable by'' individuals with visual disabilities. We also seek comment on whether we should impose such information, documentation, and training requirements on entities covered by Section 205, pursuant to our authority to ''prescribe such regulations as are necessary to implement'' the requirements of that section.[7] We seek comment on the costs and benefits of imposing information, documentation, and training requirements on covered entities, including small entities.

4. *Mechanism for Activating Other Accessibility Features.* We seek further comment on whether the phrase ''accessibility features'' in Sections 303(aa)(3) and 303(bb)(2) of the Act includes user display settings for closed captioning and whether those sections can be interpreted to require covered entities to ensure that consumers are able to locate and control such settings. In the *NPRM,* we sought comment on whether there are additional ''accessibility features'' that Sections 204 and 205 require to be activated via a mechanism similar to a button, key, or icon, including closed captioning settings (*e.g.,* font, color, and size of captions), and whether such settings should be required to be in the first level of a menu. The record reflects divergent views on this issue. As discussed in the *Report and Order,* several commenters support a broad interpretation of the term ''accessibility features'' to include other accessibility settings such as closed captioning settings, whereas CEA and other industry commenters argue that the phrase ''accessibility features'' ''is *not* an invitation to impose new, and hitherto unspecified, regulatory requirements on additional accessibility features.''

5. We believe there are important public interest considerations in favor of ensuring that consumers are able to locate and access user display settings for closed captioning. When the Commission adopted technical standards for the display of closed captions on digital television receivers, it explained that the ''capability to alter fonts, sizes, colors, backgrounds and more, can enable a greater number of persons who are deaf and hard of hearing to take advantage of closed captioning.'' [8] Noting the limitations of the ''one-size fits all approach'' in use by the analog captioning system, the Commission concluded that ''[o]nly by requiring decoders to respond to these various [display] features can we ensure that closed captioning will be accessible for the greatest number of persons who are deaf and hard of hearing, and thereby achieve Congress' vision that to the fullest extent made possible by technology, people who are deaf or hard of hearing have equal access to the television medium.'' [9] More recently, the Commission adopted a recommendation from the VPAAC to ensure viewer access to display

[1] 47 CFR 6.3(l). The Commission adopted the definition of ''usable'' in § 6.3(l) of its rules pursuant to Section 255 of the Act, which requires telecommunications providers and equipment manufacturers to make their products ''accessible to and usable by'' persons with disabilities, relying on the U.S. Access Board's guidelines. *See Implementation of Sections 255 and 251(a)(2) of the Communications Act of 1934, as Enacted by the Telecommunications Act of 1996: Access to Telecommunications Service, Telecommunications Equipment and Customer Premises Equipment by Persons with Disabilities,* WT Docket No. 96–198, Report and Order and Further Notice of Inquiry, 16 FCC Rcd 6417, 6429–30, paras. 21–29 (1999) (''*Section 255 Order*''). The U.S. Access Board is ''an independent Federal agency devoted to accessibility for people with disabilities [which] . . . develops and maintains design criteria for the built environment, transit vehicles, telecommunications equipment, and for electronic and information technology.'' *Implementation of Sections 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications and Video Accessibility Act of 2010,* CG Docket Nos. 10–213, 10–145, WT Docket No. 96–198, Report and Order and Further Notice of Proposed Rulemaking, 26 FCC Rcd 14557, 14563, para. 10, n. 30 (2011) (''*ACS Order*'').

[2] *See* 47 CFR 14.21(c); *ACS Order,* 26 FCC Rcd at 14605, para. 115.

[3] *Implementation of Sections 716 and 717 of the Communications Act of 1934, as Enacted by the Twenty-First Century Communications and Video Accessibility Act of 2010,* CG Docket Nos. 10–213, 10–145, WT Docket No. 96–198, Second Report and Order, 28 FCC Rcd 5957, 5967, para. 19 (2013) (''*ACS Second Report and Order*'').

[4] 47 CFR 6.11(a).

[5] *Id.* 6.11(b)–(c).

[6] *See id.* 14.20(d); *ACS Order,* 26 FCC Rcd at 14595–96, para. 94; *ACS Second Report and Order,* 28 FCC Rcd at 5969, para. 23.

[7] Public Law 111–260, 205(b)(1).

[8] *Closed Captioning Requirements for Digital Television Receivers; Closed Captioning and Video Description of Video Programming, Implementation of Section 305 of the Telecommunications Act of 1996, Video Programming Accessibility,* ET Docket No. 99–254, MM Docket No. 95–176, Report and Order, 15 FCC Rcd 16788, 16792, para. 10 (2000) (''*DTV Closed Captioning Order*'').

[9] *Id.* at 16793, para. 13.

capabilities in video devices that deliver closed captions on programs over the Internet.[10] The Commission explained that access to these display capabilities would ensure that consumers viewing such online programming would have a captioning experience equivalent to the experience provided when the content was aired on television,[11] and further ''noted the 'substantial benefits for consumers' that are provided when video programming apparatus support user options that enable closed caption displays to be customized to suit the needs of individual viewers.'' [12]

6. Notwithstanding these Commission efforts to provide consumers with the ability to tailor the display of closed captions to their needs, the record in this proceeding reflects the ongoing problems that consumers have in finding and controlling these display features.[13] NAD/Consumer Groups reference the ''long and frustrating history of the difficulties in accessing closed captioning features on apparatus and navigation devices,'' and describe the ''[m]ost infamously difficult'' example, in which a cable box must first be turned off in order to access the captioning mechanisms through a special menu feature. One interpretation of the statute could be that the explicit inclusion of the term ''accessibility features'' in Sections 303(aa)(3) and 303(bb)(2) of the Act by Congress,[14] which had prior knowledge of Commission efforts to provide viewers with the tools to control the appearance of closed captions, gives the Commission sufficient discretion to require the provision of a mechanism that is reasonably comparable to a button, key, or icon designated for accessing caption display settings. We seek comment on this interpretation, including the costs to covered entities, including small entities, and the benefits to consumers of requiring this access. Alternatively, under another interpretation of the statute the phrase ''accessibility features'' ''merely describes an activation mechanism—*i.e.,* a mechanism for activating multiple accessibility features—to which the mandated user control mechanism for closed captioning . . . may be reasonably comparable to satisfy the requirements of the statute.'' Thus, under this interpretation, Sections 303(aa)(3) and 303(bb)(2) would not give the Commission the authority to require the provision of a mechanism that is reasonably comparable to a button, key, or icon designated for accessing caption display settings. We seek comment on this interpretation.

7. In addition, to develop the record more fully on this issue, we seek comment on how we would implement a requirement to provide an activation mechanism reasonably comparable to a button, key, or icon with regard to user display settings for closed captioning, which, at the present time, typically require users to navigate through multiple on-screen text menus to select settings. Specifically, should we require, pursuant to Sections 303(aa)(3) and 303(bb)(2) of the Act, that covered entities facilitate the ability of viewers to locate and control such settings? Would inclusion of closed captioning settings in the first level of a menu be one way of achieving compliance with such a requirement? Alternatively, should the first level menu include a means of generally accessing ''accessibility features,'' which could then guide consumers to various features, including the closed captioning display settings, as well as any information about built-in or the peripheral provision of audible output for on-screen text menus (and program guides for 205 navigation devices)? With respect to Section 205 of the CVAA, would this approach provide the ''maximum flexibility'' to covered entities ''in the selection of means for compliance,'' as mandated by the statute? [15] Should we require covered entities to consult with consumer groups to achieve best practices to ensure the accessibility of closed captioning settings? What time frame would be appropriate for requiring covered entities to provide a mechanism reasonably comparable to a button, key, or icon for activating the caption display user settings? We ask commenters to justify any deadline they propose by explaining what must be done by that deadline to comply with the proposed requirement.

8. *Program Information for PEG Channels.* We find in the *Report and Order* above that the record is insufficient to require MVPDs to include specific information in video programming guides and menus at this time. We seek comment on possible sources of authority for requiring MVPDs to ensure that video programming guides and menus that provide channel and program information include ''high level channel and program descriptions and titles, as well as a symbol identifying the programs with accessibility options (captioning and video description).'' For example, some commenters state that the Commission has direct authority under the CVAA to adopt this requirement. We seek comment on that assertion. We also seek comment from industry members on any technical issues that MVPDs may face in complying with a requirement to include specific information in video programming guides and menus, and in particular whether it is technically feasible for operators to provide this specific information for PEG or other programs. What are the costs that would be incurred by MVPDs, including small MVPDs, to comply with such a requirement, and what would be the benefits of adopting this requirement? Should such a requirement apply to all channels and programs included in a guide or menu, or should it apply only to PEG channels and programs?

9. *Accessing Secondary Audio Stream for Emergency Information (MB Docket No. 12–107).* We seek comment on whether to require manufacturers of apparatus covered by Section 203 of the CVAA to provide access to the secondary audio stream used for audible emergency information by a mechanism reasonably comparable to a button, key, or icon. Section 203 requires that apparatus designed to receive and play back video programming transmitted simultaneously with sound ''have the capability to . . . make available emergency information (as that term is

[10] *Closed Captioning of Internet Protocol-Delivered Video Programming: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010, MB Docket No. 11–154, Report and Order,* 27 FCC Rcd 787, 850–54, paras. 109–13 (2012) (''*VIP Closed Captioning Order*'').

[11] *Id.* at 852–53, para. 112.

[12] *Id.* at 851, para. 109, citing *DTV Closed Captioning Order,* 15 FCC Rcd at 16793, para. 7.

[13] The technical standards for closed captioning display for digital television receivers have been in effect for over a decade. *See* 47 CFR 79.102; *DTV Closed Captioning Order,* 15 FCC Rcd at 16810, para. 66. Similar rules for other apparatus (such as computers and tablets) adopted in the *IP Closed Captioning Order* will begin applying to devices manufactured after January 1, 2014. *See Closed Captioning of Internet Protocol-Delivered Video Programming: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010,* MB Docket No. 11–154, Order on Reconsideration and Further Notice of Proposed Rulemaking, 28 FCC Rcd 8785, 8786, para. 1 (2013) (''*IP Closed Captioning Reconsideration Order*'').

[14] 47 U.S.C. 303(aa)(3), 303(bb)(2). Section 303(aa)(3) requires digital apparatus covered by Section 204 of the CVAA to provide ''built in access to [] closed captioning and video description features through a mechanism that is reasonably comparable to a button, key, or icon designated for activating the closed captioning *or accessibility features.*'' *Id.* 303(aa)(3) (emphasis added). Similarly, Section 303(bb)(2) requires ''navigation devices with built-in closed captioning capability'' covered by Section 205 of the CVAA to provide ''access to that capability through a mechanism [that] is reasonably comparable to a button, key, or icon designated for activating the closed captioning, *or accessibility features.*'' *Id.* 303(bb)(2) (emphasis added).

[15] Public Law 111–260, 205(b)(5).

defined in § 79.2 of the Commission's regulations []) in a manner that is accessible to individuals who are blind or visually impaired.'' [16] In the *Emergency Information/Video Description Order,* we adopted rules implementing Section 202 of the CVAA that require video programming distributors, video programming providers, and program owners to convey televised emergency information aurally in a secondary audio stream, when such information is conveyed visually during programming other than newscasts, for example, in an on-screen crawl.[17] We also adopted rules implementing Section 203 of the CVAA that ''require covered apparatus to decode and make available the secondary audio stream, in a manner that enables consumers to select the stream used for the transmission and delivery of emergency information.'' [18] The record in this proceeding reflects the experiences of numerous individuals who are blind or visually impaired who currently are unable to get to the secondary audio stream to access video described programming because the mechanism for switching from the main program audio to the secondary audio stream is buried in on-screen menus that are not accessible to them. While it is important that consumers who are blind or visually impaired be able to access the video description services that make video programming accessible to them, it is even more critical that consumers who are blind or visually impaired be able to access the audible emergency information that will be required to be provided via the secondary audio stream.

10. Section 303(u)(1)(C) requires covered apparatus to ''make available emergency information . . . in a manner that is accessible to individuals who are blind or visually impaired.'' [19] Because of the critically urgent nature of emergency information, which is defined in our rules as ''[i]nformation, about a current emergency, that is intended to further the protection of life, health, safety, and property,'' [20] we believe that individuals who are blind or visually impaired should be able to access the secondary audio stream to obtain audible emergency information in a simple, straightforward, and timely manner. Does Section 303(u)(1)(C) of the Act give the Commission authority to require that access to the secondary audio stream for audible emergency information on apparatus covered by Section 203 be available in a simple, straightforward, and timely manner, such as through a mechanism that is reasonably comparable to a button, key, or icon? Or, is the Commission's authority to impose such a requirement limited to the Section 204 or 205 context? For example, because Congress specifically required a mechanism reasonably comparable to a button, key, or icon in Sections 204 and 205 but did not do so in Section 203, does the statute restrict the Commission from imposing such a requirement in the Section 203 context? We also seek comment on the costs and benefits of imposing these requirements on covered entities, including small entities.

11. We invite input on how we would implement a requirement that entities covered by Section 203 of the CVAA provide access to the secondary audio stream used for audible emergency information by a mechanism reasonably comparable to a button, key, or icon. What time frame would be appropriate for requiring covered entities to provide a mechanism reasonably comparable to a button, key, or icon for accessing the secondary audio stream? Should the deadline be consistent with the deadline for compliance with Section 203 apparatus requirements that we adopted in the *Emergency Information/Video Description Order*? [21] Or would device manufacturers need additional time to come into compliance? We ask commenters to justify any deadline they propose by explaining what must be done by that deadline to comply with the proposed requirement. We also seek comment on the costs to manufacturers, including those that are small entities, and the benefits to consumers of requiring access to the secondary audio stream used for audible emergency information by a mechanism reasonably comparable to a button, key, or icon.

12. *Additional MVPD Notice.* The accompanying *Report and Order* concludes that MVPDs subject to Section 205 must inform their subscribers about the availability of audibly accessible devices and accessibility solutions pursuant to Section 205(b)(1). Specifically, we require that, when providing information about equipment options in response to a consumer inquiry about service, accessibility, or other issues, MVPDs must clearly and conspicuously inform consumers about the availability of accessible navigation devices. We also require that MVPDs provide notice on their official Web sites about the availability of accessible navigation devices. We seek comment on whether we should impose additional notification requirements on MVPDs and, if so, what those notification requirements should be. Should we require annual notices to all subscribers, as proposed by Montgomery County? [22] Should MVPDs be required to include this information on or with every monthly bill? Are there other methods by which we should require MVPDs to publicize information about their audibly accessible devices and accessibility solutions? For example, should MVPDs be required to notify consumers about the availability of accessible devices or accessibility solutions in marketing efforts, through their customer service centers and phone systems, or by other means? If so, describe what those measures should be and the costs and benefits associated with such measures to covered entities, including small entities. To what extent should voluntary notification efforts by covered MVPDs obviate the need for additional requirements?

13. We seek specific comment from individuals who are blind or visually impaired about the types of MVPD notices that would most effectively communicate information about the availability of audibly accessible devices and accessibility solutions. We also seek comment about whether MVPD notification requirements are necessary to inform consumers about the availability of devices with an accessible activation mechanism for built-in closed captioning and, if so, what those notification requirements should be. We seek specific comment from individuals who are deaf or hard of hearing about the types of notices that

[16] 47 U.S.C. 303(u)(1)(C). Section 203 also requires covered apparatus to ''have the capability to . . . make available the transmission and delivery of video description services.'' *Id.* 303(u)(1)(B).

[17] *See Accessible Emergency Information, and Apparatus Requirements for Emergency Information and Video Description: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010; Video Description: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010,* MB Docket Nos. 12–107, 11–43, Report and Order and Further Notice of Proposed Rulemaking, 28 FCC Rcd 4871, 4881, para. 12 (2013) (''*Emergency Information/Video Description Order*'').

[18] *Id.* at 4907, para. 50.

[19] 47 U.S.C. 303(u)(1)(C).

[20] 47 CFR 79.2(a)(2).

[21] *See Emergency Information/Video Description Order,* 28 FCC Rcd at 4923, para. 76 (imposing a deadline of two years from the date of **Federal Register** publication for compliance with the emergency information and video description apparatus requirements of Section 203 adopted therein; the compliance deadline is May 26, 2015).

[22] If so, should the annual requirement be limited to no more than five years after the rules become effective? Should the notices occur more frequently than annually, such as on a monthly or quarterly basis?

would most effectively communicate this information.

14. *Equipment Manufacturer Notice.* We tentatively conclude that equipment manufacturers subject to Section 205 should be required pursuant to Section 205(b)(1) to inform consumers about the availability of audibly accessible devices and accessibility solutions. We propose that equipment manufacturers must prominently display accessibility information on their official Web sites, such as a through a link on their home pages. Similar to our requirement on MVPDs, such notices must publicize the availability of accessible devices and solutions and convey ''the means for making requests for accessible equipment and the specific person, office or entity to whom such requests are to be made.'' In addition, we seek comment on whether we need to impose additional notification requirements on equipment manufacturers subject to Section 205 and, if so, what those notification requirements should be. Should manufacturers also be required to notify consumers about the availability of audibly accessible devices or accessibility solutions in marketing efforts, through their customer service centers and phone systems, or by other means? If so, describe what those measures should be and the costs and benefits associated with those measures to covered entities, including small entities.

15. If manufacturers choose to make available Section 303(bb)(1)-compliant devices or solutions at retail in the same way they make available other navigation devices in order to satisfy the ''upon request'' requirement in Section 205, should we require them to notify consumers at the point of sale that audibly accessible devices or accessibility solutions are available to consumers with disabilities to purchase or request. What should be the form of such a notice requirement? For example, do we need to impose a labeling requirement to identify Section 303(bb)(1) audibly accessible devices, or can manufacturers otherwise ensure adequate information to consumers at the point of sale about which devices contain the required accessibility features? To what extent should voluntary notification efforts by covered equipment manufacturers obviate the need for any specific notice requirements? We seek comment on the costs and benefits associated with such requirements on covered entities, including small entities. We seek specific comment from individuals who are blind or visually impaired about the types of equipment manufacturer notices that would most effectively communicate information about the availability of audibly accessible devices and accessibility solutions. We also seek comment about whether equipment manufacturer notification requirements are necessary to inform consumers about the availability of devices with an accessible activation mechanism for built-in closed captioning and, if so, what those notification requirements should be. We seek specific comment from individuals who are deaf or hard of hearing about the types of notices that would most effectively communicate this information.

16. We seek comment on whether we need to impose notification requirements on equipment manufacturers subject to Section 204 to ensure consumers with disabilities are informed about which products contain the required accessibility features and which ones lack such features. To the extent we should adopt any notification requirements, we ask parties to describe what those notification requirements should be and the costs and benefits associated with any such requirements to covered entities, including small entities. Similar to our proposal for Section 205 covered equipment manufacturers, should we require Section 204 covered equipment manufacturers to display accessibility information on their official Web sites prominently, such as a through a link on their home pages? Such information might include a point of contact, as well as other information about how to seek assistance about accessibility issues or concerns. Should we require that customer service representatives of covered entities be able to answer consumer questions about which products contain the required accessibility features and which ones lack such features? How can manufacturers ensure that consumers are provided with accessibility information at the point of sale? For example, do we need to impose a labeling requirement to identify accessible digital apparatus, or can manufacturers otherwise ensure adequate information to consumers at the point of sale about which apparatus contain the required accessibility features? To what extent should voluntary notification efforts by covered equipment manufacturers obviate the need for any specific notice requirements? We seek specific comment from individuals who are blind or visually impaired and who are deaf or hard of hearing about the types of notices that would most effectively communicate this information.

III. Procedural Matters

A. Initial Regulatory Flexibility Analysis

17. As required by the Regulatory Flexibility Act of 1980, as amended (''RFA''),[23] the Commission has prepared this present Initial Regulatory Flexibility Analysis (''IRFA'') concerning the possible significant economic impact on small entities by the policies and rules proposed in the *FNPRM.* Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments as specified in the *FNPRM.* The Commission will send a copy of the *FNPRM,* including this IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (''SBA'').[24] In addition, the *FNPRM* and this IRFA (or summaries thereof) will be published in the **Federal Register**.[25]

1. Need for, and Objectives of, the Proposed Rule Changes

18. The *FNPRM* seeks comment on several issues relating to implementation of Sections 204 and 205 of the Twenty-First Century Communications and Video Accessibility Act of 2010 (''CVAA''). In general, these provisions direct the Commission to adopt rules requiring that digital apparatus and navigation device user interfaces used to view video programming be accessible to and usable by individuals who are blind or visually impaired. Specifically, Section 204 directs the Commission to require that ''appropriate built-in apparatus functions'' be made accessible to blind or visually impaired people. Section 205 directs the Commission to require that ''on-screen text menus and guides provided by navigation devices'' be made accessible upon request by blind or visually impaired individuals. Both of these provisions also require that covered devices provide a mechanism that is ''reasonably comparable to a button, key, or icon designated for activating'' closed captioning, video description, and accessibility features. In the *FNPRM,* the Commission also seeks comment on whether Section 203 of the CVAA provides the agency with authority to require apparatus covered by that provision to make the secondary audio stream used for audible emergency information accessible

[23] *See* 5 U.S.C. 603. The RFA, *see* 5 U.S.C. 601–612, has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (''SBREFA''), Public Law 104–121, Title II, 110 Stat. 857 (1996).

[24] *See* 5 U.S.C. 603(a).

[25] *See id.*

through a mechanism reasonably comparable to a button, key, or icon.

19. The *Report and Order* accompanying the *FNPRM* adopts rules requiring the accessibility of user interfaces on digital apparatus and navigation devices used to view video programming. The rules adopted in the *Report and Order* effectuate Congress's goals in enacting Sections 204 and 205 of the CVAA by: (1) enabling individuals who are blind or visually impaired to more easily access video programming on a range of devices; and (2) enabling consumers who are deaf or hard of hearing to more easily activate closed captioning on video programming devices. By imposing requirements with regard to the accessibility of user interfaces and video programming guides and menus, the rules adopted in the *Report and Order* advance Congress's objective in the CVAA to ''update the communications laws to help ensure that individuals with disabilities are able to fully utilize communications services and equipment and better access video programming.'' [26] In the *FNPRM,* the Commission seeks comment on the adoption of targeted additional rules to implement Sections 204 and 205 of the CVAA, as discussed in Section D below.

2. Legal Basis

20. The proposed action is authorized pursuant to the Twenty-First Century Communications and Video Accessibility Act of 2010, Public Law 111–260, 124 Stat. 2751, and the authority contained in sections 4(i), 4(j), 303(aa), 303(bb), 303(r), 303(u), and 716(g) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 303(aa), 303(bb), 303(r), 303(u), 617(g).

3. Description and Estimate of the Number of Small Entities to Which the Proposals Will Apply

21. The RFA directs the Commission to provide a description of and, where feasible, an estimate of the number of small entities that will be affected by the rules adopted in the *Report and Order.*[27] The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' [28] In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act.[29] A ''small business concern'' is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.[30] Small entities that are directly affected by the rules adopted in the *Report and Order* and proposed in the *FNPRM* include manufacturers of digital apparatus, MVPDs leasing or selling navigation devices, equipment manufacturers of navigation devices that place devices into the chain of commerce for sale to consumers, and other manufacturers of navigation device hardware and software.

22. *Cable Television Distribution Services.* Since 2007, these services have been defined within the broad economic census category of Wired Telecommunications Carriers, which was developed for small wireline businesses. This category is defined as follows: ''This industry comprises establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired telecommunications networks. Transmission facilities may be based on a single technology or a combination of technologies. Establishments in this industry use the wired telecommunications network facilities that they operate to provide a variety of services, such as wired telephony services, including VoIP services; wired (cable) audio and video programming distribution; and wired broadband Internet services.''[31] The SBA has developed a small business size standard for this category, which is: all such businesses having 1,500 or fewer employees.[32] Census data for 2007 shows that there were 31,996 establishments that operated that year.[33] Of this total, 30,178 establishments had fewer than 100 employees, and 1,818 establishments had 100 or more employees.[34] Therefore, under this size standard, we estimate that the majority of businesses can be considered small entities.

23. *Cable Companies and Systems.* The Commission has also developed its own small business size standards for the purpose of cable rate regulation. Under the Commission's rules, a ''small cable company'' is one serving 400,000 or fewer subscribers nationwide.[35] Industry data shows that there were 1,141 cable companies at the end of June 2012.[36] Of this total, all but 10 incumbent cable companies are small under this size standard.[37] In addition, under the Commission's rate regulation rules, a ''small system'' is a cable system serving 15,000 or fewer subscribers.[38] Current Commission records show 4,945

[26] H.R. Rep. No. 111–563, 111th Cong., 2d Sess. at 19 (2010); S. Rep. No. 111–386, 111th Cong., 2d Sess. at 1 (2010).

[27] 5 U.S.C. 603(b)(3).

[28] *Id.* 601(6).

[29] *Id.* 601(3) (incorporating by reference the definition of ''small-business concern'' in the Small Business Act, 15 U.S.C. 632). Pursuant to 5 U.S.C. 601(3), the statutory definition of a small business applies ''unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the **Federal Register**.''

[30] 15 U.S.C. 632.

[31] U.S. Census Bureau, 2012 NAICS Definitions, ''517110 Wired Telecommunications Carriers'' (partial definition) at *http://www.census.gov/cgi-bin/sssd/naics/naicsrch.* Examples of this category are: Broadband Internet service providers (*e.g.,* cable, DSL); local telephone carriers (wired); cable television distribution services; long-distance telephone carriers (wired); closed circuit television (''CCTV'') services; VoIP service providers, using own operated wired telecommunications infrastructure; direct-to-home satellite system (''DTH'') services; telecommunications carriers (wired); satellite television distribution systems; and multichannel multipoint distribution services (''MMDS'').

[32] 13 CFR 121.201; 2012 NAICS code 517110.

[33] U.S. Census Bureau, 2007 Economic Census. *See* U.S. Census Bureau, American FactFinder, ''Information: Subject Series—Estab and Firm Size: Employment Size of Establishments for the United States: 2007—2007 Economic Census,'' NAICS code 517110, Table EC0751SSSZ2; available at *http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml.*

[34] *Id.*

[35] 47 CFR 76.901(e). The Commission determined that this size standard equates approximately to a size standard of $100 million or less in annual revenues. *Implementation of Sections of the Cable Television Consumer Protection And Competition Act of 1992: Rate Regulation,* MM Docket No. 92–266, MM Docket No. 93–215, Sixth Report and Order and Eleventh Order on Reconsideration, 10 FCC Rcd 7393, 7408 (1995).

[36] NCTA, Industry Data, Number of Cable Operating Companies (June 2012), *http://www.ncta.com/Statistics.aspx* (visited Sept. 28, 2012). Depending upon the number of homes and the size of the geographic area served, cable operators use one or more cable systems to provide video service. *See Annual Assessment of the Status of Competition in the Market for Delivery of Video Programming,* MB Docket No. 12–203, Fifteenth Report, 28 FCC Rcd 10496,10505–06 para. 24 (2013) (''*15th Annual Competition Report*'').

[37] *See* SNL Kagan, ''Top Cable MSOs—12/12 Q''; available at *http://www.snl.com/InteractiveX/TopCableMSOs.aspx?period=2012Q4&sortcol=subscribersbasic&sortorder=desc.* We note that, when applied to an MVPD operator, under this size standard (*i.e.,* 400,000 or fewer subscribers) all but 14 MVPD operators would be considered small. *See* NCTA, Industry Data, Top 25 Multichannel Video Service Customers (2012), *http://www.ncta.com/industry-data* (visited Aug. 30, 2013). The Commission applied this size standard to MVPD operators in its implementation of the CALM Act. *See Implementation of the Commercial Advertisement Loudness Mitigation (CALM) Act,* MB Docket No. 11–93, Report and Order, 26 FCC Rcd 17222, 17245–46, para. 37 (2011) (''*CALM Act Report and Order*'') (defining a smaller MVPD operator as one serving 400,000 or fewer subscribers nationwide, as of December 31, 2011).

[38] 47 CFR 76.901(c).

cable systems nationwide.[39] Of this total, 4,380 cable systems have less than 20,000 subscribers, and 565 systems have 20,000 subscribers or more, based on the same records. Thus, under this standard, we estimate that most cable systems are small.

24. *Cable System Operators (Telecom Act Standard).* The Communications Act of 1934, as amended, also contains a size standard for small cable system operators, which is ''a cable operator that, directly or through an affiliate, serves in the aggregate fewer than 1 percent of all subscribers in the United States and is not affiliated with any entity or entities whose gross annual revenues in the aggregate exceed $250,000,000.'' [40] There are approximately 56.4 million incumbent cable video subscribers in the United States today.[41] Accordingly, an operator serving fewer than 564,000 subscribers shall be deemed a small operator, if its annual revenues, when combined with the total annual revenues of all its affiliates, do not exceed $250 million in the aggregate.[42] Based on available data, we find that all but 10 incumbent cable operators are small under this size standard.[43] We note that the Commission neither requests nor collects information on whether cable system operators are affiliated with entities whose gross annual revenues exceed $250 million.[44] Although it seems certain that some of these cable system operators are affiliated with entities whose gross annual revenues exceed $250,000,000, we are unable at this time to estimate with greater precision the number of cable system operators that would qualify as small cable operators under the definition in the Communications Act.

25. *Direct Broadcast Satellite (DBS) Service.* DBS service is a nationally distributed subscription service that delivers video and audio programming via satellite to a small parabolic ''dish'' antenna at the subscriber's location. DBS, by exception, is now included in the SBA's broad economic census category, Wired Telecommunications Carriers,[45] which was developed for small wireline businesses. Under this category, the SBA deems a wireline business to be small if it has 1,500 or fewer employees.[46] Census data for 2007 shows that there were 31,996 establishments that operated that year.[47] Of this total, 30,178 establishments had fewer than 100 employees, and 1,818 establishments had 100 or more employees.[48] Therefore, under this size standard, the majority of such businesses can be considered small. However, the data we have available as a basis for estimating the number of such small entities were gathered under a superseded SBA small business size standard formerly titled ''Cable and Other Program Distribution.'' The definition of Cable and Other Program Distribution provided that a small entity is one with $12.5 million or less in annual receipts.[49] Currently, only two entities provide DBS service, which requires a great investment of capital for operation: DIRECTV and DISH Network.[50] Each currently offer subscription services. DIRECTV and DISH Network each report annual revenues that are in excess of the threshold for a small business. Because DBS service requires significant capital, we believe it is unlikely that a small entity as defined by the SBA would have the financial wherewithal to become a DBS service provider.

26. *Satellite Master Antenna Television (SMATV) Systems, also known as Private Cable Operators (PCOs).* SMATV systems or PCOs are video distribution facilities that use closed transmission paths without using any public right-of-way. They acquire video programming and distribute it via terrestrial wiring in urban and suburban multiple dwelling units such as apartments and condominiums, and commercial multiple tenant units such as hotels and office buildings. SMATV systems or PCOs are now included in the SBA's broad economic census category, Wired Telecommunications Carriers,[51] which was developed for small wireline businesses. Under this category, the SBA deems a wireline business to be small if it has 1,500 or fewer employees.[52] Census data for 2007 shows that there were 31,996 establishments that operated that year.[53] Of this total, 30,178 establishments had fewer than 100 employees, and 1,818 establishments had 100 or more employees.[54] Therefore, under this size standard, the majority of such businesses can be considered small.

27. *Home Satellite Dish (HSD) Service.* HSD or the large dish segment

[39] The number of active, registered cable systems comes from the Commission's Cable Operations and Licensing System (COALS) database on Aug. 28, 2013. A cable system is a physical system integrated to a principal headend.

[40] 47 U.S.C. 543(m)(2); *see* 47 CFR 76.901(f) & nn. 1–3.

[41] *See* NCTA, Industry Data, Cable Video Customers (2012), *http://www.ncta.com/industry-data* (visited Aug. 30, 2013).

[42] 47 CFR 76.901(f); *see* Public Notice, FCC Announces New Subscriber Count for the Definition of Small Cable Operator, DA 01–158 (Cable Services Bureau, Jan. 24, 2001).

[43] *See* NCTA, Industry Data, Top 25 Multichannel Video Service Customers (2012), *http://www.ncta.com/industry-data* (visited Aug. 30, 2013).

[44] The Commission does receive such information on a case-by-case basis if a cable operator appeals a local franchise authority's finding that the operator does not qualify as a small cable operator pursuant to § 76.901(f) of the Commission's rules. *See* 47 CFR 76.901(f).

[45] *See* 13 CFR 121.201; 2012 NAICS code 517110. This category of Wired Telecommunications Carriers is defined as follows: ''This industry comprises establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired telecommunications networks. Transmission facilities may be based on a single technology or a combination of technologies. Establishments in this industry use the wired telecommunications network facilities that they operate to provide a variety of services, such as wired telephony services, including VoIP services; wired (cable) audio and video programming distribution; and wired broadband Internet services. *By exception, establishments providing satellite television distribution services using facilities and infrastructure that they operate are included in this industry.''* (*Emphasis* added to text relevant to satellite services.) U.S. Census Bureau, 2012 NAICS Definitions, ''517110 Wired Telecommunications Carriers'' at *http://www.census.gov/cgi-bin/sssd/naics/naicsrch.*

[46] 13 CFR 121.201; 2012 NAICS code 517110.

[47] U.S. Census Bureau, 2007 Economic Census. *See* U.S. Census Bureau, American FactFinder, ''Information: Subject Series—Estab and Firm Size: Employment Size of Establishments for the United States: 2007—2007 Economic Census,'' NAICS code 517110, Table EC0751SSSZ2; available at *http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml.*

[48] *Id.*

[49] 13 CFR 121.201; NAICS code 517510 (2002).

[50] *See 15th Annual Competition Report,* 28 FCC Rcd at 10507 para. 27. As of June 2012, DIRECTV is the largest DBS operator and the second largest MVPD in the United States, serving approximately 19.9 million subscribers. DISH Network is the second largest DBS operator and the third largest MVPD, serving approximately 14.1 million subscribers. *Id.* at paras. 27, 110–11.

[51] *See* 13 CFR 121.201; 2012 NAICS code 517110. This category of Wired Telecommunications Carriers is defined as follows: ''This industry comprises establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired telecommunications networks. Transmission facilities may be based on a single technology or a combination of technologies. Establishments in this industry use the wired telecommunications network facilities that they operate to provide a variety of services, such as wired telephony services, including VoIP services; wired (cable) audio and video programming distribution; and wired broadband Internet services. *By exception, establishments providing satellite television distribution services using facilities and infrastructure that they operate are included in this industry.''* (*Emphasis* added to text relevant to satellite services.) U.S. Census Bureau, 2012 NAICS Definitions, ''517110 Wired Telecommunications Carriers'' at *http://www.census.gov/cgi-bin/sssd/naics/naicsrch.*

[52] 13 CFR 121.201; 2012 NAICS code 517110.

[53] U.S. Census Bureau, 2007 Economic Census. *See* U.S. Census Bureau, American FactFinder, ''Information: Subject Series—Estab and Firm Size: Employment Size of Establishments for the United States: 2007—2007 Economic Census,'' NAICS code 517110, Table EC0751SSSZ2; available at *http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml.*

[54] *Id.*

of the satellite industry is the original satellite-to-home service offered to consumers, and involves the home reception of signals transmitted by satellites operating generally in the C-band frequency. Unlike DBS, which uses small dishes, HSD antennas are between four and eight feet in diameter and can receive a wide range of unscrambled (free) programming and scrambled programming purchased from program packagers that are licensed to facilitate subscribers' receipt of video programming. Because HSD provides subscription services, HSD falls within the SBA-recognized definition of Wired Telecommunications Carriers.[55] The SBA has developed a small business size standard for this category, which is: all such businesses having 1,500 or fewer employees.[56] Census data for 2007 shows that there were 31,996 establishments that operated that year.[57] Of this total, 30,178 establishments had fewer than 100 employees, and 1,818 establishments had 100 or more employees.[58] Therefore, under this size standard, we estimate that the majority of businesses can be considered small entities.

28. *Open Video Services.* The open video system (OVS) framework was established in 1996, and is one of four statutorily recognized options for the provision of video programming services by local exchange carriers.[59] The OVS framework provides opportunities for the distribution of video programming other than through cable systems. Because OVS operators provide subscription services,[60] OVS falls within the SBA small business size standard covering cable services, which is Wired Telecommunications Carriers.[61] The SBA has developed a small business size standard for this category, which is: all such businesses having 1,500 or fewer employees.[62] Census data for 2007 shows that there were 31,996 establishments that operated that year.[63] Of this total, 30,178 establishments had fewer than 100 employees, and 1,818 establishments had 100 or more employees.[64] Therefore, under this size standard, we estimate that the majority of businesses can be considered small entities. In addition, we note that the Commission has certified some OVS operators, with some now providing service.[65] Broadband service providers (''BSPs'') are currently the only significant holders of OVS certifications or local OVS franchises.[66] The Commission does not have financial or employment information regarding the entities authorized to provide OVS, some of which may not yet be operational. Thus, again, at least some of the OVS operators may qualify as small entities.

29. *Wireless cable systems—Broadband Radio Service and Educational Broadband Service.* Wireless cable systems use the Broadband Radio Service (BRS)[67] and Educational Broadband Service (EBS)[68] to transmit video programming to subscribers. In connection with the 1996 BRS auction, the Commission established a small business size standard as an entity that had annual average gross revenues of no more than $40 million in the previous three calendar years.[69] The BRS auctions resulted in 67 successful bidders obtaining licensing opportunities for 493 Basic Trading Areas (BTAs). Of the 67 auction winners, 61 met the definition of a small business. BRS also includes licensees of stations authorized prior to the auction. At this time, we estimate that of the 61 small business BRS auction winners, 48 remain small business licensees. In addition to the 48 small businesses that hold BTA authorizations, there are approximately 392 incumbent BRS licensees that are considered small entities.[70] After adding the number of small business auction licensees to the number of incumbent licensees not already counted, we find that there are currently approximately 440 BRS licensees that are defined as small businesses under either the SBA or the Commission's rules. In 2009, the Commission conducted Auction 86, the sale of 78 licenses in the BRS areas.[71] The Commission offered three levels of bidding credits: (i) a bidder with attributed average annual gross revenues that exceed $15 million and do not exceed $40 million for the preceding three years (small business) received a 15 percent discount on its winning bid; (ii) a bidder with attributed average annual gross revenues that exceed $3 million and do not exceed $15 million for the preceding three years (very small business) received a 25 percent discount

[55] *See* 13 CFR 121.201; 2012 NAICS code 517110. This category of Wired Telecommunications Carriers is defined in part as follows: ''This industry comprises establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired telecommunications networks. Transmission facilities may be based on a single technology or a combination of technologies. Establishments in this industry use the wired telecommunications network facilities that they operate to provide a variety of services, such as wired telephony services, including VoIP services; wired (cable) audio and video programming distribution; and wired broadband Internet services.'' U.S. Census Bureau, 2012 NAICS Definitions, ''517110 Wired Telecommunications Carriers'' at *http://www.census.gov/cgi-bin/sssd/naics/naicsrch.*

[56] 13 CFR 121.201; 2012 NAICS code 517110.

[57] U.S. Census Bureau, 2007 Economic Census. *See* U.S. Census Bureau, American FactFinder, ''Information: Subject Series—Estab and Firm Size: Employment Size of Establishments for the United States: 2007—2007 Economic Census,'' NAICS code 517110, Table EC0751SSSZ2; available at *http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml.*

[58] *Id.*

[59] 47 U.S.C. 571(a)(3)–(4). *See Annual Assessment of the Status of Competition in the Market for the Delivery of Video Programming,* MB Docket No. 06–189, Thirteenth Annual Report, 24 FCC Rcd 542, 606, para. 135 (2009) (''*Thirteenth Annual Cable Competition Report*'').

[60] *See* 47 U.S.C. 573.

[61] *See* 13 CFR 121.201; 2012 NAICS code 517110. This category of Wired Telecommunications Carriers is defined in part as follows: ''This industry comprises establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired telecommunications networks. Transmission facilities may be based on a single technology or a combination of technologies. Establishments in this industry use the wired telecommunications network facilities that they operate to provide a variety of services, such as wired telephony services, including VoIP services; wired (cable) audio and video programming distribution; and wired broadband Internet services.'' U.S. Census Bureau, 2012 NAICS Definitions, ''517110 Wired Telecommunications Carriers'' at *http://www.census.gov/cgi-bin/sssd/naics/naicsrch.*

[62] 13 CFR 121.201; 2012 NAICS code 517110.

[63] U.S. Census Bureau, 2007 Economic Census. *See* U.S. Census Bureau, American FactFinder, ''Information: Subject Series—Estab and Firm Size: Employment Size of Establishments for the United States: 2007—2007 Economic Census,'' NAICS code 517110, Table EC0751SSSZ2; available at *http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml.*

[64] *Id.*

[65] A list of OVS certifications may be found at *http://www.fcc.gov/mb/ovs/csovscer.html.*

[66] *See Thirteenth Annual Cable Competition Report,* 24 FCC Rcd at 606–07, para. 135. BSPs are newer businesses that are building state-of-the-art, facilities-based networks to provide video, voice, and data services over a single network.

[67] BRS was previously referred to as Multipoint Distribution Service (MDS) and Multichannel Multipoint Distribution Service (MMDS). *See Amendment of Parts 21 and 74 of the Commission's Rules with Regard to Filing Procedures in the Multipoint Distribution Service and in the Instructional Television Fixed Service and Implementation of Section 309(j) of the Communications Act—Competitive Bidding,* MM Docket No. 94–131, PP Docket No. 93–253, Report and Order, 10 FCC Rcd 9589, 9593, para. 7 (1995).

[68] EBS was previously referred to as the Instructional Television Fixed Service (ITFS). *See id.*

[69] 47 CFR 21.961(b)(1).

[70] 47 U.S.C. 309(j). Hundreds of stations were licensed to incumbent MDS licensees prior to implementation of Section 309(j) of the Communications Act of 1934, 47 U.S.C. 309(j). For these pre-auction licenses, the applicable standard is SBA's small business size standard of 1,500 or fewer employees.

[71] *Auction of Broadband Radio Service (BRS) Licenses, Scheduled for October 27, 2009, Notice and Filing Requirements, Minimum Opening Bids, Upfront Payments, and Other Procedures for Auction 86,* Public Notice, 24 FCC Rcd 8277 (2009).

on its winning bid; and (iii) a bidder with attributed average annual gross revenues that do not exceed $3 million for the preceding three years (entrepreneur) received a 35 percent discount on its winning bid.[72] Auction 86 concluded in 2009 with the sale of 61 licenses.[73] Of the 10 winning bidders, two bidders that claimed small business status won four licenses; one bidder that claimed very small business status won three licenses; and two bidders that claimed entrepreneur status won six licenses.

30. In addition, the SBA's placement of Cable Television Distribution Services in the category of Wired Telecommunications Carriers is applicable to cable-based Educational Broadcasting Services. Since 2007, these services have been defined within the broad economic census category of Wired Telecommunications Carriers, which was developed for small wireline businesses. This category is defined as follows: ''This industry comprises establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired telecommunications networks. Transmission facilities may be based on a single technology or a combination of technologies. Establishments in this industry use the wired telecommunications network facilities that they operate to provide a variety of services, such as wired telephony services, including VoIP services; wired (cable) audio and video programming distribution; and wired broadband Internet services.'' [74] The SBA has developed a small business size standard for this category, which is: all such businesses having 1,500 or fewer employees.[75] Census data for 2007 shows that there were 31,996 establishments that operated that year.[76] Of this total, 30,178 establishments had fewer than 100 employees, and 1,818 establishments had 100 or more employees.[77] Therefore, under this size standard, we estimate that the majority of businesses can be considered small entities. In addition to Census data, the Commission's internal records indicate that as of September 2012, there are 2,241 active EBS licenses.[78] The Commission estimates that of these 2,241 licenses, the majority are held by non-profit educational institutions and school districts, which are by statute defined as small businesses.[79]

31. *Incumbent Local Exchange Carriers (ILECs).* Neither the Commission nor the SBA has developed a small business size standard specifically for incumbent local exchange services. ILECs are included in the SBA's economic census category, Wired Telecommunications Carriers.[80] Under this category, the SBA deems a wireline business to be small if it has 1,500 or fewer employees.[81] Census data for 2007 shows that there were 31,996 establishments that operated that year.[82] Of this total, 30,178 establishments had fewer than 100 employees, and 1,818 establishments had 100 or more employees.[83] Therefore, under this size standard, the majority of such businesses can be considered small.

32. *Small Incumbent Local Exchange Carriers.* We have included small incumbent local exchange carriers in this present RFA analysis. A ''small business'' under the RFA is one that, *inter alia,* meets the pertinent small business size standard (*e.g.,* a telephone communications business having 1,500 or fewer employees), and ''is not dominant in its field of operation.'' [84] The SBA's Office of Advocacy contends that, for RFA purposes, small incumbent local exchange carriers are not dominant in their field of operation because any such dominance is not ''national'' in scope.[85] We have therefore included small incumbent local exchange carriers in this RFA analysis, although we emphasize that this RFA action has no effect on Commission analyses and determinations in other, non-RFA contexts.

33. *Competitive Local Exchange Carriers (CLECs), Competitive Access Providers (CAPs), Shared-Tenant Service Providers, and Other Local Service Providers.* Neither the Commission nor the SBA has developed a small business size standard specifically for these service providers. These entities are included in the SBA's economic census category, Wired Telecommunications Carriers.[86] Under

[72] *Id.* at 8296.

[73] *Auction of Broadband Radio Service Licenses Closes, Winning Bidders Announced for Auction 86, Down Payments Due November 23, 2009, Final Payments Due December 8, 2009, Ten-Day Petition to Deny Period,* Public Notice, 24 FCC Rcd 13572 (2009).

[74] U.S. Census Bureau, 2012 NAICS Definitions, ''517110 Wired Telecommunications Carriers'' (partial definition) at *http://www.census.gov/cgi-bin/sssd/naics/naicsrch.* Examples of this category are: broadband Internet service providers (*e.g.,* cable, DSL); local telephone carriers (wired); cable television distribution services; long-distance telephone carriers (wired); closed circuit television (''CCTV'') services; VoIP service providers, using own operated wired telecommunications infrastructure; direct-to-home satellite system (''DTH'') services; telecommunications carriers (wired); satellite television distribution systems; and multichannel multipoint distribution services (''MMDS'').

[75] 13 CFR 121.201; 2012 NAICS code 517110.

[76] U.S. Census Bureau, 2007 Economic Census. *See* U.S. Census Bureau, American FactFinder, ''Information: Subject Series—Estab and Firm Size: Employment Size of Establishments for the United States: 2007—2007 Economic Census,'' NAICS code 517110, Table EC0751SSSZ2; available at *http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml.*

[77] *Id.*

[78] *http://wireless2.fcc.gov/UlsApp/UlsSearch/results.jsp.*

[79] The term ''small entity'' within SBREFA applies to small organizations (non-profits) and to small governmental jurisdictions (cities, counties, towns, townships, villages, school districts, and special districts with populations of less than 50,000). 5 U.S.C. 601(4)–(6).

[80] *See* 13 CFR 121.201; 2012 NAICS code 517110. This category of Wired Telecommunications Carriers is defined as follows: ''This industry comprises establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired telecommunications networks. Transmission facilities may be based on a single technology or a combination of technologies. Establishments in this industry use the wired telecommunications network facilities that they operate to provide a variety of services, such as wired telephony services, including VoIP services; wired (cable) audio and video programming distribution; and wired broadband Internet services. *By exception, establishments providing satellite television distribution services using facilities and infrastructure that they operate are included in this industry.''* (*Emphasis* added to text relevant to satellite services.) U.S. Census Bureau, 2012 NAICS Definitions, ''517110 Wired Telecommunications Carriers'' at *http://www.census.gov/cgi-bin/sssd/naics/naicsrch.*

[81] 13 CFR 121.201; 2012 NAICS code 517110.

[82] U.S. Census Bureau, 2007 Economic Census. *See* U.S. Census Bureau, American FactFinder, ''Information: Subject Series—Estab and Firm Size: Employment Size of Establishments for the United States: 2007—2007 Economic Census,'' NAICS code 517110, Table EC0751SSSZ2; available at *http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml.*

[83] *Id.*

[84] 15 U.S.C. 632.

[85] Letter from Jere W. Glover, Chief Counsel for Advocacy, SBA, to William E. Kennard, Chairman, FCC (May 27, 1999). The Small Business Act contains a definition of ''small-business concern,'' which the RFA incorporates into its own definition of ''small business.'' *See* 15 U.S.C. 632(a) (Small Business Act); 5 U.S.C. 601(3) (RFA). SBA regulations interpret ''small business concern'' to include the concept of dominance on a national basis. *See* 13 CFR 121.102(b).

[86] *See* 13 CFR 121.201; 2012 NAICS code 517110. This category of Wired Telecommunications Carriers is defined as follows: ''This industry comprises establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired telecommunications networks. Transmission facilities may be based on a single technology or a combination of technologies. Establishments in this industry use the wired telecommunications network facilities that they operate to provide a variety of services, such as wired telephony services, including VoIP services; wired (cable) audio and video programming distribution; and wired broadband Internet services. *By exception, establishments providing satellite television distribution services using facilities and infrastructure that they operate*

Continued

this category, the SBA deems a wireline business to be small if it has 1,500 or fewer employees.[87] Census data for 2007 shows that there were 31,996 establishments that operated that year.[88] Of this total, 30,178 establishments had fewer than 100 employees, and 1,818 establishments had 100 or more employees.[89] Therefore, under this size standard, the majority of such businesses can be considered small.

34. *Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing.* The Census Bureau defines this category as follows: ''This industry comprises establishments primarily engaged in manufacturing radio and television broadcast and wireless communications equipment. Examples of products made by these establishments are: transmitting and receiving antennas, cable television equipment, GPS equipment, pagers, cellular phones, mobile communications equipment, and radio and television studio and broadcasting equipment.'' [90] The SBA has developed a small business size standard for this category, which is: all such businesses having 750 or fewer employees.[91] Census data for 2007 shows that there were 939 establishments that operated for part or all of the entire year.[92] Of those, 912 operated with fewer than 500 employees, and 27 operated with 500 or more employees.[93] Therefore, under this size standard, the majority of such establishments can be considered small.

35. *Audio and Video Equipment Manufacturing.* The Census Bureau defines this category as follows: ''This industry comprises establishments primarily engaged in manufacturing electronic audio and video equipment for home entertainment, motor vehicles, and public address and musical instrument amplification. Examples of products made by these establishments are video cassette recorders, televisions, stereo equipment, speaker systems, household-type video cameras, jukeboxes, and amplifiers for musical instruments and public address systems.'' [94] The SBA has developed a small business size standard for this category, which is: all such businesses having 750 or fewer employees.[95] Census data for 2007 shows that there were 492 establishments in this category operated for part or all of the entire year.[96] Of those, 488 operated with fewer than 500 employees, and four operated with 500 or more employees.[97] Therefore, under this size standard, the majority of such establishments can be considered small.

4. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements

36. In the accompanying *Report and Order,* the Commission adopted rules establishing the general regulatory framework applicable to entities subject to Sections 204 and 205 of the CVAA. The Commission, in the *FNPRM,* proposes a few additional rules to address possible gaps in coverage of rules adopted in the *Report and Order.* In this section, we describe the reporting, recordkeeping, and other compliance requirements proposed in the *FNPRM* and consider whether small entities are affected disproportionately by any such requirements.

37. *Recordkeeping Requirements.* The *FNPRM* proposes certain recordkeeping requirements that would be applicable to covered small entities. In particular, the *FNPRM:*

- Proposes to implement the requirement that covered apparatus make appropriate built-in functions ''usable by'' individuals who are blind or visually impaired, by defining the term ''usable,'' and by adopting information, documentation, and training requirements that are analogous to rules the Commission has adopted in other CVAA contexts;
- seeks comment on whether to adopt additional consumer notification requirements for MVPDs, and what those requirements should be;
- tentatively concludes that equipment manufacturers subject to Section 205 should be required to inform consumers about the availability of accessible devices and accessibility solutions, proposes that equipment manufacturers must prominently display accessibility information on their official Web site, and seeks comment on whether additional notification requirements are necessary and, if so, what those requirements should be; and
- requests comment on whether to impose notification requirements on equipment manufacturers subject to Section 204 to ensure consumers with disabilities are informed about which products contain the required accessibility features and which ones lack such features.

38. *Other Compliance Requirements.* The *FNPRM* proposes other compliance requirements that would be applicable to covered small entities. In particular, the *FNPRM:*

- Seeks comment on whether the phrase ''accessibility features'' in Sections 303(aa)(3) and 303(bb)(2) of the Act includes user display settings for closed captioning, whether those sections can be interpreted to require covered entities to ensure that consumers are able to locate and control such settings, and how the Commission would implement a requirement to provide an activation mechanism reasonably comparable to a button, key or icon with regard to user display settings for closed captioning;
- seeks comment on whether to require manufacturers of apparatus covered by Section 203 of the CVAA to provide access to the secondary audio stream used for audible emergency information by a mechanism reasonably comparable to a button, key, or icon, and how to implement such a requirement.

39. Because no commenter provided specific information quantifying the costs and administrative burdens associated with the rules adopted in the accompanying *Report and Order,* we cannot precisely estimate the impact of the rules proposed in the *FNPRM* on small entities. As discussed in Section E *infra,* however, Sections 204 and 205 of the CVAA afford covered entities maximum flexibility in the means and manner of complying with the statute

are included in this industry.'' (*Emphasis* added to text relevant to satellite services.) U.S. Census Bureau, 2012 NAICS Definitions, ''517110 Wired Telecommunications Carriers'' at *http://www.census.gov/cgi-bin/sssd/naics/naicsrch.*

[87] 13 CFR 121.201; 2012 NAICS code 517110.

[88] U.S. Census Bureau, 2007 Economic Census. *See* U.S. Census Bureau, American FactFinder, ''Information: Subject Series—Estab and Firm Size: Employment Size of Establishments for the United States: 2007—2007 Economic Census,'' NAICS code 517110, Table EC0751SSSZ2; available at *http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml.*

[89] *Id.*

[90] U.S. Census Bureau, 2012 NAICS Definitions, ''334220 Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing'' at *http://www.census.gov/cgi-bin/sssd/naics/naicsrch.*

[91] 13 CFR 121.201; 2012 NAICS code 334220.

[92] U.S. Census Bureau, 2007 Economic Census. *See* U.S. Census Bureau, American FactFinder, ''Manufacturing: Summary Series: General Summary: Industry Statistics for Subsectors and Industries by Employment Size: 2007—2007 Economic Census,'' NAICS code 334220, Table EC0731SG3; available at *http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml.*

[93] *Id.*

[94] U.S. Census Bureau, 2012 NAICS Definitions, ''334310 Audio and Video Equipment Manufacturing'' at *http://www.census.gov/cgi-bin/sssd/naics/naicsrch.*

[95] 13 CFR 121.201; 2012 NAICS code 334310.

[96] U.S. Census Bureau, 2007 Economic Census. *See* U.S. Census Bureau, American FactFinder, ''Manufacturing: Summary Series: General Summary: Industry Statistics for Subsectors and Industries by Employment Size: 2007—2007 Economic Census,'' NAICS code 334310, Table EC0731SG3; available at *http://factfinder2.census.gov/faces/nav/jsf/pages/index.xhtml.*

[97] *Id.*

and its implementing rules, including those proposed in the *FNPRM.* In addition, entities subject to Sections 203, 204 and 205 need not comply with certain accessibility requirements if they are able to demonstrate to the Commission that compliance is not achievable.[98]

40. Based on the record of this proceeding, MVPDs, in particular, have expressed concern regarding the potential for the rules adopted in accompanying *Report and Order* to place a disproportionate economic impact on smaller MVPDs. In particular, NCTA and NTCA have asserted that the rules proposed in the *Notice of Proposed Rulemaking* likely would affect small companies to a greater extent than large companies. Thus, while the economic impact of the rules on small entities is not quantifiable at this time, based on the general assertions of these parties, it appears likely that the proposed rules, if adopted, would affect small MVPDs disproportionately. As a result, the Commission in Section E below considers alternatives that have the potential to minimize the economic effect of its proposed rules on small entities, consistent with Congress's mandates in Sections 203, 204 and 205.[99]

5. Steps Taken To Minimize Significant Economic Impact on Small Entities and Significant Alternatives Considered

41. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) the establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance and reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.[100]

42. Similar to the rules promulgated in the accompanying *Report and Order,* the rules proposed in the *FNPRM,* if adopted, could have a significant economic impact on a substantial number of small entities.[101] Although the proposals in the *FNPRM* stem from the Congressional mandates set forth in Sections 203, 204 and 205 of the CVAA, the Commission has considered whether any alternatives exist that would allow it to minimize the economic impact of such proposals (if adopted) on small entities. As discussed below, Sections 203, 204 and 205 of the CVAA each contain provisions that allow the Commission to tailor its rules, as necessary, to small entities for whom compliance with such rules is economically burdensome.

43. First, an entity (including a small entity) subject to Sections 203, 204 and 205 can avoid compliance with certain accessibility requirements if it is able to demonstrate to the Commission that such compliance is not ''achievable'' (*i.e.,* cannot be accomplished with reasonable effort or expense). In the accompanying *Report and Order,* the Commission adopted procedures enabling it to determine that a particular entity, including a small entity, need not comply with the accessibility requirements in Sections 204 and 205 where such entity has made this showing.[102] These procedures will allow the Commission to address the impact of the rules on individual entities, including smaller entities, on a case-by-case basis, and to modify application of its rules to accommodate individual circumstances, thereby potentially reducing the costs of compliance for such entities. We note that two of the four statutory factors that the Commission must consider in assessing achievability are particularly relevant to small entities: (i) the nature and cost of the steps needed to meet the requirements, and (ii) the technical and economic impact on the entity's operations. Thus, with respect to certain proposed rules that derive from Sections 203, 204 or 205 of the CVAA, a small entity may be able to avoid compliance in cases where it can demonstrate that compliance is not achievable.

44. In addition, with respect to rules proposed in the *FNPRM* that have their statutory basis in Section 204 of the CVAA (*e.g.,* proposal to define the term ''usable'' and to adopt information, documentation, and training requirements analogous to rules the Commission has adopted in other CVAA contexts), we note that entities covered by Section 204(a), including small entities, can pursue alternate means of complying with the requirements of that provision. As set forth in the accompanying *Report and Order,* the Commission will permit an entity that seeks to use an alternate means of compliance to file a request pursuant to § 1.41 of the Commission's rules for a determination that the proposed alternate means of compliance satisfies the relevant requirements, or to claim in defense to a complaint or enforcement action that the Commission should determine that the party's actions were permissible alternate means of compliance. The Commission will evaluate such filings on a case-by-case basis. Similarly, entities covered by Section 205 of the CVAA can satisfy their accessibility obligations through the use of built-in or separate solutions and are given ''maximum flexibility to select the manner of compliance'' with Section 303(bb)(1) of the Act, as well as ''maximum flexibility in the selection of the means for compliance with Section 303(bb)(2)'' of the Act.[103] Individual entities, including small entities, can take advantage of the flexibility afforded by these provisions.

45. With respect to the proposal in the *FNPRM* to require apparatus covered by Section 203 to make the secondary audio stream used for audible emergency information accessible through a mechanism reasonably comparable to a button, key, or icon, we note that if the Commission were to adopt this requirement, entities covered by Section 203, including small entities, potentially can benefit from provisions in Section 203 that impose certain accessibility requirements only where

[98] *See* 47 U.S.C. 303(u)(2) (requiring that certain apparatus comply with accessibility requirements in Section 303(u)(1) of the Act only ''if achievable''); 47 U.S.C. 303(aa)(1) (requiring, among other things, that certain digital apparatus be designed, developed, and fabricated so that control of appropriate built-in functions are accessible to and usable by individuals who are blind or visually impaired ''if achievable''); 303(bb)(1) (requiring, among other things, that certain on-screen text menus and guides be audibly accessible in real time ''if achievable'').

[99] We note that SBA filed comments in response to the initial IRFA in this proceeding expressing concerns regarding the IRFA's compliance with the RFA. In view of SBA's concerns, we discuss in greater detail in this IRFA the potential disproportionate impact on small entities of the rules proposed in the *FNPRM,* as well as discussing the impact of the final rules on such entities.

[100] 5 U.S.C. 603(c)(1)–(c)(4).

[101] In the *FNPRM,* the Commission seeks comment on the impact of its proposed rules on small entities.

[102] Achievability is determined through a four factor analysis that examines: (1) the nature and cost of the steps needed to meet the requirements of this section with respect to the specific equipment or service in question; (2) the technical and economic impact on the operation of the manufacturer or provider and on the operation of the specific equipment or service in question, including on the development and deployment of new communications technologies; (3) the type of operations of the manufacturer or provider; and (4) the extent to which the service provider or manufacturer in question offers accessible services or equipment containing varying degrees of functionality and features, and offered at differing price points. *47 U.S.C. 617(g).* Through this analysis, an otherwise covered entity can demonstrate that accessibility is not achievable.

[103] *See* Public Law 111–260, 205(b)(4)(A), 205(b)(5).

''achievable'' or ''technically feasible.''[104]

46. Finally, in the accompanying *Report and Order,* the Commission adopted rules that defer compliance with the requirements of Section 205 by two years for certain mid-sized and smaller MVPD operators and small MVPD systems. In particular, the Commission afforded certain mid-sized and smaller MVPD operators (*i.e.,* those with 400,000 or fewer subscribers) and small MVPD systems (*i.e.,* those with 20,000 or fewer subscribers that are not affiliated with an operator serving more than 10 percent of all MVPD subscribers) more time to comply with the requirements of Section 205. This type of delayed compliance schedule can help to minimize the economic impact of any requirements adopted pursuant to the *FNPRM* and address any disproportionate impact of such requirements on small entities. In addition, we note that, if the delayed compliance deadline proves insufficient to allow small systems to implement an affordable solution, the Commission may consider requests for a further extension on an individual or industry-wide basis.

47. Based on these considerations, we believe that, in proposing additional rules in the *FNPRM,* we have appropriately considered both the interests of blind or visually impaired individuals and the interests of the entities who will be subject to the rules, including those that are smaller entities, consistent with Congress' goal to ''update the communications laws to help ensure that individuals with disabilities are able to fully utilize communications services and equipment and better access video programming.''[105]

6. Federal Rules that May Duplicate, Overlap, or Conflict with the Proposed Rules

48. None.

B. Paperwork Reduction Act

49. The *FNPRM* may result in new or revised information collection requirements. If the Commission adopts any new or revised information collection requirement, the Commission will publish a notice in the **Federal Register** inviting the public to comment on the requirement, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3501–3520). In addition, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4), the Commission seeks specific comment on how it might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.''

C. Ex Parte Rules

50. *Permit-But-Disclose.* This proceeding shall be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with § 1.1206(b). In proceedings governed by § 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.,* .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

D. Filing Requirements

51. *Comments and Replies.* Pursuant to §§ 1.415 and 1.419 of the Commission's rules, 47 CFR 1.415, 1.419, interested parties may file comments and reply comments on or before the dates indicated on the first page of this document. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). *See Electronic Filing of Documents in Rulemaking Proceedings,* 63 FR 24121 (1998).

- *Electronic Filers:* Comments may be filed electronically using the Internet by accessing the ECFS: *http://fjallfoss.fcc.gov/ecfs2/.*
- *Paper Filers:* Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW., Room TW–A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of *before* entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12th Street SW., Washington, DC 20554.

52. *Availability of Documents.* Comments, reply comments, and *ex parte* submissions will be available for public inspection during regular business hours in the FCC Reference Center, Federal Communications Commission, 445 12th Street SW., CY–A257, Washington, DC, 20554. These documents will also be available via ECFS. Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat.

53. *People with Disabilities.* To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the FCC's Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

[104] *See* 47 U.S.C. 303(u)(1), (2).

[105] H.R. Rep. No. 111–563, 111th Cong., 2d Sess. at 19 (2010); S. Rep. No. 111–386, 111th Cong., 2d Sess. at 1 (2010).

E. Additional Information

54. For additional information on this proceeding, contact Adam Copeland, *Adam.Copeland@fcc.gov,* or Maria Mullarkey, *Maria.Mullarkey@fcc.gov,* of the Media Bureau, Policy Division, (202) 418–2120.

IV. Ordering Clauses

55. Accordingly, *it is ordered* that, pursuant to the Twenty-First Century Communications and Video Accessibility Act of 2010, Public Law 111–260, 124 Stat. 2751, and the authority found in sections 4(i), 4(j), 303(r), 303(u), 303(aa), 303(bb), and 716(g) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 303(r), 303(u), 303(aa), 303(bb), and 617(g), the *Report and Order and Further Notice of Proposed Rulemaking is adopted,* effective January 21, 2014, except for 47 CFR 79.107(c), 79.108(a)(5), 79.108(c)–(e), and 79.110, which shall become effective upon announcement in the **Federal Register** of OMB approval and an effective date of the rules.

56. *It is ordered* that, pursuant to the Twenty-First Century Communications and Video Accessibility Act of 2010, Public Law 111–260, 124 Stat. 2751, and the authority found in sections 4(i), 4(j), 303(r), 303(aa), 303(bb), and 716(g) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 303(r), 303(aa), 303(bb), and 617(g), the Commission's rules *are hereby amended* as set forth in Appendix B.

57. *It is further ordered* that we delegate authority to the Media Bureau and the Consumer and Governmental Affairs Bureau to consider all requests for declaratory rulings pursuant to § 1.2 of the Commission's rules, 47 CFR 1.2, all waiver requests pursuant to § 1.3 of the Commission's rules, 47 CFR 1.3, and all informal requests for Commission action pursuant to § 1.41 of the Commission's rules, 47 CFR 1.41, filed under these rules and pursuant to Sections 204 and 205 of the CVAA as discussed herein.

58. *It is further ordered* that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of the *Report and Order and Further Notice of Proposed Rulemaking* in MB Docket No. 12–108, including the Final Regulatory Flexibility Analysis and the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

59. *It is further ordered* that the Commission *shall send* a copy of the *Report and Order and Further Notice of Proposed Rulemaking* in MB Docket No. 12–108 in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

List of Subjects in 47 CFR Part 79

Cable television operators, Communications equipment, Multichannel video programming distributors (MVPDs), Satellite television service providers.

Federal Communications Commission.

Sheryl D. Todd,

Deputy Secretary.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR part 79 as follows:

PART 79—ACCESSIBILITY OF VIDEO PROGRAMMING

■ 1. The authority citation for part 79 continues to read as follows:

Authority: 47 U.S.C. 151, 152(a), 154(i), 303, 307, 309, 310, 330, 544a, 613, 617.

■ 2. Section 79.108 is amended by revising paragraph (d) to read as follows:

§ 79.108 Video programming guides and menus provided by navigation devices.

* * * * *

(d)(1) *MVPD notices.* Covered MVPDs must notify consumers that navigation devices with the required accessibility features are available to consumers who are blind or visually impaired upon request as follows:

(i) When providing information about equipment options in response to a consumer inquiry about service, accessibility, or other issues, MVPDs must clearly and conspicuously inform consumers about the availability of accessible navigation devices.

(ii) MVPDs must provide notice on their official Web sites about the availability of accessible navigation devices. MVPDs must prominently display information about accessible navigation devices and separate solutions on their Web sites in a way that makes such information available to all current and potential subscribers. The notice must publicize the availability of accessible devices and separate solutions and explain the means for making requests for accessible equipment and the specific person, office or entity to whom such requests are to be made. All information required by this section must be provided in a Web site format that is accessible to people with disabilities.

(2) *Navigation device manufacturer notices.* Navigation device manufacturers must notify consumers that navigation devices with the required accessibility features are available to consumers who are blind or visually impaired upon request as follows: A navigation device manufacturer must provide notice on its official Web site about the availability of accessible navigation devices. A navigation device manufacturer must prominently display information about accessible navigation devices and solutions on its Web site in a way that makes such information available to all current and potential consumers. The notice must publicize the availability of accessible devices and solutions and explain the means for making requests for accessible equipment and the specific person, office or entity to whom such requests are to be made. All information required by this section must be provided in a Web site format that is accessible to people with disabilities.

* * * * *

[FR Doc. 2013–28088 Filed 12–19–13; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket Nos. FWS–R8–ES–2013–0072 and FWS–R8–ES–2013–0042; 4500030113]

RIN 1018–AY10 and RIN 1018–AZ70

Endangered and Threatened Wildlife and Plants; Threatened Status for the Bi-State Distinct Population Segment of Greater Sage-Grouse With Special Rule and Designation of Critical Habitat

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rules; extension of comment periods.

SUMMARY: On October 28, 2013, we, the U.S. Fish and Wildlife Service (Service), announced a proposal to list the bi-State distinct population segment (DPS) of greater sage-grouse (*Centrocercus urophasianus*) as threatened under the Endangered Species Act of 1973, as amended, with a special rule, and to designate critical habitat. We announce the extension of the comment periods for our October 28, 2013, proposed rules to ensure the public has sufficient time to comment on these proposals, which involve many stakeholders. The Service seeks data and comments from the public on the October 28, 2013, proposed listing rule and proposed

critical habitat rule for the bi-State DPS of greater sage-grouse.

DATES: We request that comments on the proposals published October 28, 2013 (78 FR 64358 and 78 FR 64328) be submitted by the close of business on February 10, 2014.

ADDRESSES: *Document availability:* You may obtain copies of the proposed rules on the Internet at *http://www.regulations.gov* at Docket No. FWS–R8–ES–2013–0072 (proposed listing with special rule) and Docket No. FWS–R8–ES–2013–0042 (proposed critical habitat), or contact the U.S. Fish and Wildlife Service, Nevada Fish and Wildlife Office or Ventura Fish and Wildlife Service (see **FOR FURTHER INFORMATION CONTACT**), or by mail from U.S. Fish and Wildlife Service, Nevada Fish and Wildlife Office or Ventura Fish and Wildlife Office (see **FOR FURTHER INFORMATION CONTACT**).

Comment Submission: You may submit comments by one of the following methods:

(1) *Electronically:* Go to the Federal eRulemaking Portal: *http://www.regulations.gov*. In the Search box, enter FWS–R8–ES–2013–0072 (proposed listing) or FWS–R8–ES–2013–0042 (proposed critical habitat), which are the docket numbers for these rulemakings. Then, in the Search panel on the left side of the screen, under the Document Type heading, click on the Proposed Rules link to locate the document. You may submit a comment by clicking on ''Comment Now!''

(2) *By hard copy for the proposed listing:* Submit by U.S. mail or hand-delivery to: Public Comments Processing, Attn: FWS–R8–ES–2013–0072; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, MS 2042–PDM; Arlington, VA 22203. *By hard copy for the proposed critical habitat:* Submit by U.S. mail or hand-delivery to: Public Comments Processing, Attn: FWS–R8–ES–2013–0042; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, MS 2042–PDM; Arlington, VA 22203.

We request that you send comments only by the methods described above. We will post all comments on *http://www.regulations.gov*. This generally means that we will post any personal information you provide us (see the Information Requested section below for more information).

FOR FURTHER INFORMATION CONTACT: For general information on the proposed listing and proposed critical habitat designation, as well as information about the proposed listing and proposed critical habitat specific to Nevada (Carson City, Lyon, Douglas, Mineral, and Esmeralda Counties), contact Edward D. Koch, State Supervisor, U.S. Fish and Wildlife Service, Nevada Fish and Wildlife Office, 1340 Financial Boulevard, Suite 234, Reno, NV 89502; telephone 775–861–6300; or facsimile 775–861–6301. For information about the proposed listing and proposed critical habitat specific to California (Alpine, Mono, and Inyo Counties), contact Stephen P. Henry, Deputy Field Supervisor, or Carl Benz, Assistant Field Supervisor, Ventura Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2493 Portola Road, Suite B, Ventura, CA 93003; telephone 805–644–1766; facsimile 805–644–3958. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Background

On October 28, 2013, we published a proposed rule to list the bi-State DPS as a threatened species under the Endangered Species Act of 1973, as amended (Act) (78 FR 64358). We concurrently published a proposed rule to designate critical habitat (78 FR 64328).

We received requests to extend the public comment periods on the proposed rules beyond the December 27, 2013, due date. In order to ensure that the public has an adequate opportunity to review and comment on our proposed rules, we are extending the comment periods for an additional 45 days.

Information Requested

We intend that any final action resulting from these proposed rules will be based on the best scientific and commercial data available and be as accurate and as effective as possible. Therefore, we request comments or information from other concerned Federal and State agencies, the scientific community, or any other interested party concerning the proposed listing and proposed critical habitat rules. Please see the Information Requested section of both the proposed listing and proposed critical habitat rules for a list of the comments that we particularly seek.

For more background on our proposed listing (with special rule) and proposed critical habitat rules, see the October 28, 2013, **Federal Register**. Both proposed rules are available at the Federal eRulemaking Portal at *http://www.regulations.gov* (see **ADDRESSES** section above).

If you previously submitted comments or information on the proposed rules, please do not resubmit them. We have incorporated them into the public record, and we will fully consider them in our final rulemakings. Our final determination concerning these proposed rulemakings will take into consideration all written comments and any additional information we receive.

Please note that submissions merely stating support for or opposition to the actions under consideration without providing supporting information, although noted, will not be considered in making a determination, as section 4(b)(1)(A) of the Act directs that determinations as to whether any species is an endangered or threatened species, and a determination of critical habitat, must be made ''solely on the basis of the best scientific and commercial data available.''

You may submit your comments and materials concerning the proposed listing and proposed critical habitat rules by one of the methods listed in **ADDRESSES**. We request that you send comments only by the methods described in **ADDRESSES**. If you submit information via *http://www.regulations.gov,* your entire submission—including any personal identifying information—will be posted on the Web site. If your submission is made via a hardcopy that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. We will post all hardcopy submissions on *http://www.regulations.gov*. Please include sufficient information with your comments to allow us to verify any scientific or commercial information you include.

Comments and materials we receive, as well as supporting documentation we used in preparing the proposed listing and proposed critical habitat rules, will be available for public inspection on *http://www.regulations.gov,* or by appointment, during normal business hours, at the U.S. Fish and Wildlife Service, Nevada Fish and Wildlife Office and Ventura Fish and Wildlife Office (see **FOR FURTHER INFORMATION CONTACT**).

Authors

The primary authors of this notice are the staff members of the Pacific Southwest Regional Office.

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: December 11, 2013.

Rowan W. Gould,

Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. 2013–30433 Filed 12–19–13; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 665

[Docket No. 131028907–3999–01]

RIN 0648–XC954

Pacific Island Fisheries; 2014 Annual Catch Limits and Accountability Measures

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

ACTION: Proposed specification; request for comments.

SUMMARY: NMFS proposes annual catch limits for 2014 Pacific Island bottomfish, crustacean, precious coral, and coral reef ecosystem fisheries, and accountability measures to correct or mitigate any overages of catch limits. The proposed catch limits and accountability measures support the long-term sustainability of fishery resources of the U.S. Pacific Islands.

DATES: Comments must be received by January 6, 2014.

ADDRESSES: You may submit comments on this document, identified by NOAA–NMFS–2013–0156, by either 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-2013-0156,* click the ''Comment Now!'' icon, complete the required fields, and enter or attach your comments.
- Mail: Send written comments to Michael D. Tosatto, Regional Administrator, NMFS Pacific Islands Region (PIR), 1601 Kapiolani Blvd., Suite 1110, Honolulu, HI 96814–4700.

Instructions: 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 by NMFS. 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, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous), and will accept attachments to electronic comments in Microsoft Word, Excel, or Adobe PDF file formats only.

NMFS prepared three environmental assessments that describe the potential impacts on the human environment that would result from the proposed annual catch limits and accountability measures. NMFS provided additional background information in the 2013 proposed and final specifications (78 FR 6798, January 31, 2013, 78 FR 15885, March 13, 2013, 78 FR 40875 (August 7, 2013). Copies of these documents are available at *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Jarad Makaiau, NMFS PIR Sustainable Fisheries, 808–944–2108.

SUPPLEMENTARY INFORMATION: Fisheries in the U.S. Exclusive Economic Zone (EEZ, or Federal waters) around the U.S. Pacific Islands are managed under archipelagic fishery ecosystem plans (FEP) for American Samoa, Hawaii, the Pacific Remote Islands, and the Mariana Archipelago (covering Guam and the Commonwealth of the Northern Mariana Islands (CNMI)). A fifth FEP covers pelagic fisheries. The Western Pacific Fishery Management Council (Council) developed the FEPs, and NMFS implemented them under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act).

Each FEP contains a process for the Council and NMFS to specify annual catch limits (ACLs) and accountability measures (AMs); that process is codified at 50 CFR 665.4 (76 FR 37285, June 27, 2011). The regulations require NMFS to specify, every fishing year, an ACL for each stock and stock complex of management unit species (MUS) included in an FEP, as recommended by the Council and considering the best available scientific, commercial, and other information about the fishery. If a fishery exceeds an ACL, the regulations require the Council to take action, which may include reducing the ACL for the subsequent fishing year by the amount of the overage, or other appropriate action.

Annual Catch Limits

NMFS proposes to specify ACLs for bottomfish, crustacean, precious coral, and coral reef ecosystem fishery MUS in American Samoa, Guam, the CNMI, and Hawaii. NMFS based the proposed specifications on recommendations from the Council at its 157th meeting held on June 25–28, 2013. The Council recommended 101 ACLs: 22 in American Samoa, 27 in Guam, 22 in the CNMI, and 30 in Hawaii. This rule proposes the ACLs for the 2014 fishing year (January 1 through December 31, 2014, except for precious coral fisheries, which is July 1, 2013, through June 30, 2014). The proposed ACLs are identical to those that NMFS specified for these fisheries in 2013.

NMFS is not proposing ACLs for MUS that are currently subject to Federal fishing moratoria or prohibitions. These MUS include all species of gold coral (78 FR 32181, May 29, 2013), the three Hawaii seamount groundfish, that is, pelagic armorhead, alfonsin, and raftfish (75 FR 69015, November 10, 2010), and deep water precious corals at the Westpac Bed Refugia (75 FR 2198, January 14, 2010). The current prohibitions on fishing for these MUS serve as the functional equivalent of an ACL of zero.

Additionally, NMFS is not proposing ACLs for bottomfish, crustacean, precious coral, or coral reef ecosystem MUS identified in the Pacific Remote Islands Area (PRIA) FEP. On June 3, 2013, NMFS published a final rule implementing fishing requirements for the Pacific Remote Islands Marine National Monument (Monument), which include a prohibition on all fishing in the EEZ within 12 nm of emergent land, unless authorized by the U.S. Fish and Wildlife Service (78 FR 32996, June 3, 2013). NMFS is not proposing ACLs for PRIA FEP bottomfish, crustacean, precious coral, or coral reef ecosystem fisheries because there is no suitable habitat for these fisheries beyond the 12-nm no-fishing zone, except at Kingman Reef, where fishing for these resources does not occur. Therefore, the current prohibitions on fishing serve as the functional equivalent of an ACL of zero. However, NMFS will continue to monitor authorized fishing within the Monument in consultation with the U.S. Fish and Wildlife Service, and may develop additional fishing requirements, including Monument-specific catch limits for species that may require them.

NMFS is also not proposing ACLs for pelagic MUS at this time, because NMFS previously determined that

pelagic species are subject to international fishery agreements or have a life cycle of approximately one year and, therefore, are statutorily excepted from the ACL requirements.

Proposed Annual Catch Limit Specifications

TABLE 1—AMERICAN SAMOA

Fishery	Management unit species	Proposed ACL specification (lb)
Bottomfish	Bottomfish multi-species stock complex	101,000
Crustacean	Deepwater Shrimp	80,000
	Spiny Lobster	2,300
	Slipper Lobster	30
	Kona Crab	3,200
Precious Coral	Black Coral	790
	Precious Corals in the American Samoa Exploratory Area	2,205
Coral Reef Ecosystem	Acanthuridae—surgeonfish	19,516
	Lutjanidae—snappers	18,839
	Selar crumenophthalmus—atule or bigeye scad	8,396
	Mollusks—turbo snail; octopus; giant clams	16,694
	Carangidae—jacks	9,490
	Lethrinidae—emperors	7,350
	Scaridae—parrotfish	8,145
	Serranidae—groupers	5,600
	Holocentridae—squirrelfish	2,585
	Mugilidae—mullets	2,857
	Crustaceans—crabs	2,248
	Bolbometopon muricatum—bumphead parrotfish	235
	Cheilinus undulatus—Humphead (Napoleon) wrasse	1,743
	Carcharhinidae—Reef Sharks	1,309
	All Other CREMUS combined	18,910

TABLE 2—MARIANA ARCHIPELAGO—GUAM

Fishery	Management unit species	Proposed ACL specification (lb)
Bottomfish	Bottomfish multi-species stock complex	66,800
Crustaceans	Deepwater Shrimp	48,488
	Spiny Lobster	2,700
	Slipper Lobster	20
	Kona Crab	1,900
Precious Coral	Black Coral	700
	Precious Corals in the Guam Exploratory Area	2,205
Cora Reef Ecosystem	Acanthuridae—surgeonfish	70,702
	Carangidae—jacks	45,377l
	Selar crumenophthalmus—atulai or bigeye scad	56,514
	Lethrinidae—emperors	38,720
	Scaridae—parrotfish	28,649
	Mullidae—goatfish	25,367
	Mollusks—turbo snail; octopus; giant clams	21,941
	Siganidae—rabbitfish	26,120
	Lutjanidae—snappers	17,726
	Serranidae—groupers	17,958
	Mugilidae—mullets	15,032
	Kyphosidae—chubs/rudderfish	13,247
	Crustaceans—crabs	5,523
	Holocentridae—squirrelfish	8,300
	Algae	5,329
	Labridae—wrasses	5,195
	Bolbometopon muricatum—bumphead parrotfish	* 797
	Cheilinus undulatus—Humphead (Napoleon) wrasse	1,960
	Carcharhinidae—Reef Sharks	6,942
	All Other CREMUS combined	83,214)

* (CNMI and Guam combined).

TABLE 3—MARIANA ARCHIPELAGO—CNMI

Fishery	Management unit species	Proposed ACL specification (lb)
Bottomfish	Bottomfish multi-species stock complex	228,000
Crustacean	Deepwater Shrimp	275,570

TABLE 3—MARIANA ARCHIPELAGO—CNMI—Continued

Fishery	Management unit species	Proposed ACL specification (lb)
	Spiny Lobster	5,500
	Slipper Lobster	60
	Kona Crab	6,300
Precious Coral	Black Coral	2,100
	Precious Corals in the CNMI Exploratory Area	2,205
Coral Reef Ecosystem	Lethrinidae—emperors	27,466
	Carangidae—jacks	21,512
	Acanthuridae—surgeonfish	6,884
	Selar crumenophthalmus—atulai or bigeye scad	7,459
	Serranidae—groupers	5,519
	Lutjanidae—snappers	3,905
	Mullidae—goatfish	3,670
	Scaridae—parrotfish	3,784
	Mollusks—turbo snail; octopus; giant clams	4,446
	Mugilidae—mullets	3,308
	Siganidae—rabbitfish	2,537
	Bolbometopon muricatum—bumphead parrotfish	*797
	Cheilinus undulatus—Humphead (Napoleon) wrasse	2,009
	Carcharhinidae—Reef Sharks	5,600
	All Other CREMUS combined	9,820

* (CNMI and Guam combined).

TABLE 4—HAWAII

Fishery	Management unit species	Proposed ACL specification (lb)
Bottomfish	Non-Deep 7 Bottomfish	140,000
Crustacean	Deepwater Shrimp	250,773
	Spiny Lobster	10,000
	Slipper Lobster	280
	Kona Crab	27,600
Precious Coral	Auau Channel Black Coral	5,512
	Makapuu Bed—Pink Coral	2,205
	Makapuu Bed—Bamboo Coral	551
	180 Fathom Bank—Pink Coral	489
	180 Fathom Bank—Bamboo Coral	123
	Brooks Bank—Pink Coral	979
	Brooks Bank—Bamboo Coral	245
	Kaena Point Bed—Pink Coral	148
	Kaena Point Bed—Bamboo Coral	37
	Keahole Bed—Pink Coral	148
	Keahole Bed—Bamboo Coral	37
	Precious Corals in the Hawaii Exploratory Area	2,205
Coral Reef Ecosystem	*Selar crumenophthalmus*—akule or bigeye scad	651,292
	Decapterus macarellus—opelu or mackerel scad	393,563
	Carangidae—jacks	193,423
	Mullidae—goatfish	125,813
	Acanthuridae—surgeonfish	80,545
	Lutjanidae—snappers	65,102
	Holocentridae—squirrelfish	44,122
	Mugilidae—mullets	41,112
	Mollusks—turbo snails; octopus	28,765
	Scaridae—parrotfish	33,326
	Crustaceans—crabs	20,686
	Carcharhinidae—Reef Sharks	111,566
	All Other CREMUS combined	142,282

Accountability Measures

Each year, NMFS and local resource management agencies in American Samoa, Guam, the CNMI, and Hawaii collect information about MUS catches and apply them toward the appropriate ACLs. Pursuant to 50 CFR 665.4, when the available information indicates that a fishery is projected to reach an ACL for a stock or stock complex, NMFS must notify permit holders that fishing for that stock or stock complex will be restricted in Federal waters on a specified date. The restriction serves as the AM to prevent an ACL from being exceeded, and may include, closing the fishery, closing specific areas, changing to bag limits, or restricting effort. However, local resource management agencies do not have the personnel or resources to process catch data in near-real time, so fisheries statistics are generally not available to NMFS until at least six months after agencies collect

and analyze the data. Although the State of Hawaii has the capability to monitor and track the catch of seven preferentially-targeted bottomfish species in near-real time, (78 FR 59626, September 27, 2013), these capabilities do not exist for other Hawaii bottomfish, crustacean, precious coral, and coral reef ecosystem fisheries, or for fisheries in American Samoa, Guam, and the CNMI. Additionally, Federal logbook and reporting from fisheries in Federal waters is not sufficient to accurately monitor and track catches towards the proposed ACL specifications. This is because most fishing for bottomfish, crustacean, precious coral, and coral reef ecosystem MUS occurs in state waters, generally 0–3 nm from shore. For these reasons, NMFS proposes to specify the Council's recommended AM, which requires the Council to conduct a post-season accounting of the annual catch for each stock and stock complex of MUS after the end of the fishing year. If an ACL is exceeded, the Council would take action in accordance with 50 CFR 600.310(g), which may include a recommendation that NMFS reduce the ACL for the subsequent fishing year by the amount of the overage, or other appropriate measures.

NMFS will consider public comments on the proposed ACLs and AMs and will announce the final specifications in the **Federal Register**. NMFS must receive any comments by January 6, 2014, not postmarked or otherwise transmitted by that date. Regardless of the final ACL specifications and AMs, all other management measures will continue to apply in the fisheries.

Classification

Pursuant to section 304(b)(1)(A) of the Magnuson-Stevens Act, the NMFS Assistant Administrator for Fisheries has determined that this proposed specification is consistent with the applicable FEPs, other provisions of the Magnuson-Stevens Act, and other applicable laws, subject to further consideration after public comment.

Certification of Finding of No Significant Impact on Substantial Number of Small Entities

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that these proposed specifications, if adopted, would not have a significant economic impact on a substantial number of small entities. A description of the proposed action, why it is being considered, and the legal basis for it are contained in the preamble to this proposed specification.

NMFS based the proposed specifications on recommendations from the Council at its 157th meeting held on June 25–28, 2013. The Council recommended 101 ACLs: 22 in American Samoa, 27 in Guam, 22 in the Commonwealth of the Northern Mariana Islands (CNMI), and 30 in Hawaii. NMFS would specify the ACLs for the 2014 fishing year, which begins on January 1 and ends on December 31, except for precious coral fisheries, which are July 1, 2013, through June 30, 2014. NMFS would specify ACLs for fisheries in which there are no participants. These include certain crustacean fisheries (deepwater shrimp and Kona crab) and all precious coral fisheries outside Hawaii.

On June 20, 2013, the Small Business Administration (SBA) issued a final rule revising the small business size standards for several industries effective July 22, 2013 (78 FR 37398). The rule increased the size standard for Finfish Fishing from $4.0 to 19.0 million, Shellfish Fishing from $4.0 to 5.0 million, and Other Marine Fishing from $4.0 to 7.0 million. Based on available information, NMFS has determined that all vessels federally permitted under the FEPs for American Samoa, the Marianas Archipelago (Guam and CNMI) and Hawaii are small entities under the SBA definition of a small entity, i.e., they are engaged in the business of fish harvesting, are independently owned or operated, are not dominant in their field of operation, and have annual gross receipts not in excess of $19 million. Therefore, there would be no disproportionate economic impacts between large and small entities. Furthermore, there would be no disproportionate economic impacts among the universe of vessels based on gear, home port, or vessel length.

Pursuant to the Regulatory Flexibility Act, NMFS has reviewed the analyses prepared for this action in light of the new size standards. Under the former, lower size standards, all vessels subject to this action were considered small entities, and they all would continue to be considered small under the new standards. NMFS does not think that the new size standards affect analyses prepared for this action and solicits public comments on the analyses in light of the new size standards.

Even though this proposed action would apply to a substantial number of vessels, the implementation of this action should not result in significant adverse economic impact to individual vessels. For active fisheries, the ACLs are generally in line with or greater than the current annual yields. The Council and NMFS are not considering in-season closures in any of the fisheries to which these ACLs apply, because fishery management agencies are not able to track catch relative to the ACLs during the fishing year. As a result, fishermen would be able to fish throughout the entire year. In addition, the ACLs, as proposed, would not change the gear types, areas fished, effort, or participation of the fishery during 2014 fishing year. A post-season review of the catch data would be required to determine whether any fishery exceeded its ACL. If an ACL is exceeded, the Council and NMFS would take action to correct the operational issue that caused the ACL overage. NMFS and the Council would evaluate the environmental and socio-economic impacts of future actions, such as changes to future ACLs or AMs, after the required data are available.

At its 157th meeting in June 2013, the Council determined that ACLs were exceeded for the Hawaii non-Deep 7 bottomfish stock complex, and for 11 coral reef ecosystem species groups—two in Guam, four in CNMI, and five in Hawaii. However, the Council determined that the overages of the ACLs in Hawaii were the result of improved catch reporting compliance, while in Guam and CNMI, exceeding the ACLs was the result of over-estimates of catch. Given these data collection methodologies, and given the conservative method used to specify the ACLs, the Council concluded that the overages were not likely to have had an impact on stock sustainability or result in overfishing. The Council, therefore, decided that reducing the 2014 ACLs was not warranted. For these reasons, the Council recommended that NMFS specify the same ACLs and AMs in 2014 as it did in 2013.

The proposed rule does not duplicate, overlap, or conflict with other Federal rules and is not expected to have significant impact on small entities (as discussed above), organizations, or government jurisdictions. The proposed rule also will not place a substantial number of small entities, or any segment of small entities, at a significant competitive disadvantage to large entities. As such, an initial regulatory flexibility analysis is not required and none has been prepared. As a result, an initial regulatory flexibility analysis is not required and none has been prepared.

This action is exempt from review under the procedures of E.O. 12866.

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

Dated: December 17, 2013.

Alan D. Risenhoover,

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

[FR Doc. 2013–30312 Filed 12–19–13; 8:45 am]

BILLING CODE 3510–22–P

Notices

Federal Register

Vol. 78, No. 245

Friday, December 20, 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

December 16, 2013.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. 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), *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 within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–8958.

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.

Foreign Agricultural Service

Title: Dairy Tariff-Rate Import Quota Licensing Program.

OMB Control Number: 0551–0001.

Summary of Collection: The Dairy Tariff-Rate Import Quota regulation (the Regulation) (7 CFR 6.20–6.37) which governs the administration of the import licensing system applicable to most dairy products subject to tariff-rate quotas (TRQs). The importation of most cheese made from cow's milk and certain non-cheese dairy articles (butter, dried milks, and butter substitutes) are subject to TRQs and must be accompanied by an import license issued by the Department to enter at the lower tariff. Importers without licenses may enter these dairy articles, but are required to pay the higher tariff. The Foreign Agricultural Service (FAS) will collect information using several forms.

Need and Use of the Information: FAS will use the collected information in the administration of the tariff-rate import quota licensing system for certain dairy products and the issuance of licenses in accordance with the Regulation. If the information were collected less frequently, FSA would be unable to issue licenses on an annual basis in compliance with the Import Regulation.

Description of Respondents: Business or other-for-profit.

Number of Respondents: 700.

Frequency of Responses: Record keeping, Reporting: Annually.

Total Burden Hours: 479.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2013–30304 Filed 12–19–13; 8:45 am]

BILLING CODE 3410–10–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

December 16, 2013.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. 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), *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 within 30 days of this notification. Copies of the submission(s) may be obtained by calling (202) 720–8958.

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.

Food and Nutrition Service

Title: Supplemental Nutrition Assistance Program Regulations, Part 275—Quality Control.

OMB Control Number: 0584–0303.

Summary of Collection: Section 16 of the Food and Nutrition Act of 2008 (the Act), provides the legislative basis for the operation of the Supplemental Nutrition Assistance Program (SNAP) Quality Control (QC) system. The Food and Nutrition Service (FNS), as administrator of the SNAP, requires each State agency to develop a sampling plan that demonstrates the integrity of its case selection procedures. The QC system is designed to measure each State agency's payment error rate based on a statistically valid sample of SNAP cases. The QC system contains procedures for resolving differences in

review findings between State agencies and FNS (arbitration process). The QC system also contains procedures that provide relief for State agencies when a State agency can demonstrate that a part or all of an excessive error rate was due to an unusual event that had an uncontrollable impact on the State agency's payment error rate (good cause process). Additionally, State agencies are required to maintain case records for three years to ensure compliance with provisions of the Food and Nutrition Act of 2008.

Need and Use of the Information: The quality control information collection is necessary to meet the requirements of Section 16 of the Act, which requires USDA to establish a system that enhances payment accuracy and improves administration by determining payment error rates, liabilities and performance bonuses.

Description of Respondents: State, Local, or Tribal Government; Federal Government.

Number of Respondents: 53.

Frequency of Responses: Recordkeeping; Reporting: On occasion; Annually.

Total Burden Hours: 1,379.

Ruth Brown,

Departmental Information Collection Clearance Officer.

[FR Doc. 2013–30289 Filed 12–19–13; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

December 16, 2013.

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. 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 and other forms of information technology.

Comments regarding this information collection received by January 21, 2014 will be considered. Written comments should be addressed to: Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), New Executive Office Building, 725 17th Street NW., Washington, DC 20503. Commentors 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. 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.

Forest Service

Title: Volunteer Application and Agreement for Natural and Cultural Resource Agencies.

OMB Control Number: 0596–0080.

Summary of Collection: The Volunteer Act of 1972, (Pub. L. 92–300), as amended, authorizes Federal land management agencies to use volunteers and volunteer organizations to plan, develop, maintain and manage, where appropriate, trails and campground facilities, improve wildlife habitat, and perform other useful and important conservation services throughout the Nation. Participating agencies in Department of Agriculture: Forest Service and National Resources Conservation Service; Department of the Interior: National Park Service, Fish and Wildlife Service, Bureau of Land Management, Bureau of Reclamation, Bureau of Indian Affairs and U.S. Geological Survey; Department of Defense: U.S. Army Corps of Engineers and Department of Commerce: National Oceanic and Atmospheric Administration. Agencies will collect information using Common Forms OF 301—Volunteer Service Application; OF 301a Volunteer Service Agreement and OF 301b Volunteer Service Agreement and Sign-up Form for Groups.

Need and Use of the Information: Agencies will collect the names, addresses, and certain information about individuals who are interested in public service as volunteers. The information is used by the agencies as a position application, to review and determine if a potential volunteer is a good fit for a particular volunteer position. The OF–301a is used to enroll volunteers, collect contact information, parent or guardian approval, describe duties, project locations, schedules and any reimbursements, describe safety requirements and delineate any other terms of service. The new OF–301b form will be used to record the name and contact information of the volunteer group, and the names and signatures of volunteers participating in a project. If the information is not collected, participating natural resource agencies will be unable to recruit and/or screen volunteer applicants or administer/run volunteer programs that are crucial to assisting these agencies in fulfilling their missions.

Description of Respondents: Individuals or households.

Number of Respondents: 83,696.

Frequency of Responses: Reporting: On occasion; Other: One time.

Total Burden Hours: 24,411.

Charlene Parker,

Departmental Information Collection Clearance Officer.

[FR Doc. 2013–30303 Filed 12–19–13; 8:45 am]

BILLING CODE P

DEPARTMENT OF AGRICULTURE

Food and Nutrition Service

Agency Information Collection Activities: Proposed Collection; Comment Request—Form FNS–648, WIC Local Agency Directory Report

AGENCY: Food and Nutrition Service, USDA.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Food and Nutrition Service's (FNS) intention to request an extension for a currently approved information collection, the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) Local Agency Directory Report which lists the names and addresses of all WIC local agencies.

DATES: Written comments on this notice must be received by February 18, 2014.

ADDRESSES: 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 will 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 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.

Comments may be sent to: Debra Whitford, Director, Supplemental Food Programs Division, Food and Nutrition Service, U.S. Department of Agriculture, 3101 Park Center Drive, Room 520, Alexandria, VA 22302. Comments will also be accepted through the Federal eRulemaking Portal. Go to *http://www.regulations.gov* and follow the online instructions for submitting comments electronically.

All responses to this notice will be summarized and included in the request for OMB approval, and will become a matter of public record.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection form and instructions should be directed to: Joan Carroll, (703) 305–2729.

SUPPLEMENTARY INFORMATION:

Title: WIC Local Agency Directory.

Form Number: FNS–648.

OMB Number: 0584–0431.

Expiration Date: 04/30/2014.

Type of Request: Extension, without change, of a currently approved collection.

Abstract: FNS administers the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) by awarding cash grants to State agencies (generally State health departments). The State agencies award subgrants to local agencies (generally local health departments and nonprofit organizations) to deliver program benefits and services to eligible participants. FNS maintains a WIC Local Agency Directory which lists the names and addresses of all WIC local agencies. WIC State and local agencies and FNS use the directory to refer individuals to the nearest source of WIC Program services and to maintain continuity of program services to migrant and other transient participants. It is also used as a mailing list to provide local agencies with technical assistance manuals and other information. State agencies complete the WIC Local Agency Directory Report Form FNS–648 to inform FNS when a local agency is newly established, closed or changes its address. This data is needed to keep the directory current. The number of WIC State Agencies reporting remains at 90.

Respondents: Directors or Administrators of WIC State agencies.

Estimated Number of Respondents: 90 respondents.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Responses: 90.

Estimated Time per Response: Public reporting burden for this collection of information is estimated to average 0.17 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Estimated Total Annual Burden on Respondents: 15.3 hours.

Dated: December 5, 2013.

Audrey Rowe,

Administrator, Food and Nutrition Service.

[FR Doc. 2013–30331 Filed 12–19–13; 8:45 am]

BILLING CODE 3410–30–P

DEPARTMENT OF AGRICULTURE

Forest Service

Newspapers Used for Publication of Legal Notices in the Southwestern Region, Which Includes Arizona, New Mexico, and Parts of Oklahoma and Texas

AGENCY: Forest Service, USDA.

ACTION: Notice.

SUMMARY: This notice lists the newspapers that will be used by all Ranger Districts, Grasslands, Forests, and the Regional Office of the Southwestern Region to publish legal notices required under 36 CFR parts 215, 218, and 219. The intended effect of this action is to inform interested members of the public which newspapers the Forest Service will use to publish notices of proposed actions, notices of decision, and notices of opportunity to file an objection. This will provide the public with constructive notice of Forest Service proposals and decisions, provide information on the procedures to comment, appeal, or object, and establish the date that the Forest Service will use to determine if comments, appeals, or objections were timely.

DATES: Publication of legal notices in the listed newspapers will begin on the date of this publication and continue until further notice.

ADDRESSES: Margaret Van Gilder, Regional Administrative Review Coordinator, Forest Service, Southwestern Region; 333 Broadway SE., Albuquerque, NM 87102–3498.

FOR FURTHER INFORMATION CONTACT: Margaret Van Gilder, Regional Administrative Review Coordinator; (505) 842–3223.

SUPPLEMENTARY INFORMATION: The administrative procedures at 36 CFR parts 215, 218, and 219 require the Forest Service to publish notices in a newspaper of general circulation. The content of the notices is specified in 36 CFR parts 215, 218, and 219. In general, the notices will identify: the decision or project, by title or subject matter; the name and title of the official making the decision; how to obtain additional information; and where and how to file comments, appeals, or objections. The date the notice is published will be used to establish the official date for the beginning of the comment, appeal, or objection period. Where more than one newspaper is listed for any unit, the first newspaper listed is the primary newspaper of record of which publication date shall be used for calculating the time period to file comment, appeal, or an objection.

Southwestern Regional Office

Regional Forester

Notices of Availability for Comment and Decisions and Objections affecting New Mexico Forests:—''*Albuquerque Journal*'', Albuquerque, New Mexico, for National Forest System Lands in the State of New Mexico and for any projects of Region-wide impact.

Regional Forester Notices of Availability for Comment and Decisions and Objections affecting Arizona Forests: —''*The Arizona Republic*'', Phoenix, Arizona, for National Forest System lands in the State of Arizona and for any projects of Region-wide impact.

Regional Forester Notices of Availability for Comment and Decisions and Objections affecting National Grasslands in New Mexico, Oklahoma, and Texas are listed by Grassland and location as follows: Kiowa National Grassland notices published in:—''*Union County Leader*'', Clayton New Mexico. Rita Blanca National Grassland in Cimarron County, Oklahoma notices published in:—''*Boise City News*'', Boise City, Oklahoma. Rita Blanca National Grassland in Dallam County, Texas notices published in:—''*The Dalhart Texan*'', Dalhart, Texas. Black Kettle National Grassland in Roger Mills County, Oklahoma notices published in:—''*Cheyenne Star*'', Cheyenne, Oklahoma. Black Kettle National Grassland in Hemphill County, Texas notices published in:—''*The Canadian*

Record'', Canadian, Texas. McClellan Creek National Grassland in Gray County, Texas notices published in:—''*The Pampa News*'', Pampa, Texas.

Arizona National Forests

Apache-Sitgreaves National Forests

Notices for Availability for Comments, Decisions and Objections by Forest Supervisor, Alpine Ranger District, Black Mesa Ranger District, Lakeside Ranger District, and Springerville Ranger District are published in:—''*The White Mountain Independent*'', Show Low and Navajo County, Arizona.

Clifton Ranger District Notices are published in:—''*Copper Era*'', Clifton, Arizona.

Coconino National Forest

Notices for Availability for Comments, Decisions and Objections by Forest Supervisor, Mogollon Rim Ranger District, and Flagstaff Ranger District are published in:—''*Arizona Daily Sun*'', Flagstaff, Arizona.

Red Rock Ranger District Notices are published in:—''*Red Rock News*'', Sedona, Arizona.

Coronado National Forest

Notices for Availability for Comments, Decisions and Objections by Forest Supervisor and Santa Catalina Ranger District are published in:—''*The Arizona Daily Star*'', Tucson, Arizona.

Douglas Ranger District Notices are published in:—''*Daily Dispatch*'', Douglas, Arizona.

Nogales Ranger District Notices are published in:—''*Nogales International*'', Nogales, Arizona.

Sierra Vista Ranger District Notices are published in:—''*Sierra Vista Herald*'', Sierra Vista, Arizona.

Safford Ranger District Notices are published in:—''*Eastern Arizona Courier*'', Safford, Arizona.

Kaibab National Forest

Notices for Availability for Comments, Decisions and Objections by Forest Supervisor, North Kaibab Ranger District, Tusayan Ranger District, and Williams Ranger District Notices are published in:—''*Arizona Daily Sun*'', Flagstaff, Arizona.

Prescott National Forest

Notices for Availability for Comments, Decisions and Objections by Forest Supervisor, Bradshaw Ranger District, Chino Valley Ranger District are published in:—''*Daily Courier*'', Prescott, Arizona. Notices for Availability for Comments, Decisions and Objections by the Verde Ranger District are published in: ''*Verde Independent*'', Cottonwood, Arizona.

Tonto National Forest

Notices for Availability for Comments, Decisions, and Objections by Forest Supervisor, Cave Creek Ranger District, and Mesa Ranger District are published in:—''*Arizona Capitol Times*'', in Phoenix, Arizona.

Globe Ranger District Notices are published in:—''*Arizona Silver Belt*'', Globe, Arizona. Payson Ranger District, Pleasant Valley Ranger District and Tonto Basin Ranger District Notices are published in:—''*Payson Roundup*'', Payson, Arizona.

New Mexico National Forests

Carson National Forest

Notices for Availability for Comments, Decisions and Objections by Forest Supervisor, Camino Real Ranger District, Tres Piedras Ranger District and Questa Ranger District are published in:—''*The Taos News*'', Taos, New Mexico.

Canjilon Ranger District and El Rito Ranger District Notices are published in:—''*Rio Grande Sun*'', Espanola, New Mexico.

Jicarilla Ranger District Notices are published in:—''*Farmington Daily Times*'', Farmington, New Mexico.

Cibola National Forest and National Grasslands

Notices for Availability for Comments, Decisions and Objections by Forest Supervisor affecting lands in New Mexico, except the National Grasslands are published in:—''*Albuquerque Journal*'', Albuquerque, New Mexico.

Forest Supervisor Notices affecting National Grasslands in New Mexico, Oklahoma and Texas are published by grassland and location as follows: Kiowa National Grassland in Colfax, Harding, Mora and Union Counties, New Mexico published in:—''*Union County Leader*'', Clayton, New Mexico. Rita Blanca National Grassland in Cimarron County, Oklahoma published in:—''*Boise City News*'', Boise City, Oklahoma. Rita Blanca National Grassland in Dallam County, Texas published in:—''*The Dalhart Texan*'', Dalhart, Texas. Black Kettle National Grassland, in Roger Mills County, Oklahoma published in:—''*Cheyenne Star*'', Cheyenne, Oklahoma. Black Kettle National Grassland, in Hemphill County, Texas published in:—''*The Canadian Record*'', Canadian, Texas. McClellan Creek National Grassland published in:—''*The Pampa News*'', Pampa, Texas.

Mt. Taylor Ranger District Notices are published in:—''*Cibola County Beacon*'', Grants, New Mexico.

Magdalena Ranger District Notices are published in:—''*Defensor-Chieftain*'', Socorro, New Mexico.

Mountainair Ranger District Notices are published in:—''*Mountain View Telegraph*'', Moriarity, New Mexico.

Sandia Ranger District Notices are published in:—''*Albuquerque Journal*'', Albuquerque, New Mexico.

Kiowa National Grassland Notices are published in:—''*Union County Leader*'', Clayton, New Mexico.

Rita Blanca National Grassland Notices in Cimarron County, Oklahoma are published in:—''*Boise City News*'', Boise City, Oklahoma while Rita Blanca National Grassland Notices in Dallam County, Texas are published in:—''*Dalhart Texan*'', Dalhart, Texas.

Black Kettle National Grassland Notices in Roger Mills County, Oklahoma are published in:—''*Cheyenne Star*'', Cheyenne, Oklahoma, while Black Kettle National Grassland Notices in Hemphill County, Texas are published in:—''*The Canadian Record*'', Canadian, Texas. McClellan Creek National Grassland Notices are published in:—''*The Pampa News*'', Pampa, Texas.

Gila National Forest

Notices for Availability for Comments, Decisions and Objections by Forest Supervisor, Quemado Ranger District, Reserve Ranger District, Glenwood Ranger District, Silver City Ranger District and Wilderness Ranger District are published in:—''*Silver City Daily Press*'', Silver City, New Mexico.

Black Range Ranger District Notices are published in:—''*The Herald*'', Truth or Consequences, New Mexico.

Lincoln National Forest

Notices for Availability for Comments, Decisions and Objections by Forest Supervisor and the Sacramento Ranger District are published in:—''*Alamogordo Daily News*'', Alamogordo, New Mexico.

Guadalupe Ranger District Notices are published in:—''*Carlsbad Current Argus*'', Carlsbad, New Mexico.

Smokey Bear Ranger District Notices are published in:—''*Ruidoso News*'', Ruidoso, New Mexico.

Santa Fe National Forest

Notices for Availability for Comments, Decisions and Objections by Forest Supervisor, Coyote Ranger District, Cuba Ranger District, Espanola Ranger District, Jemez Ranger District and Pecos-Las Vegas Ranger District are published in:—''*Albuquerque Journal*'', Albuquerque, New Mexico.

Dated: December 9, 2013.

Gilbert Zepeda,

Deputy Regional Forester, Southwestern Region.

[FR Doc. 2013–30207 Filed 12–19–13; 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.

Title: Triangular Transactions Covered by a U.S. Import Certificate.

OMB Control Number: 0694–0009.

Form Number(s): N/A.

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

Burden Hours: 30 minutes.

Number of Respondents: 1 respondent

Average Hours per Response: 30 minutes.

Needs and Uses: This collection of information provides a means to authorize approved imports to the U.S. to be transhipped to another destination instead of being imported to the U.S. as approved on an International Import Certificate. A triangular symbol is stamped on import certificates as notification that the importer does not intend to import or retain the items in the country issuing the certificate, but that, in any case, the items will not be delivered to any other destination except in accordance with the Export Administration Regulations.

Affected Public: Businesses and other for-profit organizations.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain benefits.

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, via the Internet at *Jasmeet_K._Seehra@omb.eop.gov*, or fax to (202) 395–5167.

Dated: December 17, 2013.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2013–30296 Filed 12–19–13; 8:45 am]

BILLING CODE 3510–33–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: National Oceanic and Atmospheric Administration (NOAA).

Title: Natural Resource Damage Assessment Restoration Project Information Sheet.

OMB Control Number: 0648–0497.

Form Number(s): NA.

Type of Request: Regular submission (extension of a current information collection).

Number of Respondents: 1,800.

Average Hours per Response: Initial completion of information sheet, 20 minutes; updates, 10 minutes.

Burden Hours: 927.

Needs and Uses: This request is for an extension of a currently approved information collection.

The purpose of this information collection is to assist state and federal Natural Resource Trustees in more efficiently carrying out the restoration planning phase of Natural Resource Damage Assessments (NRDA), in compliance with the National Environmental Policy Act of 1969, 42 U.S.C. 4321–4370d; 40 CFR parts 1500–1500 and other federal and local statutes and regulations as applicable. The NRDA Restoration Project Information Sheet is designed to facilitate the collection of information on existing, planned, or proposed restoration projects. This information will be used by the Natural Resource Trustees to develop potential restoration alternatives for natural resource injuries and service losses requiring restoration, during the restoration planning phase of the NRDA process.

Affected Public: Not-for-profit institutions, state, local or tribal governments, businesses or other for-profit organizations, individuals or households, farms.

Frequency: On occasion and then at least annually.

Respondent's Obligation: Voluntary.

OMB Desk Officer: OIRA_Submission@omb.eop.gov.

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 *OIRA_Submission@omb.eop.gov*.

Dated: December 16, 2013.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2013–30275 Filed 12–19–13; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–900]

Diamond Sawblades and Parts Thereof From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review; 2011–2012

AGENCY: Enforcement and Compliance, formerly Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on diamond sawblades and parts thereof (diamond sawblades) from the People's Republic of China (PRC). The period of review (POR) is November 1, 2011, through October 31, 2012. The Department has preliminarily determined that certain companies covered by this review made sales of subject merchandise at less than normal value. Interested parties are invited to comment on these preliminary results.

DATES: *Effective Date:* December 20, 2013.

FOR FURTHER INFORMATION CONTACT: Yang Jin Chun or Michael A. Romani, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–5760 and (202) 482–0198, respectively.

Scope of the Order

The merchandise subject to the order is diamond sawblades. The diamond sawblades subject to the order are currently classifiable under subheadings 8202 to 8206 of the Harmonized Tariff Schedule of the United States (HTSUS), and may also enter under 6804.21.00. While the HTSUS subheadings are provided for convenience and customs purposes, the written description is dispositive. A full description of the scope of the order is contained in the Preliminary Decision Memorandum.[1]

Methodology

The Department has conducted this review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act). Export price and constructed export price have been calculated in accordance with section 772 of the Act. Because the PRC is a nonmarket economy (NME) within the meaning of section 771(18) of the Act, normal value has been calculated in accordance with section 773(c) of the Act.

For a full description of the methodology underlying our conclusions, *see* the Preliminary Decision Memorandum. The Preliminary Decision Memorandum is a public document and is on file electronically *via* IA ACCESS. IA ACCESS is available to registered users at *https://iaaccess.trade.gov* and in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the internet at *http://enforcement.trade.gov/frn/index.html.* The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content.

Affiliation and Treatment of Affiliated Parties as a Single Entity

We preliminarily find that the companies which comprised ATM Single Entity in prior reviews,[2] *i.e.,* Advanced Technology & Materials Co., Ltd., AT&M International Trading Co., Ltd.,[3] Beijing Gang Yan Diamond Products Co., Cliff International Ltd., and HXF Saw Co., Ltd.,[4] continue to be affiliated.[5]

Preliminary Determination of No Shipments

The following companies, which received separate rates in previous segments of the proceeding and are subject to this review, reported that they did not have any exports of subject merchandise during the POR:

Qingdao Shinhan Diamond Industrial Co., Ltd.
Saint-Gobain Abrasives (Shanghai) Co.[6]

CBP data for the POR corroborated these companies' no-shipment claims.[7] Additionally, we requested that CBP report any contrary information.[8] To date, CBP has not responded to our inquiry with any contrary information and we have not received any evidence that these companies had any shipments of the subject merchandise sold to the United States during the POR.[9] Consistent with the Department's refinement to its assessment practice in NME cases regarding no shipment claims, we are completing the review with respect to these three companies and will issue appropriate instructions to CBP based on the final results of the review.[10]

We also received no shipment claims from China Iron and Steel Research Institute Group (CISRI) and Fujian Quanzhou Wanlong Stone Co., Ltd. (Fujian Quanzhou).[11] Because these two companies do not have a separate rate and remain part of the PRC entity, we are not addressing their no-shipment claims.

Preliminary Results of Review

The Department preliminarily determines that the following weighted-average dumping margins exist:

[1] *See* the Memorandum from Deputy Assistant Secretary Christian Marsh to Acting Assistant Secretary Ronald K. Lorentzen entitled ''Decision Memorandum for Preliminary Results of 2011–2012 Antidumping Duty Administrative Review: Diamond Sawblades and Parts Thereof from the People's Republic of China'' dated concurrently with and hereby adopted by this notice (Preliminary Decision Memorandum).

[2] *See Diamond Sawblades and Parts Thereof From the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2009–2010,* 78 FR 11143, 11144 (February 15, 2013) (*1st Review Final*), and *Diamond Sawblades and Parts Thereof From the People's Republic of China: Final Results of Antidumping Duty Administrative Review; 2010–2011,* 78 FR 36166 (June 17, 2013) (*2nd Review Final*), and the accompanying Issues and Decision Memorandum at 2.

[3] ATM International Trading Co., Ltd., a company for which we initiated this review in *Initiation of Antidumping and Countervailing Duty Administrative Reviews and Request for Revocation in Part,* 77 FR 77017, 77020 (December 31, 2012) (*Initiation Notice*), is the same company as AT&M International Trading Co., Ltd. *See Diamond Sawblades and Parts Thereof From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review and Intent To Rescind Review in Part,* 76 FR 76135, 76136 (December 6, 2011), unchanged in *1st Review Final.*

[4] Yichang HXF Circular Saw Industrial Co., Ltd., changed its name to HXF Saw Co., Ltd. *See Diamond Sawblades and Parts Thereof From the People's Republic of China: Preliminary Results of Antidumping Duty Administrative Review: 2010–2011,* 77 FR 73417, 73419 n.14 (December 10, 2012), unchanged in *2nd Review Final* (collectively *2nd Review Notices*).

[5] For a full discussion of these companies' affiliation status, *see* the memorandum dated December 16, 2013, which places on the record of this review the memorandum entitled ''Diamond Sawblades and Parts Thereof from the People's Republic of China: ATM Single Entity,'' dated December 3, 2012.

[6] *See* the no shipment letters filed by Qingdao Shinhan and Saint-Gobain Abrasives (Shanghai) Co. on March 1, 2013. In the last completed administrative review, the Department found that Saint-Gobain Abrasives Inc., a company for which we initiated this review in *Initiation Notice,* 77 FR at 77020, is Saint-Gobain Abrasives (Shanghai) Co., Ltd.'s U.S. affiliate. *See 2nd Review Notices,* 77 FR at 73419 n,17.

[7] *See* the memorandum entitled ''Diamond Sawblades and Parts Thereof—Placing CBP Data on the record of this review'' dated January 7, 2013.

[8] *See* CBP message numbers 3091303 and 3091304 dated April 1, 2013, for Qingdao Shinhan and Saint-Gobain Abrasives (Shanghai) Co., Ltd., respectively.

[9] CBP only responds to the Department's inquiry when there are records of shipments from the company in question. *See, e.g., Certain Hot-Rolled Flat-Rolled Carbon Quality Steel Flat Products From Brazil: Notice of Rescission of Antidumping Duty Administrative Review,* 75 FR 65453, 65454 (October 25, 2010).

[10] *See Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011), and the ''Assessment Rates'' section below.

[11] *See* the no shipment letter filed by CISRI on March 1, 2013, and Fujian Quanzhou dated February 4, 2013.

Exporter	Margin (percent)
Bosun Tools Co., Ltd [12]	3.99
Chengdu Huifeng Diamond Tools Co., Ltd	4.90
Danyang Huachang Diamond Tools Manufacturing Co., Ltd	4.90
Danyang NYCL Tools Manufacturing Co., Ltd	4.90
Danyang Weiwang Tools Manufacturing Co., Ltd	4.90
Guilin Tebon Superhard Material Co., Ltd	4.90
Hangzhou Deer King Industrial and Trading Co., Ltd	4.90
Husqvarna (Hebei) Co., Ltd [13]	4.90
Huzhou Gu's Import & Export Co., Ltd [14]	4.90
Jiangsu Fengtai Diamond Tool Manufacture Co., Ltd	4.90
Jiangsu Inter-China Group Corporation [15]	4.90
Jiangsu Youhe Tool Manufacturer Co., Ltd [16]	4.90
Qingyuan Shangtai Diamond Tools Co., Ltd	4.90
Quanzhou Zhongzhi Diamond Tool Co. Ltd	4.90
Rizhao Hein Saw Co., Ltd	4.90
Shanghai Jingquan Ind. Trade Co., Ltd	4.90
Shanghai Robtol Tool Manufacturing Co., Ltd	4.90
Weihai Xiangguang Mechanical Industrial Co., Ltd	6.05
Wuhan Wanbang Laser Diamond Tools Co	4.90
Xiamen ZL Diamond Technology Co., Ltd [17]	4.90
Zhejiang Wanli Tools Group Co., Ltd	4.90
PRC-Wide Entity [18]	164.09

[12] Bosun Tools Co., Ltd. was previously known as Bosun Tools Group Co., Ltd., a company for which we initiated this review in *Initiation Notice,* 77 FR at 77020. *See 2nd Review Notices.* Also, Bosun Tools Co., Ltd., reported that Bosun Tools Inc. USA, a company for which we initiated this review in *Initiation Notice,* 77 FR at 77020, is its U.S. affiliate. *See, e.g.,* Bosun Tools Co., Ltd.'s section A response dated April 1, 2013, at 1.

[13] Husqvarna (Hebei) Co., Ltd., reported that Husqvarna Construction Products North America, Inc., a company for which we initiated this review in *Initiation Notice,* 77 FR at 77020, is its U.S. affiliate. *See* Husqvarna (Hebei) Co., Ltd.'s SRA dated March 5, 2013. Husqvarna (Hebei) Co., Ltd., is also the successor-in-interest to Hebei Husqvarna-Jikai Diamond Tools Co., Ltd. *See Diamond Sawblades and Parts Thereof From the People's Republic of China: Final Results of Antidumping Duty Changed Circumstances Review,* 78 FR 48414 (August 8, 2013).

[14] Huzhou Gu's Import & Export Co., Ltd., uses the name Huzhou Gu's Imp. & Exp. Co., Ltd., interchangeably. *See* the memorandum to the File entitled ''Diamond Sawblades and Parts Thereof from the People's Republic of China: Placement of Document on the Record for Huzhou Gu's Import & Export Co., Ltd.,'' dated November 5, 2013.

[15] Jiangsu Inter-China Group Corporation was previously known as Zhenjiang Inter-China Import & Export Co., Ltd., a company for which we initiated this review in *Initiation Notice,* 77 FR at 77020. *See 2nd Review Notices,* 77 FR at 73419 n.15.

[16] Jiangsu Youhe Tool Manufacturer Co., Ltd., was previously known as Danyang Youhe Tool Manufacturer Co., Ltd., a company for which we initiated this review in *Initiation Notice,* 77 FR at 77020. *Id.* at n.16.

[17] Xiamen ZL Diamond Technology Co., Ltd., stated in its separate rate application that its name before the POR was Xiamen ZL Diamond Tools Co., Ltd., for which we initiated this review in *Initiation Notice,* 77 FR at 77020. *See* Xiamen ZL Diamond Technology Co., Ltd.'s February 27, 2013, separate rate application at 2.

[18] The deadline to file a separate rate application, separate rate certification, or a notification of no sales, exports or entries is 60 days after the initiation of the administrative review, which in this review was March 1, 2013. On February 22, 2013, Husqvarna requested an extension to file its SRA. On February 28, 2013, we granted Husqvarna's request and extended the due date to March 8, 2013. Husqvarna submitted its SRA on March 5, 2013. Therefore, as of March 2, 2013, the remaining companies under review that did not demonstrate eligibility for a separate rate without filing a request for an extension of due date for a separate rate application or certification were part of the PRC-wide entity. Also, we preliminarily are denying ATM Single Entity a separate rate status. Accordingly, the PRC-wide entity includes the following companies: ATM Single Entity, Central Iron and Steel Research Institute Group, CISRI, Danyang Aurui Hardware Products Co., Ltd., Danyang City Ou Di Ma Tools Co., Ltd., Danyang Dida Diamond Tools Manufacturing Co., Ltd., Danyang Tsunda Diamond Tools Co., Ltd., Electrolux Construction Products (Xiamen) Co. Ltd., Fujian Quanzhou, Hebei Jikai Industrial Group Co., Ltd., Huachang Diamond Tools Manufacturing Co., Ltd., Hua Da Superabrasive Tools Technology Co., Ltd., Jiangsu Fengyu Tools Co., Ltd., Jiangyin Likn Industry Co., Ltd., Protech Diamond Tools, Pujiang Talent Diamond Tools Co., Ltd., Quanzhou Shuangyang Diamond Tools Co., Ltd., Quanzhou Zongzhi Diamond Tool Co. Ltd., Shanghai Deda Industry & Trading Co., Ltd., Shijiazhuang Global New Century Tools Co., Ltd., Sichuan Huili Tools Co., Task Tools & Abrasives, Wanli Tools Group, Wuxi Lianhua Superhard Material Tools Co., Ltd., Zhejiang Tea Import & Export Co., Ltd., Zhejiang Wanda Import and Export Co., Zhejiang Wanda Tools Group Corp., and Zhejiang Wanli Super-hard Materials Co., Ltd.

[19] *See* 19 CFR 351.309(c).

[20] *See* 19 CFR 351.309(c)(2).

[21] *See* 19 CFR 351.310(c).

[22] *Id.*

[23] *See, e.g., Glycine from the People's Republic of China: Final Results of Antidumping Duty*

Disclosure and Public Comment

The Department will disclose calculations performed for these preliminary results to the parties within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b). Pursuant to 19 CFR 351.309(c), interested parties may submit cases briefs no later than 30 days after the date of publication of these preliminary results of review.[19] Parties who submit arguments are requested to submit with the argument: (1) A statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.[20] Rebuttal briefs, limited to issues raised in the case briefs, may be filed no later than five days after the cases briefs are filed.

Interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, filed electronically using IA ACCESS. An electronically filed document must be received successfully in its entirety by the Department's IA ACCESS by 5:00 p.m. Eastern Time within 30 days after the date of publication of this notice.[21] Hearing requests should contain (1) the party's name, address, and telephone number; (2) the number of participants; and (3) a list of issues to be discussed. Oral presentations will be limited to issues raised in the briefs. If a request for a hearing is made, we will inform parties of the scheduled date for the hearing which will be held at the U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, at a time and location to be determined.[22] Parties should confirm by telephone or email the date, time, and location of the hearing.

Unless the deadline is extended pursuant to section 751(a)(3)(A) of the Act, the Department will issue the final results of these reviews, including the results of its analysis of issues raised by parties in their comments, within 120 days after the publication of these preliminary results, pursuant to section 751(a)(3)(A) of the Act and 19 CFR 351.213(h)(2).

Deadline for Submission of Publicly Available Surrogate Value Information

In accordance with 19 CFR 351.301(c)(3)(ii), interested parties may submit publicly available information to value factors of production under 19 CFR 351.408(c) within 20 days after the date of publication of these preliminary results. In accordance with 19 CFR 351.301(c)(1), if an interested party submits factual information less than ten days before, on, or after (if the Department has extended the deadline) the applicable deadline for submission of such factual information, an interested party may submit factual information to rebut, clarify, or correct the factual information no later than ten days after such factual information is served on the interested party. However, the Department generally will not accept in the rebuttal submission additional or alternative surrogate value information not previously on the record, if the deadline for submission of surrogate value information has passed.[23] Furthermore, the Department

generally will not accept business proprietary information in either the surrogate value submissions or the rebuttals thereto, as the regulation regarding the submission of surrogate values allows only for the submission of publicly available information.[24]

Assessment Rates

Upon issuing the final results of review, the Department will determine, and CBP shall assess, antidumping duties on all appropriate entries covered by this review.[25] If a respondent's weighted-average dumping margin is above *de minimis* (*i.e.,* 0.50 percent) in the final results of this review, we will calculate an importer-specific assessment rate on the basis of the ratio of the total amount of dumping calculated for the importer's examined sales and the total entered value of those sales in accordance with 19 CFR 351.212(b)(1). Specifically, the Department will apply the assessment rate calculation method adopted in *Final Modification for Reviews, i.e.,* on the basis of monthly average-to-average comparisons using only the transactions associated with that importer with offsets being provided for non-dumped comparisons.[26] Where an importer- (or customer-) specific *ad valorem* rate is zero or *de minimis,* we will instruct CBP to liquidate appropriate entries without regard to antidumping duties.[27]

On October 24, 2011, the Department announced a refinement to its assessment practice in NME cases.[28] Pursuant to this refinement in practice, for entries that were not reported in the U.S. sales databases submitted by companies individually examined during this review, the Department will instruct CBP to liquidate such entries at the PRC-wide rate. In addition, if the Department determines that an exporter under review had no shipments of the subject merchandise, any suspended entries that entered under that exporter's case number (*i.e.,* at that exporter's rate) will be liquidated at the PRC-wide rate.[29] The Department intends to issue appropriate assessment instructions directly to CBP 15 days after publication of the final results of review.

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this administrative review for shipments of the subject merchandise from the PRC entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Act: (1) For subject merchandise exported by the separate-rate respondents in this review, the cash deposit rate will be that established in the final results of review (except, if the rate is zero or *de minimis,* then zero cash deposit will be required); (2) for previously investigated or reviewed PRC and non-PRC exporters not listed above that received a separate rate in a prior segment of this proceeding, the cash deposit rate will continue to be the existing exporter-specific rate; (3) for all PRC exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be that for the PRC-wide entity; and (4) for all non-PRC exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the PRC exporter that supplied that non-PRC exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Department's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act and 19 CFR 351.213.

Dated: December 16, 2013.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

Appendix—List of Topics Discussed in the Preliminary Decision Memorandum

A. Summary
B. Background
C. Scope of the Order
D. Preliminary Determination of No Shipments
E. Discussion of the Methodology
  1. Nonmarket Economy Country Status
  2. Separate Rates
  3. Surrogate Country
F. Affiliation
G. Fair Value Comparisons
  1. Determination of Comparison Method
  2. Results of the Differential Pricing Analysis
  3. U.S. Price
  4. Normal Value
  5. Factor Valuations
H. Currency Conversion
I. Recommendation

[FR Doc. 2013–30338 Filed 12–19–13; 8:45 am]

BILLING CODE 3510–DS–P

Administrative Review and Final Rescission, in Part, 72 FR 58809 (October 17, 2007), and the accompanying Issues and Decision Memorandum at Comment 2.

[24] *See* 19 CFR 351.301(c)(3).

[25] *See* 19 CFR 351.212(b)(1).

[26] *See Antidumping Proceeding: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification,* 77 FR 8103 (February 14, 2012) (*Final Modification for Reviews*).

[27] *See* 19 CFR 351.106(c)(2).

[28] For a full discussion of this practice, *see Non-Market Economy Antidumping Proceedings: Assessment of Antidumping Duties,* 76 FR 65694 (October 24, 2011).

[29] *Id.*

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–913]

Certain New Pneumatic Off-the-Road Tires From the People's Republic of China: Final Results of the Expedited Sunset Review of the Countervailing Duty Order

AGENCY: Enforcement and Compliance, formerly Import Administration, International Trade Administration, Department of Commerce.

DATES: *Effective Date:* December 20, 2013.

SUMMARY: On August 1, 2013, the Department of Commerce (''Department'') initiated a sunset review of the countervailing duty order on certain new pneumatic off-the-road tires (OTR Tires) from the People's Republic of China (PRC). The Department finds that revocation of this countervailing duty order (CVD) would be likely to lead to the continuation or recurrence of net countervailable subsidies at the rates in the ''Final Results of Review'' section of this notice.

FOR FURTHER INFORMATION CONTACT: Andrew Huston, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone (202) 482–4261.

SUPPLEMENTARY INFORMATION:

Background

The CVD order on OTR Tires from the PRC was published on September 4, 2008.[1] On August 1, 2013, the Department initiated a sunset review of the order, pursuant to section 751(c) of

[1] *See Certain New Pneumatic Off-the-Road Tires from the People's Republic of China: Countervailing Duty Order,* 73 FR 51627 (September 4, 2008).

the Tariff Act of 1930, as amended (the Act).[2] The Department received a notice of intent to participate from Titan Tire Corporation (Titan), a domestic interested party, within the deadline specified in 19 CFR 351.218(d)(1)(i). The Department received an adequate substantive response to the notice of initiation from the domestic interested party within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i). The Department received no substantive responses from the Government of China (GOC) and respondent interested parties.

The regulations provide, at 19 CFR 351.218(e)(1)(ii)(A), that the Department will normally conclude that respondent interested parties have provided adequate response to a notice of initiation where it receives complete substantive responses from respondent interested parties accounting on average for more than 50 percent, on a volume basis (or a value basis, if appropriate), of the total exports of the subject merchandise to the United States over the five calendar years preceding the year of publication of the notice of initiation. Moreover, in a sunset review of a CVD order, the Department will normally conduct a full review only if it receives adequate responses from domestic and respondent interested parties and a complete substantive response from the foreign government.[3] Because the Department received no responses from the GOC and respondent interested parties, the Department is conducting an expedited (120-day) sunset review of the CVD order on OTR Tires from the PRC pursuant to 19 CFR 351.218(e)(1)(ii)(C)(2).

As explained in the memorandum from the Assistant Secretary for Enforcement and Compliance, the Department has exercised its discretion to toll deadlines for the duration of the closure of the Federal Government from October 1, through October 16, 2013.[4] Therefore, all deadlines in this segment of the proceeding have been extended by 16 days.

Scope of the Order

The merchandise covered by this order includes new pneumatic tires designed for off-the-road and off-highway use, subject to certain exceptions. The subject merchandise is currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 4011.20.10.25, 4011.20.10.35, 4011.20.50.30, 4011.20.50.50, 4011.61.00.00, 4011.62.00.00, 4011.63.00.00, 4011.69.00.00, 4011.92.00.00, 4011.93.40.00, 4011.93.80.00, 4011.94.40.00, and 4011.94.80.00. The HTSUS subheadings are provided for convenience and customs purposes only; the written product description of the scope of the order is dispositive.

A complete description of the scope of the order is contained in the Issues and Decision Memorandum (''Issues and Decision Memorandum'') from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Ronald K. Lorentzen, Acting Assistant Secretary for Import Administration, dated December 16, 2013, which is hereby adopted by this notice. The Issues and Decision Memorandum is on file electronically via Import Administration's Antidumping and Countervailing Duty Centralized Electronic Service System (''IA ACCESS''). IA ACCESS is available to registered users at *http://iaaccess.trade.gov* and in the Central Records Unit in room 7046 of the main Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the Internet at *http://enforcement.trade.gov/frn/*. The signed Issues and Decision Memorandum and electronic versions of the Issues and Decision Memorandum are identical in content.

Analysis of Comments Received

All issues raised in this review are addressed in the Issues and Decision Memorandum. The issues discussed in the Issues and Decision Memorandum include the likelihood of continuation or recurrence of a countervailable subsidy and the net countervailable subsidy likely to prevail if the order was revoked. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum.

Final Results of Review

Pursuant to sections 752(b)(1) and (3) of the Act, the Department determines that revocation of the CVD order on OTR Tires from the PRC would be likely to lead to continuation or recurrence of countervailable subsidies at the following net countervailable subsidy rates:

Manufacturers/exporters/producers	Net countervailable subsidy (percent)
Guizhou Tire Co., Ltd	2.52
Hebei Starbright Co., Ltd	35.13
Tianjin United Tire and Rubber International Co., Ltd	6.85
All others	5.65

This notice also serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of the return or destruction of APO materials or conversion to judicial protective orders is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

The Department is issuing and publishing these final results and this notice in accordance with sections 751(c), 752(b), and 777(i)(1) of the Act.

Dated: December 16, 2013.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2013–30350 Filed 12–19–13; 8:45 am]

BILLING CODE 3510–DS–P

[2] *See Initiation of Five-Year (''Sunset'') Review,* 78 FR 46575 (August 1, 2013).

[3] *See* 19 CFR 351.218(e)(2) and 351.218(e)(1)(ii)(B) and (C).

[4] *See* Memorandum for the Record from Paul Piquado, Assistant Secretary for Enforcement and Compliance, ''Deadlines Affected by the Shutdown of the Federal Government.''

DEPARTMENT OF COMMERCE

International Trade Administration

United States Travel and Tourism Advisory Board

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of extended deadline for application for membership on the United States Travel and Tourism Advisory Board.

SUMMARY: On November 25, 2013, the Department of Commerce's International Trade Administration published a notice in the **Federal Register** (78 FR 70275) soliciting applications for membership on the United States Travel and Tourism Advisory Board (Board). The November 25, 2013 notice provided that all applications must be received by the Office of Advisory Committees of the Department of Commerce by close of business on December 18, 2013. This notice extends the deadline for application for membership on the Board through close of business on January 17, 2014. The eligibility and evaluation criteria contained in the November 25, 2013 notice shall continue to apply.

DATES: All applications must be received by the Office of Advisory Committees and Industry Outreach by close of business on Friday, January 17, 2014.

ADDRESSES: Please submit application information by email to *oacie@trade.gov,* attention: Jennifer Pilat, Office of Advisory Committees and Industry Outreach, United States Travel and Tourism Advisory Board Executive Secretariat or by mail to Jennifer Pilat, Office of Advisory Committees and Industry Outreach, United States Travel and Tourism Advisory Board Executive Secretariat, 1401 Constitution Avenue NW., Suite 4043, Washington, DC 20230. Mailed applications must be postmarked by January 17, 2014.

FOR FURTHER INFORMATION CONTACT: Jennifer Pilat, United States Travel and Tourism Advisory Board Executive Secretariat, U.S. Department of Commerce, Room 4043, 1401 Constitution Avenue NW., Washington, DC 20230, *telephone:* 202–482–4501, *email: jennifer.pilat@trade.gov.*

SUPPLEMENTARY INFORMATION: The Department of Commerce, International Trade Administration, Office of Advisory Committees and Industry Outreach, is accepting applications for United States Travel and Tourism Advisory Board (Board) members. The Board was established pursuant to the Department of Commerce's authority under 15 U.S.C. 1512 and under the Federal Advisory Committee Act, as amended, 5 U.S.C. App. (FACA), to advise the Secretary of Commerce (Secretary) on matters relating to the U.S. travel and tourism industry. The Board provides a means of ensuring regular contact between the U.S. Government and the travel and tourism industry. The Board advises the Secretary on government policies and programs that affect United States travel and tourism, including the implementation of the National Travel and Tourism Strategy, and the Board serves as a forum for discussing and proposing solutions to industry-related problems. The Board acts as a liaison among the stakeholders represented by the membership and provides a forum for those stakeholders on current and emerging issues in the travel and tourism sector. The Board recommends ways to ensure that the United States remains the preeminent destination for international visitation and tourism throughout the world.

Members shall represent companies and organizations in the travel and tourism sector from a broad range of products and services, company sizes, and geographic locations and shall be drawn from large, medium, and small travel and tourism companies, private-sector organizations involved in the export of travel and tourism-related products and services, and other tourism-related entities.

Each Board member shall serve as the representative of a U.S. company in the travel and tourism industry, a private sector U.S. organization involved in the export of travel and tourism-related products and services, or a tourism-related U.S. entity. For eligibility purposes, a ''U.S. company'' is a for-profit firm that is incorporated in the United States (or an unincorporated U.S. firm with its principal place of business in the United States) that is controlled by U.S. citizens or by other U.S. companies. A company is not a U.S. company if 50 percent plus one share of its stock (if a corporation, or a similar ownership interest of an unincorporated entity) is known to be controlled, directly or indirectly, by non-U.S. citizens or non-U.S. companies. For eligibility purposes, a ''U.S. organization'' is an organization, including trade associations and nongovernmental organizations (NGOs), established under the laws of the United States, that is controlled by U.S. citizens, by another U.S. organization (or organizations), or by a U.S. company (or companies), as determined based on its board of directors (or comparable governing body), membership, and funding sources, as applicable. For eligibility purposes, a U.S. entity is a tourism-related entity that can demonstrate U.S. ownership or control, including but not limited to state and local tourism marketing entities, state government tourism offices, state and/or local government-supported tourism marketing entities, and multi-state tourism marketing entities.

Members of the Board will be selected, in accordance with applicable Department of Commerce guidelines, based on their ability to carry out the objectives of the Board as set forth above. Members of the Board shall be selected in a manner that ensures that the Board is balanced in terms of points of view, industry subsector, range of products and services, demographics, geography, and company size.

Additional factors which will be considered in the selection of Board members include candidates' proven experience in the strategic development and management of travel and tourism-related or other service-related organizations; or the candidate's proven experience in promoting, developing, and implementing advertising and marketing programs for travel-related or tourism-related industries.

Priority may be given to a Chief Executive Officer, Executive Director, or President (or comparable level of responsibility) of a U.S. company, U.S. organization, or U.S. entity in the travel and tourism sector.

Members shall serve a term of two years from the date of appointment, at the pleasure of the Secretary of Commerce. Although the Board's current charter terminates in September 2015, it is anticipated that it will be rechartered.

Members shall serve in a representative capacity, representing the views and interests of their particular industry subsector. Board members are not special government employees, and will receive no compensation for their participation in Board activities. Members participating in Board meetings and events will be responsible for their travel, living and other personal expenses. Meetings will be held regularly and, to the extent practical, not less than twice annually, usually in Washington, DC.

To be considered for membership, please provide the following information by 5 p.m. EST on January 17, 2014 to the email address listed in the **ADDRESSES** section:

1. Name and title of the individual requesting consideration.

2. A sponsor letter from the applicant on his or her company/organization/

entity letterhead or, if the applicant is to represent a company/organization/entity other than his or her employer, a letter from the company/organization/entity to be represented, containing a brief statement of why the applicant should be considered for membership on the Board. This sponsor letter should also address the applicant's travel and tourism-related experience.

3. The applicant's personal resume.

4. An affirmative statement that the applicant is not required to register as a foreign agent under the Foreign Agents Registration Act of 1938, as amended.

5. An affirmative statement by the applicant that he or she is not a federally registered lobbyist, and that the applicant understands that he or she, if appointed, will not be allowed to continue to serve as a Board member if the applicant becomes a federally registered lobbyist.

6. If the applicant is to represent a company, information regarding the control of the company, including the stock holdings as appropriate, signifying compliance with the criteria set forth above.

7. If the applicant is to represent an organization, information regarding the control of the organization, including the governing structure, members, and revenue sources as appropriate, signifying compliance with the criteria set forth above.

8. If the applicant is to represent a tourism-related entity, the functions and responsibilities of the entity, and information regarding the entity's U.S. ownership or control, signifying compliance with the criteria set forth above.

9. The company's, organization's, or entity's size and ownership, product or service line and major markets in which the company, organization, or entity operates.

10. Brief statement describing how the applicant will contribute to the work of the Board based on his or her unique experience and perspective (not to exceed 100 words).

Dated: December 17, 2013.

Jennifer Pilat,

Executive Secretary, United States Travel and Tourism Advisory Board.

[FR Doc. 2013–30340 Filed 12–19–13; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

ENVIRONMENTAL PROTECTION AGENCY

Coastal Nonpoint Pollution Control Program: Intent To Find That Oregon Has Failed To Submit an Approvable Coastal Nonpoint Pollution Control Program

AGENCY: National Oceanic and Atmospheric Administration, U.S. Department of Commerce, and the U.S. Environmental Protection Agency.

ACTION: Notice of intent to find that Oregon has failed to submit an approvable coastal nonpoint program.

SUMMARY: The National Oceanic and Atmospheric Administration (NOAA) and the U.S. Environmental Protection Agency (EPA) invite public comment on the intent of the two agencies to find that Oregon has failed to submit an approvable Coastal Nonpoint Pollution Control Program. The Coastal Zone Act Reauthorization Amendments (CZARA) directs states and territories with coastal zone management programs previously approved under Section 306 of the Coastal Zone Management Act to develop and implement coastal nonpoint programs, which must be submitted to NOAA and EPA for approval. Prior to making such a finding, NOAA and EPA invite public input on the two federal agencies' reasoning particularly because, among other things, a finding that a state has failed to submit an approvable program would lead to adverse financial consequences for the State in terms of federal grant funding.

DATES: Individuals or organizations wishing to submit comments on the draft findings document should do so by March 20, 2014.

ADDRESSES: Comments should be made to: Joelle Gore, Acting Chief, Coastal Programs Division (N/ORM3), Office of Ocean and Coastal Resource Management, NOS, NOAA, 1305 East-West Highway, Silver Spring, Maryland, 20910, phone (301) 713–3155, x177, email *joelle.gore@noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Allison Castellan, Coastal Programs Division, (N/ORM3), Office of Ocean and Coastal Resource Management, NOS, NOAA, 1305 East-West Highway, Silver Spring, Maryland, 20910, phone (301) 713–3155, x125, email *Allison.Castellan@noaa.gov.*

(Federal Domestic Assistance Catalog 11.419 Coastal Zone Management Program Administration)

SUPPLEMENTARY INFORMATION: NOAA and EPA (federal agencies) propose to find, and invite public comment on the proposed findings, that Oregon has failed to submit an approvable coastal nonpoint program. Section 6217(a) of the Coastal Zone Act Reauthorization Amendments (CZARA), 16 U.S.C. section 1455b(a), requires that each state (or territory) with a coastal zone management program previously approved under section 306 of the Coastal Zone Management Act must prepare and submit to the federal agencies a coastal nonpoint pollution control program for approval. Coastal nonpoint pollution control programs were to be submitted for approval by July 1995. Oregon submitted its program to the federal agencies for approval. The federal agencies provided public notice of and invited public comment on their proposal to approve, with conditions, the Oregon program (62 FR 6216). The federal agencies approved the program by letter dated January 13, 1998, subject to the conditions specified in the letter (63 FR 11655).

Over time, Oregon made incremental changes to its program in order to satisfy the identified conditions. As explained in the proposed findings document, however, the federal agencies propose to find that the State has not yet submitted an approvable program to meet the full range of conditions and the federal agencies intend to find that the State has failed to submit a program that is approvable under CZARA. The proposed findings document describes why the State program has not yet satisfied three of the remaining conditions that relate to controlling adverse water quality impacts from forestry, new development, and onsite sewage disposal systems. The federal agencies also invite public comment on whether the State program includes agricultural management measures necessary to achieve and maintain water quality standards as provided in CZARA section 6217(b)(3), 16 U.S.C. section 1455b(b)(3).

The federal agencies have not, in the past, found that a state has failed to submit an approvable program under CZARA. The proposed findings document that would support a final determination by each federal agency of a failure is available for a 90-day public comment period. The proposed findings document and supporting information used to make this decision is available for download on the NOAA Web site at *http://coastalmanagement.noaa.gov/czm/6217/findings.html.* Hard copies

will be available at: U.S. Environmental Protection Agency, Oregon Operations Office, 805 SW Broadway, Suite 500, Portland, Oregon, 97205, Tom Townsend, phone (503) 326–3250.

Dated: December 13, 2013.

Holly A. Bamford,

Assistant Administrator for Ocean Services, National Oceanic and Atmospheric Administration.

Nancy K. Stoner,

Acting Assistant Administrator, Office of Water, Environmental Protection Agency.

[FR Doc. 2013–30297 Filed 12–19–13; 8:45 am]

BILLING CODE 3510–08–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XD037

Gulf of Mexico Fishery Management Council (Council); Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The Gulf of Mexico Fishery Management Council will hold a series of recreational angler participation sessions around the Gulf coast.

DATES: The sessions will be held from Wednesday, January 8th through Monday, January 27th, 2014 at nine locations throughout the Gulf of Mexico. The Council will also host a webinar Monday, January 27th for those unable to attend the sessions in person. For specific dates and locations, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES:

Meeting address: The recreational angler participation meetings will be held in the following locations: St. Petersburg, Fort Myers, and Destin, FL; Baton Rouge and Lafayette, LA; Ocean Springs, MS; Spanish Fort, AL; Port Aransas and Houston, TX.

Council address: Gulf of Mexico Fishery Management Council, 2203 North Lois Avenue, Suite 1100, Tampa, FL 33607.

FOR FURTHER INFORMATION CONTACT: Ms. Emily Muehlstein, Fisheries Outreach Specialist, Gulf of Mexico Fishery Management Council; *telephone:* (813) 348–1630; *fax:* (813) 348–1711; *email: Emily.muehlstein@gulfcouncil.org.*

SUPPLEMENTARY INFORMATION: The items of discussion in the sessions are:

Recreational angler concerns and solutions on federal fisheries management. These recreational angler participation sessions are designed to solicit information from stakeholders. The Council would like recreational anglers to identify issues that they are experiencing with federal fisheries management and hear potential solutions to those issues. The nine public hearings will take place at the following times and locations:

Wednesday, January 8, 2014, 6 p.m. until 9 p.m., Gulf Coast Research Laboratory, 703 E. Beach Drive, Ocean Springs, MS 39564; (228) 872–4000

Thursday, January 9, 2014, 6 p.m. until 9 p.m., Five Rivers Delta Resource Center, 30945 Five Rivers Boulevard, Spanish Fort, AL 36527; (251) 625–0814

Saturday, January 11, 2014, 9 a.m. until 12 noon, Destin Community Center, 101 Stahlman Avenue, Destin, FL 32541; (850) 654–5184

Monday, January 13, 2014, 6 p.m. until 9 p.m., University of Texas Marine Science Institute, 630 E. Cotter Street, Port Aransas, TX 78373; (361) 749–6711

Tuesday, January 14, 2014, 6 p.m. until 9 p.m., Bass Pro Shop, 1000 Basspro Drive, Houston, TX 77047; (713) 770–5100

Wednesday, January 15, 2014, 6 p.m. until 9 p.m., Mockler Beverage Company, 11811 Reiger Road, Baton Rouge, LA 70809; (225) 408–4283

Thursday, January 16, 2014, 6 p.m. until 9 p.m., Service Chevrolet, 1212 Ambassador Caffery Parkway, Lafayette, LA 70506; (337) 234–9411

Wednesday, January 22, 2014, 6 p.m. until 9 p.m., Bill Jackson's, 9501 US Highway 19 North, Pinellas Park, FL 33782; (727) 576–4169

Thursday, January 23, 2014, 6 p.m. until 9 p.m., Bass Pro Shop, 10040 Gulf Center Drive, Fort Myers, FL 33913; (239) 461–7800

Monday, January 27, 2014, 6 p.m. until 9 p.m. Eastern Standard Time.

To register for the webinar visit: *https://www4.gotomeeting.com/register/390667327.* Copies of the meeting summaries can be obtained by calling 813–348–1630.

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 these meetings. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305c 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. These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kathy Pereira at the Council Office (see **ADDRESSES**), at least 5 working days prior to the meeting.

Note: The times and sequence specified in this agenda are subject to change.

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

Dated: December 17, 2013.

Tracey L. Thompson,

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

[FR Doc. 2013–30343 Filed 12–19–13; 8:45 am]

BILLING CODE 3510–22–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Addition

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

ACTION: Proposed addition to the Procurement List.

SUMMARY: The Committee is proposing to add a service to the Procurement List that will be provided by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: *Comments Must Be Received on or Before:* 1/20/2014.

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.

Addition

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

The following service is proposed for addition to the Procurement List for provision by the nonprofit agencies listed:

Service

Service Type/Location: Base Operations Support Service, National Geospatial-Intelligence Agency, NGA Campus West, 3200 S 2nd Street, St. Louis, MO

NPAs:

ServiceSource, Inc., Alexandria, VA (Prime)

CW Resources, Inc., New Britain, CT (Subcontractor)

Contracting Activity: Dept Of Defense, National Geospatial-Intelligence Agency, Arnold, MO

Barry S. Lineback,

Director, Business Operations.

[FR Doc. 2013–30301 Filed 12–19–13; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Deletions

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

ACTION: Deletions from the Procurement List.

SUMMARY: This action deletes products and services from the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: *Effective Date:* 1/20/2014.

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 CONTACT: Barry S. Lineback, Telephone: (703) 603–7740, Fax: (703) 603–0655, or email *CMTEFedReg@AbilityOne.gov.*

SUPPLEMENTARY INFORMATION:

Deletions

On 11/8/2013 (78 FR 67129–67130) and 11/15/2013 (78 FR 68823–68824), the Committee for Purchase From People Who Are Blind or Severely Disabled published notices of proposed deletions from the Procurement List.

After consideration of the relevant matter presented, the Committee has determined that the products and services listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action may result in authorizing small entities to furnish the products and services to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the products and services deleted from the Procurement List.

End of Certification

Accordingly, the following products and services are deleted from the Procurement List:

Products

Tongs, Food Serving

NSN: 7330–00–616–0997—12″

NSN: 7330–00–616–1000—6″

NSN: 7330–00–616–0998—9″

NPA: UNKNOWN

Contracting Activity: GENERAL SERVICES ADMINISTRATION, FORT WORTH, TX

Services

Service Type/Location: Switchboard Operation Service, Department of Justice, FBI Academy, Quantico, VA

NPA: Rappahannock Goodwill Industries, Inc., Fredericksburg, VA

Contracting Activity: DEPT OF JUSTICE, FEDERAL BUREAU OF INVESTIGATION, WASHINGTON, DC

Service Type/Location: Vehicle Detailing Service, Fleet Management Center, Medford, OR

NPA: Living Opportunities, Inc., Medford, OR

Contracting Activity: GENERAL SERVICES ADMINISTRATION, FPDS AGENCY COORDINATOR, WASHINGTON, DC

Service Type/Locations: Janitorial/Custodial Service, U.S. Federal Building and Courthouse, 205 4th Street, Coeur d'Alene, ID, U.S. Federal Building, St. Maries, ID

NPA: TESH, Inc., Coeur d'Alene, ID

Contracting Activity: GENERAL SERVICES ADMINISTRATION, FPDS AGENCY COORDINATOR, WASHINGTON, DC

Service Types/Location:

Custodial Service, Air National Guard Base—Reserve Buildings: BLDGS 300, 304, 315, 320, 310, 360, 365, 355, 373, 375, Portland, OR

Food Service Attendant Service, Portland Air National Guard Base, Portland, OR

NPA: The Port City Development Center, Portland, OR

Contracting Activity: DEPT OF THE AIR FORCE, FA7014 AFDW PK, ANDREWS AFB, MD

Barry S. Lineback,

Director, Business Operations.

[FR Doc. 2013–30300 Filed 12–19–13; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF DEFENSE

Department of the Air Force

U.S. Air Force Reminder Re: United Launch Alliance (ULA) Consent Order and Recent Change in Department of Defense (DOD) Compliance Officer

AGENCY: Headquarters Air Force, Deputy Under Secretary of the Air Force (Space).

ACTION: Publicize Consent Order, Notify Public of New DOD Compliance Officer and Provide Points of Contact for Information and/or Comment Submittal.

SUMMARY: This is not a notice of solicitation issuance. The Deputy Under Secretary of the Air Force (Space), as the Compliance Officer under the Federal Trade Commission (FTC) Decision and Order (hereinafter referred to as the ''Consent Order''), in the Matter of Lockheed Martin Corporation (LMC), the Boeing Company (Boeing), and United Launch Alliance, L.L.C. (hereinafter referred to as the ''Respondents''), Docket No. C–4188, dated May 1, 2007, is posting this announcement to publicize the Consent Order, notify the Public of a change in DOD Compliance Officer personnel and to provide points of contact for further information or for comment submittal.

The Consent Order: The Consent Order requires that with regard to covered Government programs, (1) ULA afford all space vehicle manufacturers non-discriminatory treatment for launch services that ULA may provide, and that (2) LMC and Boeing, as space vehicle manufacturers, consider all qualified launch service providers on a non-discriminatory basis. Covered programs are Government programs which are delivered in orbit and utilize medium-to-heavy launch services. The Consent Order also requires firewalls to prevent information from a space vehicle provider being shared by ULA with its Boeing or LMC parent company. Similarly, Boeing and LMC must have firewalls to ensure that other launch service information is not shared with ULA. The Consent Order also requires that the Department of Defense appoint a Compliance Officer to oversee compliance with the Consent Order by all three Respondents. The Consent Order remains in full effect through 30 April 2017. The complete text of the ULA Consent Order and supplementary information is located on the following FTC Web site: *http://www.ftc.gov/os/caselist/0510165/0510165.shtm.*

DOD Compliance Officer: The DOD Compliance Officer is the Deputy Under Secretary of the Air Force (Space). This position is now held by Dr. Troy Meink.

Points of Contact for Further Information or Inquiries: For further information and inquires, or to request a meeting with the DOD Compliance Officer or his Government Compliance Team, interested parties should contact either Mrs. Sarah Beth Cliatt (Compliance Division Chief), Tel: 719–556–2042; or Colonel Marc Berkstresser (Deputy Compliance Division Chief), Tel: 703–614–7842.

Henry Williams,

Acting Air Force Federal Register Liaison Officer.

[FR Doc. 2013–30224 Filed 12–19–13; 8:45 am]

BILLING CODE 5001–10–P

DEPARTMENT OF DEFENSE

Department of the Army

Notice of Availability for Exclusive, Non-Exclusive, or Partially-Exclusive Licensing of an Invention Concerning Preoperative Recommendations Engine

AGENCY: Department of the Army, DoD.

ACTION: Notice.

SUMMARY: Announcement is made of the availability for licensing of the invention set forth in U.S. Provisional Patent Application Serial No. 61/849,910, entitled ''Preoperative Recommendations Engine,'' filed on January 14, 2013. The United States Government, as represented by the Secretary of the Army, has rights to this invention.

ADDRESSES: Commander, U.S. Army Medical Research and Materiel Command, ATTN: Command Judge Advocate, MCMR–JA, 504 Scott Street, Fort Detrick, Frederick, MD 21702–5012.

FOR FURTHER INFORMATION CONTACT: For patent issues, Ms. Elizabeth Arwine, Patent Attorney, (301) 619–7808. For licensing issues, Dr. Paul Mele, Office of Research and Technology Applications (ORTA), (301) 619–6664, both at telefax (301) 619–5034.

SUPPLEMENTARY INFORMATION: The invention relates to a system that compiles patient-specific, evidenced-based perioperative recommendations for the consulting surgical specialist, and creates medication management instructions directly for the patients use. Its modular architecture is easily maintained and updated, assuring currency with cutting-edge perioperative practices. Its adoption facilitates the implementation of accepted best practices, potentially minimizing perioperative risk and optimizing surgical outcomes.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2013–30359 Filed 12–19–13; 8:45 am]

BILLING CODE 3710–08–P

DEPARTMENT OF DEFENSE

Department of the Army

Notice of Availability for Exclusive, Non-Exclusive, or Partially-Exclusive Licensing of an Invention Concerning Antibody-Dependent Cellular Cytoxicity (ADCC)-Mediating Antibodies

AGENCY: Department of the Army, DoD.

ACTION: Notice.

SUMMARY: Announcement is made of the availability for licensing of the invention set forth in U.S. Provisional Patent Application Serial No. 61/762,543, entitled ''Antibody-Dependent Cellular Cytoxicity (ADCC)-Mediating Antibodies,'' filed on February 8, 2013. The United States Government, as represented by the Secretary of the Army, has rights to this invention.

ADDRESSES: Commander, U.S. Army Medical Research and Materiel Command, ATTN: Command Judge Advocate, MCMR–JA, 504 Scott Street, Fort Detrick, Frederick, MD 21702–5012.

FOR FURTHER INFORMATION CONTACT: For patent issues, Ms. Elizabeth Arwine, Patent Attorney, (301) 619–7808. For licensing issues, Dr. Paul Mele, Office of Research and Technology Applications (ORTA), (301) 619–6664, both at telefax (301) 619–5034.

SUPPLEMENTARY INFORMATION: The invention relates to Antibody-Dependent cellular cytoxicity (ADCC)-mediating antibodies, and, in particular, to ADCC-mediating antibodies (and fragments thereof) suitable for use, for example, in reducing the risk of HIV–1 infection in a subject. The invention further relates to compositions comprising such antibodies or antibody fragments.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2013–30367 Filed 12–19–13; 8:45 am]

BILLING CODE 3710–08–P

DEPARTMENT OF DEFENSE

Department of the Army

Notice of Availability for Exclusive, Non-Exclusive, or Partially-Exclusive Licensing of an Invention Concerning Therapeutic Peptides That Inhibit Rift Valley Fever Virus, Ebola Virus, Andes Virus and Vesicular Stomatitis Virus Infectivity, Compositions and Methods

AGENCY: Department of the Army, DoD.

ACTION: Notice.

SUMMARY: Announcement is made of the availability for licensing of the invention set forth in U.S. Provisional Patent Application Serial No. 61/733,966, entitled ''Therapeutic Peptides that Inhibit Rift Valley Fever Virus, Ebola Virus, Andes Virus and Vesicular Stomatitis Virus Infectivity, Compositions and Methods,'' filed on December 6, 2012. The United States Government, as represented by the Secretary of the Army, has rights to this invention.

ADDRESSES: Commander, U.S. Army Medical Research and Materiel Command, ATTN: Command Judge Advocate, MCMR–JA, 504 Scott Street, Fort Detrick, Frederick, MD 21702–5012.

FOR FURTHER INFORMATION CONTACT: For patent issues, Ms. Elizabeth Arwine, Patent Attorney, (301) 619–7808. For licensing issues, Dr. Paul Mele, Office of Research and Technology Applications (ORTA), (301) 619–6664, both at telefax (301) 619–5034.

SUPPLEMENTARY INFORMATION: The invention relates to novel, broad spectrum, antiviral peptides, compositions containing one or more of these and their use for the prophylactic treatment against and/or therapeutic treatment of infection by hemorrhagic fever viruses (HFVs), such as Rift Valley fever virus (RVFV), Ebola virus (EBOV), and Andes virus (ANDV). Additionally, these peptides were capable of inhibiting vesticular stomatitis virus (VSV), and agricultural pathogen with limited therapeutic availability.

Brenda S. Bowen,

Army Federal Register Liaison Officer.

[FR Doc. 2013–30357 Filed 12–19–13; 8:45 am]

BILLING CODE 3710–08–P

DEPARTMENT OF DEFENSE

Department of the Army

Surplus Property Notice at a Military Installation Designated for Disposal: Pueblo Chemical Depot, Colorado

AGENCY: Department of the Army, DoD.

ACTION: Notice.

SUMMARY: This notice provides information regarding the property that have been determined surplus to the United States needs in accordance with the Defense Authorization Amendments and Base Closure and Realignment Act, Public Law 100–526, as amended, and the 1988 Base Closure and Realignment Commission Report, as approved, and following screening with Federal agencies and Department of Defense components.

DATES: Effective December 16, 2013.

FOR FURTHER INFORMATION CONTACT: Headquarters, Department of the Army, Assistant Chief of Staff for Installation Management, Base Realignment and Closure (BRAC) Division, Attn: DAIM–BD, 600 Army Pentagon, Washington DC 20310–0600, (703) 545–1318. For information regarding the specific property listed below, contact the Army BRAC Division at the mailing address above or at *usarmy.pentagon.hqda-acsim.mbx.braco-webmaster@mail.mil.*

SUPPLEMENTARY INFORMATION: Under the provisions of the Federal Property and Administrative Services Act of 1949, as amended, the Defense Authorization Amendments and Base Closure and Realignment Act, as amended, and other public benefit conveyance authorities, this surplus property may be available for conveyance to State and local governments and other eligible entities for public benefit purposes. Notices of interest from representatives of the homeless, and other interested parties located in the vicinity of any listed surplus property should be submitted to both the recognized Local Redevelopment Authority and Army point of contact as listed above. Notices of interest from representatives of the homeless shall include the information required by 32 CFR 176.20(c)(2)(ii). The Recognized Local Redevelopment Authority shall assist interested parties in evaluating the surplus properties for the intended use. Deadlines for notices of interest shall be 90 days from the date a corresponding notice is published in a newspaper of general circulation in the vicinity of the installation. Additional information for listed property may be found at *http://www.hqda.army.mil/acsim/brac/sites.html?state=CO.*

Surplus Property List

1. Addition

Colorado

Pueblo Chemical Depot: 45825 Hwy 96E, Building 1, Pueblo, CO 81006–9330. The Army's POC is Ms. Kathryn Cain. POC information: email address *kathryn.cain@us.army.mil;* telephone number 719–549–4060; and mailing address 45825 Hwy 96E, Building 1, Pueblo, CO 81006–9330. The Pueblo Depot Activity Development Authority has been recognized as the Local Redevelopment Authority (LRA). Mr. Russell A. DeSalvo III, LRA President and CEO, can be reached for information at telephone number 719–947–3770; email address *rdesalvo@PuebloPlex.com;* and mailing address 11467 PO Box, Pueblo, CO 81001–0467.

Authority: This action is authorized by the Defense Authorization Amendments and Base Closure and Realignment Act, Pub. L. 100–526.

Dated: November 25, 2013.

Paul D. Cramer,

Deputy Assistant Secretary of the Army (Installations, Housing and Partnerships).

[FR Doc. 2013–30351 Filed 12–19–13; 8:45 am]

BILLING CODE 3710–08–P

DEPARTMENT OF DEFENSE

Department of the Army, Corps of Engineers

Intent To Prepare a Draft Supplemental Environmental Impact Statement for the Middle Mississippi River Regulating Works Project, Missouri and Illinois

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD.

ACTION: Notice of Intent.

SUMMARY: The U.S. Army Corps of Engineers (USACE) intends to prepare a draft supplemental environmental impact statement (SEIS) for the Middle Mississippi River Regulating Works Project. This project is the means by which USACE provides a safe and dependable 9-foot navigation channel on the Middle Mississippi River. The Middle Mississippi River is defined as that portion of the Mississippi River that lies between the confluences of the Ohio and Missouri rivers. The original environmental impact statement (EIS) for the Project was finalized in 1976. USACE has determined that there is sufficient significant new information regarding the potential impacts of the project on the human environment to warrant the preparation of a supplemental environmental impact statement.

ADDRESSES: U. S. Army Corps of Engineers, CEMVS–EC–H, 1222 Spruce St., St. Louis, MO 63103–2833.

FOR FURTHER INFORMATION CONTACT: Questions about the proposed action and SEIS should be addressed to Mr. Jasen Brown, (see **ADDRESSES**) or email: *jasen.l.brown@usace.army.mil;* phone: (314) 331–8540; fax: 314–331–8346.

SUPPLEMENTARY INFORMATION: The Middle Mississippi River Regulating Works Project is specifically and currently authorized pursuant to Rivers and Harbors Acts beginning in 1881. These authorize USACE to provide a safe and dependable navigation channel, 9 feet deep and not less than 300 feet wide. USACE accomplishes this mission through bank stabilization and sediment management to ensure adequate navigation depth and width. Project improvements are achieved through the construction of river training structures, revetment, rock removal, and construction dredging. The Regulating Works Project is maintained through dredging and any needed maintenance to already constructed features. The long-term goal of the Regulating Works Project, as authorized by Congress, is to reduce or eliminate the amount of annual maintenance dredging and the occurrence of vessel accidents through the construction of river training structures to provide a sustainable navigation channel and reduce federal expenditures. Since the 1970s various environmental laws, regulations, and policies have resulted in consideration of the environment in the design and construction of the Regulating Works Project.

1. Proposed Action. USACE proposes to continue to provide a safe and dependable 9-foot-deep and minimum of 300-foot-wide navigation channel on the Middle Mississippi River by means of one of the alternatives currently recommended for consideration or by another reasonable alternative developed during the scoping process. Economic and environmental impact analyses will be utilized to determine which alternative is the best course of action.

2. Alternatives. Alternatives recommended for consideration currently include:

- Continue with the Regulating Works Project. This would entail continuing to build rock dikes, weirs, and revetment at the current pace and continuing to dredge as necessary to maintain the navigation channel. This alternative would lead to the minimum

amount of continued maintenance dredging.

• Do not build any new dikes, weirs, or revetment going forward but maintain the existing structures to perform their intended functions. Maintenance dredging would continue into the future at roughly the current level.

3. Scoping. Scoping is the process for determining the range of alternatives and significant issues to be analyzed in detail in the SEIS. Public involvement is an integral part of the scoping process. All parties believed to have an interest in the analysis, including affected federal, state, and local agencies, and affected Federally Recognized Tribes will be included in the SEIS scoping process. Letters will be sent to all interested parties requesting their input on alternatives and issues to be evaluated. The letters will also notify interested parties of public scoping meetings that will be held in the local area. Notices will also be sent to local news media. All interested parties are invited to comment at this time, and anyone interested in the SEIS should request to be included in the mailing list.

Public scoping meetings will be held in early 2014. The meetings will be held in the vicinity of St. Louis and Cape Girardeau, Missouri. Additional meetings could be held, depending upon interest and if it is determined that further public coordination is warranted.

4. Significant Issues. The significant new information that has been developed since completion of the original EIS will be evaluated and the EIS will be supplemented pursuant to this evaluation. Resources and issues which could reasonably be expected to be analyzed in the SEIS at this time include aquatic habitat, navigation, river stages, fish and wildlife resources, water quality, air quality, threatened and endangered species, commercial and recreational fisheries, historic and cultural resources, and socioeconomic resources.

5. Environmental Consultation and Review. The U.S. Fish and Wildlife Service (USFWS) will be assisting in the documentation of existing conditions and assessment of the effects of project alternatives through Fish and Wildlife Coordination Act consultation procedures. The USFWS will provide a Fish and Wildlife Coordination Act Report. Consultation will be accomplished with the USFWS concerning threatened and endangered species and their critical habitat. USACE will also work closely throughout the SEIS process with other resource agency partners including the Missouri Department of Conservation and Illinois Department of Natural Resources. The draft SEIS or a notice of its availability will be distributed to all interested agencies, organizations, and individuals.

6. Estimated Date of Availability. The earliest that the draft SEIS would be available for public review would be in the fall of 2015. The draft SEIS or a notice of availability will be distributed to all interested agencies, organizations, and individuals.

Dated: December 12, 2013.

Christopher G. Hall,

Col, EN, Commanding.

[FR Doc. 2013–30347 Filed 12–19–13; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2013–ICCD–0156]

Agency Information Collection Activities; Comment Request; Race to the Top—District Annual Performance Report

AGENCY: Office of the Secretary/Office of the Deputy Secretary (OS), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing an extension of a new information collection.

DATES: Interested persons are invited to submit comments on or before February 18, 2014.

ADDRESSES: Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2013–ICCD–0165 or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 2E105, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For questions related to collection activities or burden, please call Stephanie Valentine, 202–401–0526 or electronically mail *ICDocketMgr@ed.gov.* Please do not send comments here. We will ONLY accept comments in this mailbox when the regulations.gov site is not available to the public for any reason.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Race to the Top—District Annual Performance Report.

OMB Control Number: 1894–NEW.

Type of Review: A new information collection.

Respondents/Affected Public: State, Local, or Tribal Governments.

Total Estimated Number of Annual Responses: 21.

Total Estimated Number of Annual Burden Hours: 1,113.

Abstract: On May 22, 2012, the Secretary announced the Race to the Top District program, which is designed to build on the momentum of other Race to the Top competitions by encouraging bold, innovative reform at the local level. In FY 2012, the Department awarded approximately $383 million to 16 Race to the Top District grantees representing 55 local educational agencies (LEAs), with grants ranging from $10 to $40 million. Applications for the FY 2013 competition are currently under peer review and the Department plans to make awards in December 2013 for a total of approximately $120 million. FY 2013 grantees will utilize the same Annual Performance Report (APR) template as

FY 2012 Race to the Top District grantees.

In order to fulfill our responsibilities for programmatic oversight and public reporting, the Department has developed a Race to the Top District Annual Performance Report (APR) that is tied directly to the FY 2012 and FY 2013 Race to the Top District selection criteria and priorities previously established and published in the **Federal Register**. The report is grounded in the key performance targets included in grantees approved Race to the Top District plans. Grantees will be required to report on their progress improving student outcomes and implementing personalized learning environments, including narrative sections on progress and key performance indicators. Each grantee district will submit a Race to the Top District APR on an annual basis. The first report for the 16 FY 2012 districts is anticipated to be collected during spring 2014 with FY 2013 grantees reporting for the first time in spring 2015. Districts will submit the narrative elements and quantitative measures via an online data collection platform that will then be converted into a transparent public display.

Dated: December 17, 2013.

Stephanie Valentine,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2013–30295 Filed 12–19–13; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2013–ICCD–0155]

Agency Information Collection Activities; Comment Request; GEPA Section 427 Guidance for All Grant Applications

AGENCY: Office of the Secretary/Office of the Deputy Secretary (OS), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 3501 *et seq.*), ED is proposing an extension of an existing information collection.

DATES: Interested persons are invited to submit comments on or before February 18, 2014.

ADDRESSES: Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting Docket ID number ED–2013–ICCD–0155 or via postal mail, commercial delivery, or hand delivery. *Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted.* Written requests for information or comments submitted by postal mail or delivery should be addressed to the Director of the Information Collection Clearance Division, U.S. Department of Education, 400 Maryland Avenue SW., LBJ, Room 2E105, Washington, DC 20202–4537.

FOR FURTHER INFORMATION CONTACT: For questions related to collection activities or burden, please call Stephanie Valentine, 202–401–0526 or electronically mail *ICDocketMgr@ed.gov*. Please do not send comments here. We will ONLY accept comments in this mailbox when the regulations.gov site is not available to the public for any reason.

SUPPLEMENTARY INFORMATION: The Department of Education (ED), in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. ED is soliciting comments on the proposed information collection request (ICR) that is described below. The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: GEPA Section 427 Guidance for All Grant Applications.

OMB Control Number: 1894–0005.

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: State, Local, or Tribal Governments.

Total Estimated Number of Annual Responses: 12,396.

Total Estimated Number of Annual Burden Hours: 18,594.

Abstract: On October 20, 1994, the Improving America's Schools Act, Public Law 103–382 (The Act), became law. The Act added a provision to the General Education Provisions Act (GEPA). Section 427 of GEPA requires an applicant for assistance under Department programs to develop and describe in the grant application the steps it proposes to take to ensure equitable access to, and equitable participation in, its proposed project for students, teachers, and other program beneficiaries with special needs. The current GEPA Section 427 guidance for discretionary grant applications and formula grant applications has approval through March 31, 2014 the Department is requesting an extension of this approval.

Dated: December 17, 2013.

Stephanie Valentine,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2013–30294 Filed 12–19–13; 8:45 am]

BILLING CODE 4000–01–P

ELECTION ASSISTANCE COMMISSION

Publication of State Plan Pursuant to the Help America Vote Act

AGENCY: U.S. Election Assistance Commission (EAC).

ACTION: Notice.

SUMMARY: Pursuant to Sections 254(a)(11)(A) and 255(b) of the Help America Vote Act (HAVA), Public Law 107–252, as amended by Section 622 of the Consolidated Appropriations Act, 2012, the U.S. Election Assistance Commission (EAC) hereby causes to be published in the **Federal Register** this notice in reference to the updates made to the HAVA State plan previously submitted by Oklahoma. The revised State plan will be posted on the EAC Web site at *www.eac.gov.*

DATES: This notice is effective upon publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Bryan Whitener, Telephone 301–563–3919 or 1–866–747–1471 (toll-free).

Submit Comments: Any comments regarding the plans published herewith should be made in writing to the chief election official of the individual State at the address listed below.

SUPPLEMENTARY INFORMATION: On March 24, 2004, the U.S. Election Assistance Commission published in the **Federal Register** the original HAVA State plans

filed by the fifty States, the District of Columbia and the territories of American Samoa, Guam, Puerto Rico, and the U.S. Virgin Islands. 69 FR 14002. HAVA anticipated that States, territories and the District of Columbia would change or update their plans from time to time pursuant to HAVA Section 254(a)(11) through (13). HAVA Sections 254(a)(11)(A) and 255 require EAC to publish such updates. This revision updates sections of the State Plan relating to the purchase and implementation of the HAVA-compliant voting device system and initial implementation of the Military and Overseas Voter Empowerment Act (MOVE Act).

In accordance with HAVA Section 254(a)(12), all the State plans submitted for publication provide information on how the respective State succeeded in carrying out its previous State plan. Oklahoma confirms that its amendments to the State plan were developed and submitted to public comment in accordance with HAVA Sections 254(a)(11), 255, and 256.

Upon the expiration of thirty days from December 20, 2013, the State is eligible to implement the changes addressed in the plan that is published herein, in accordance with HAVA Section 254(a)(11)(C). EAC wishes to acknowledge the effort that went into revising this State plan and encourages further public comment, in writing, to the State election official listed below.

Chief State Election Official

Paul Ziriax, Secretary, Oklahoma State Election Board (405) 521–2391, Fax: (405) 521–6457 Email: *info@elections.ok.gov.*

Thank you for your interest in improving the voting process in America.

Dated: November 26, 2013.

Alice Miller,

Chief Operating Officer & Acting Executive Director, U.S. Election Assistance Commission.

[FR Doc. 2013–30308 Filed 12–19–13; 8:45 am]

BILLING CODE 4810–71–P

DEPARTMENT OF ENERGY

Biological and Environmental Research Advisory Committee

AGENCY: Office of Science, Department of Energy.

ACTION: Notice of renewal.

SUMMARY: Pursuant to Section 14(a)(2)(A) of the Federal Advisory Committee Act, (Pub. L. 92–463), and in accordance with Title 41, Code of Federal Regulations, Section 102–3.65(a), and following consultation with the Committee Management Secretariat, General Services Administration, notice is hereby given that the Biological and Environmental Research Advisory Committee will be renewed for a two-year period, beginning December 13, 2013.

The Committee provides advice and recommendations to the Director, Office of Science on the biological and environmental research programs.

Additionally, the renewal of the BERAC has been determined to be essential to conduct business of the Department of Energy and to be in the public interest in connection with the performance of duties imposed upon the Department of Energy, by law and agreement. The Committee will continue to operate in accordance with the provisions of the Federal Advisory Committee Act, adhering to the rules and regulations issued in implementation of that Act.

FOR FURTHER INFORMATION CONTACT: Dr. David Thomassen, Designated Federal Officer, at (301) 903–9817.

Issued in Washington, DC on December 13, 2013.

Carol A. Matthews,

Committee Management Officer.

[FR Doc. 2013–30298 Filed 12–19–13; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC14–1–000]

Commission Information Collection Activities (FERC–555); Comment Request

AGENCY: Federal Energy Regulatory Commission.

ACTION: Comment request.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507(a)(1)(D), the Federal Energy Regulatory Commission (Commission or FERC) is submitting the information collection FERC–555, Records Retention Requirements, to the Office of Management and Budget (OMB) for review of the information collection requirements. Any interested person may file comments directly with OMB and should address a copy of those comments to the Commission as explained below. The Commission issued a Notice in the **Federal Register** (78 FR 61983, 10/9/2013) requesting public comments. FERC received no comments on the FERC–555 and is making this notation in its submittal to OMB.

DATES: Comments on the collection of information are due by January 21, 2014.

ADDRESSES: Comments filed with OMB, identified by the OMB Control No. 1902–0098, should be sent via email to the Office of Information and Regulatory Affairs: *oira_submission@omb.gov*. Attention: Federal Energy Regulatory Commission Desk Officer. The Desk Officer may also be reached via telephone at 202–395–4718.

A copy of the comments should also be sent to the Federal Energy Regulatory Commission, identified by the Docket No. IC14–1–000, by either of the following methods:

- *eFiling at Commission's Web site: http://www.ferc.gov/docs-filing/efiling.asp.*
- *Mail/Hand Delivery/Courier:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE., Washington, DC 20426.

Instructions: All submissions must be formatted and filed in accordance with submission guidelines at: *http://www.ferc.gov/help/submission-guide.asp*. For user assistance contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at: (866) 208–3676 (toll-free), or (202) 502–8659 for TTY.

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *http://www.ferc.gov/docs-filing/docs-filing.asp.*

FOR FURTHER INFORMATION CONTACT: Ellen Brown may be reached by email at *DataClearance@FERC.gov,* by telephone at (202) 502–8663, and by fax at (202) 273–0873.

SUPPLEMENTARY INFORMATION:

Title: FERC–555, Records Retention Requirements.

OMB Control No.: 1902–0098.

Type of Request: Three-year extension of the FERC–555 information collection requirements with no changes to the current reporting requirements.

Abstract: The Commission collects the information under the requirements of FERC–555 (Records Retention Requirements) to carry out its responsibilities in implementing the statutory provisions of Sections 301, 304 and 309 of the Federal Power Act (FPA),[1] Sections 8, 10 and 16 of the

[1] 16 U.S.C. 825, 825c and 825h.

Natural Gas Act (NGA),[2] and Section 20 of the Interstate Commerce Act (ICA).[3]

The regulations for preservation of records establish retention periods, necessary guidelines, and requirements for retention of applicable records. These requirements apply to the regulated public utilities, natural gas and oil pipeline companies subject to the Commission's jurisdiction. Regulated entities use these records as the basis for required rate filings and reports to the Commission. Additionally, the Commission's audit staff will use the records during compliance reviews. The Commission's enforcement staff will also use the information during investigations. Finally, the Commission will use the records for special analyses when necessary.

On January 8, 1999 the Commission issued AI99–2–000, an Accounting Issuance providing guidance on records storage media. More specifically, the Commission gave each jurisdictional company the flexibility to select its own storage media. The storage media selected must have a life expectancy equal to the applicable record period unless the quality of the data transferred from one media to another with no loss of data would exceed the record period.

On January 27, 2000, the Commission issued a final rule amending its records retention regulations for public utilities and licensees as well as natural gas and oil pipeline companies. These changes included revising the general instructions, and shortening various records retention periods. The objective of the final rule was to reduce or eliminate burdensome and unnecessary regulatory requirements.

The Commission is not making any additional changes to the record retention requirements specified under FERC–555. The Commission implements these filing requirements in the Code of Federal Regulations (CFR) under 18 CFR Parts 125, 225, and 356.

Type of Respondents: Public utilities, natural gas companies, and oil companies.

Estimate of Annual Burden:[4] In 2010 Commission staff surveyed a small number of FERC–555 respondents in order to improve the burden estimates. We are using the same methodology here as in 2010. However, we are updating the figures due to current cost information and differences in the total number of respondents.

FERC–555—PRESERVATION OF RECORDS FOR PUBLIC UTILITIES AND LICENSES, NATURAL GAS AND OIL PIPELINE COMPANIES

Number of respondents (A)	Number of responses per respondent (B)	Total number of responses (A) × (B) = (C)	Average burden hours per response (D)	Estimated total annual burden (C) × (D)
509	1	509	5,218	2,655,962

The total estimated annual cost burden to respondents is $154,949,271, which includes $78,242,971 for non-labor record storage costs and $76,706,300 for employee costs. The average cost per respondent is $304,419, which includes $153,719 for non-labor record storage costs and $150,700 for employee costs. All of these cost figures are based on staff analysis of the data we received in 2010.

Comments: Comments are invited on: (1) Whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: December 16, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–30319 Filed 12–19–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2280–018]

FirstEnergy Generation, LLC; Notice of Application Tendered for Filing With the Commission and Establishing Procedural Schedule for Licensing and Deadline for Submission of Final Amendments

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* New Major License.

b. *Project No.:* P–2280–018.

c. *Date Filed:* December 2, 2013.

d. *Applicant:* FirstEnergy Generation, LLC.

e. *Name of Project:* Kinzua Pumped Storage Project.

f. *Location:* The existing project is located on the United States Army Corps of Engineers (Corps) Kinzua Dam, and the United States Forest Service (Forest Service) Allegheny National Forest, adjacent to the Allegheny River and the Allegheny Reservoir near the City of Warren, in Warren County, Pennsylvania. The project occupies 221.59 acres of federal lands.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Morgan E. Parke, Associate General Counsel, FirstEnergy Service Company, 76 South Main Street, Akron, OH 44308; Telephone (330) 384–4595.

i. *FERC Contact:* Gaylord Hoisington, (202) 502–6032 or *gaylord.hoisington@ferc.gov.*

j. This application is not ready for environmental analysis at this time.

k. The existing Kinzua Pumped Storage Project pumps water from the Corps' Allegheny Reservoir (lower reservoir) to the project's upper reservoir to be used for power generation. The project has an installed capacity of 451.8 megawatts. The project

[2] 15 U.S.C. 717–717w.

[3] 49 U.S.C. 20.

[4] The Commission defines burden as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. For further explanation of what is included in the information collection burden, reference 5 Code of Federal Regulations 1320.3.

produces an average annual generation of 559.06 gigawatthours (GWh). The average pumping power used by the project is 747.355 GWh.

The existing Kinzua Project consists of: an intake/outlet structure in the Allegheny Reservoir, a discharge outlet in the Allegheny River, an upper reservoir, water conduits, control facilities and a powerhouse containing two reversible pump turbines (units 1 and 2) and one traditional generating unit (unit 3). Unit 1 and 2, when pumping water from or discharging water to the Allegheny Reservoir does so through two 418-foot-long, 15-foot-diameter steel conduits. Unit 2 discharges to the Allegheny River downstream of the dam, it uses a discharge passage which is shared with unit 3. The intake structure located in the floor of the upper reservoir leads to a 22-foot-long, 4-inch-diameter pipe that transitions to a 21-foot-long, 6-inch-diameter steel-lined pipe for 2,500 feet where it bifurcates with one pipe extending 325.35 feet to unit 1 and the other pipe extending 245.95 feet where it bifurcates again. At the second bifurcation, one pipe extends 98.29 feet to unit 2 and 100.3 feet to unit 3. Each of the 3 penstocks contains a spherical valve near the entrance to each unit. The discharge passage for unit 2 consists of a 15-foot-diameter butterfly valve downstream of unit 2 to allow unit 2 to either generate into the discharge passage (open position) or pump/generate to the Allegheny Reservoir (closed position). This valve opens into a 15-foot-diameter steel discharge section tee and accepts water from both unit 2 and 3, up to 2,650 cubic feet per second (cfs) full gate capacity. The discharge tee transitions to a concrete-lined rectangular section 99 feet wide which outlets into the Allegheny River downstream of the Kinzua Dam.

The project withdraws water from the Allegheny Reservoir, created by the Kinzua Dam. Water used for electricity production is pumped from the Allegheny Reservoir to the project's upper reservoir using one or both reversible pump turbines (unit 1 and/or unit 2), and later passed through unit 1 and/or unit 2 back to the Allegheny Reservoir. Another portion of water used for electricity production can be pumped to the upper reservoir using unit 1 and/or unit 2, and then released directly into the Allegheny River using unit 2 and/or unit 3. FirstEnergy is proposing to operate unit 2 to discharge to the Allegheny River on a more frequent basis than under current operation. To facilitate these operations, FirstEnergy proposes to install a system to automate operation of the project's lower intake bulkheads and Corp's sluice gates, and refurbish the unit 2 butterfly valve.

Other project works include transformers, a transmission line approximately 3,100 feet long, access roads, recreational and other appurtenant facilities.

FirstEnergy is proposing to raise the maximum operating level of the upper reservoir from 2,072 feet to 2,073 feet, (increase of 1 foot), and by doing so would increase the average annual generation from 559.06 GWh to 585.06 GWh.

l. *Locations of the Application:* A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll-free at 1–866–208–3676, or for TTY, (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. *Procedural Schedule:*

The application will be processed according to the following preliminary Hydro Licensing Schedule. Revisions to the schedule may be made as appropriate.

Milestone	Target date
Notice of Acceptance/Notice of Ready for Environmental Analysis	1/31/2014
Filing of recommendations, preliminary terms and conditions, and fishway prescriptions	4/1/2014
Commission issues Draft EA	9/28/2014
Comments on Draft EA	10/28/2014
Modified Terms and Conditions	12/27/2014
Commission Issues Final EA	3/27/2015

o. Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of the notice of ready for environmental analysis.

Dated: December 16, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–30321 Filed 12–19–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP14–24–000]

Bakken Hunter, LLC; Notice of Application

Take notice that on December 2, 2013 Bakken Hunter, LLC (Bakken), 410 17th Street, Denver, Colorado 80202, filed in Docket No. CP14–24–000, an application pursuant to section 3 of the Natural Gas Act (NGA) and a Presidential Permit to construct, operate, maintain and connect facilities at the border of the United States for the import of natural gas from Canada. Specifically, Bakken proposes to construct a low pressure high density gathering line approximately 2.76 mile 10-inch diameter which will connect from Saskatchewan, Canada to the ONEOK gathering system in Divide County, North Dakota. The line will have a maximum operating pressure of 80 psig and a design capacity of approximately 5 million standard cubic feet per day, all as more fully set forth in the application which is on file with the Commission and open to public inspection. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number, excluding the last three digits, in the docket number field to access the document. For assistance, call (202) 502–8659 or TTY, (202) 208–3676.

Any questions regarding this application should be directed to Shaun Robertson, Project Engineer, Polaris Engineering Ltd., 200, 1120–29th Avenue NE., Calgary, AB, Canada, T2E 7P1, or phone (402) 736–8024 or facsimile (402) 263–1387 or email *shaun.robertson@polariseng.com*.

Pursuant to section 157.9 of the Commission's rules, 18 CFR 157.9, within 90 days of this Notice the Commission staff will either: complete its environmental assessment (EA) and place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS)

or EA for this proposal. The filing of the EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

There are two ways to become involved in the Commission's review of this project. First, any person wishing to obtain legal status by becoming a party to the proceedings for this project should, on or before the below listed comment date, file with the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426, a motion to intervene in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 7 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

However, a person does not have to intervene in order to have comments considered. The second way to participate is by filing with the Secretary of the Commission, as soon as possible, an original and two copies of comments in support of or in opposition to this project. The Commission will consider these comments in determining the appropriate action to be taken, but the filing of a comment alone will not serve to make the filer a party to the proceeding. The Commission's rules require that persons filing comments in opposition to the project provide copies of their protests only to the party or parties directly involved in the protest.

Motions to intervene, protests and comments may be filed electronically via the Internet in lieu of paper; see, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's Web site under the ''e-Filing'' link. The Commission strongly encourages electronic filings.

Comment Date: 5:00 p.m. Eastern Time on January 3, 2014.

Dated: December 13, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–30322 Filed 12–19–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 77–266]

Pacific Gas and Electric Company: Notice of Application Accepted for Filing, Soliciting Comments, Motions To Intervene, and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Application for Temporary Variance of License Requirement.

b. *Project No.:* 77–266.

c. *Date Filed:* December 9, 2013.

d. *Applicants:* Pacific Gas and Electric Company (licensee).

e. *Name of Projects:* Potter Valley Project.

f. *Location:* Eel River and East Fork Russian River in Lake and Mendocino Counties, California.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Ms. Neva Geldard, License Coordinator, Pacific Gas and Electric Company, Mail Code: N11C P.O. Box 770000 San Francisco, CA 94177. Phone (415) 973–3076.

i. *FERC Contact:* Mr. John Aedo, (415) 369–3335, *john.aedo@ferc.gov*.

j. Deadline for filing comments, motions to intervene, protests, and recommendations: January 16, 2014. The Commission strongly encourages electronic filing. Please file motions to intervene, protests, comments, or recommendations using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp*. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp*. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. Please include the project number (P–77–266) on any comments, motions to intervene, protests, or recommendations filed.

k. *Description of Request:* The licensee requests a temporary variance of the minimum flow requirements of the January 28, 2004 Order Amending License. The licensee states that water conditions in the Eel River basin are exceptionally dry, and requests that it be allowed to implement the ''critical'' and ''exceptionally low inflow'' minimum flow releases outlined in the January 28, 2004. Due to the urgent nature of this request and the potential immediate impacts to fishery resources, the Commission took action on the licensee's proposal by order dated December 12, 2013. However, should basin water conditions require an extended variance, the Commission will take into account any comments received, intervention requests, and protests received in its analysis of a potential future variance request. Based on responses received to this notice, the Commission has also reserved the right to modify its December 12, 2013 order.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NE., Room 2A, Washington, DC 20426, or by calling (202) 502–8371. This filing may also be viewed on the Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp*. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email *FERCOnlineSupport@ferc.gov,* for TTY, call (202) 502–8659. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene:* Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified

comment date for the particular application.

o. *Filing and Service of Responsive Documents:* Any filing must (1) bear in all capital letters the title ''COMMENTS'', ''PROTEST'', or ''MOTION TO INTERVENE'' as applicable; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, motions to intervene, or protests must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). All comments, motions to intervene, or protests should relate to project works which are the subject of the license surrender. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. If an intervener files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

Dated: December 16, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–30320 Filed 12–19–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13213–003]

Lock 14 Hydro Partners; Notice of Application Ready for Environmental Analysis and Soliciting Comments, Recommendations, Terms and Conditions, and Prescriptions

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Original Major License.

b. *Project No.:* 13213–003.

c. *Date filed:* May 16, 2012.

d. *Applicant:* Lock 14 Hydro Partners, LLC.

e. *Name of Project:* Heidelberg Dam Hydroelectric Project.

f. *Location:* At the Kentucky River Authority's Lock and Dam No. 14, on the Kentucky River, near the Town of Heidelberg, Lee County Kentucky. No lands managed by the Federal government are located within the project boundary.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* David Brown Kinloch, Lock 14 Hydro Partners, 414 S. Wenzel Street, Louisville, Kentucky 40204, (502) 589–0975.

i. *FERC Contact:* Michael Spencer at (202) 502–8365, or via email at *michael.spencer@ferc.gov*.

j. *Deadline for filing comments, recommendations, terms and conditions, and prescriptions:* 60 days from the issuance date of this notice; reply comments are due 105 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file comments, recommendations, terms and conditions, and prescriptions using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp*. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp*. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–13213–003.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted and is now ready for environmental analysis.

l. *The Heidelberg Project consists of:* (1) An existing 248-foot-long, 17-foot-high concrete lock and dam with a 319-foot-long stone piled dike adjacent to the lock; (2) an existing 182-acre reservoir having a storage capacity of 1,820-acre-feet; (3) a new 40-foot-high, 52-foot-wide trashrack; (4) a new powerhouse integral to the abandoned lock containing four generating units for a total installed capacity of 2,640 kilowatts; and (5) a new 1,000-foot-long, 12.47 kilo-Volt transmission line. The project is estimated to generate an average of 10,484,000 kilowatt-hours annually. The existing lock and dam are owned by the Kentucky River Authority.

m. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support. A copy is also available for inspection and reproduction at the address in item h above.

All filings must (1) bear in all capital letters the title ''COMMENTS'', ''REPLY COMMENTS'', ''RECOMMENDATIONS,'' ''TERMS AND CONDITIONS,'' or ''PRESCRIPTIONS;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Each filing must be accompanied by proof of service on all persons listed on the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b), and 385.2010.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. Public notice of the filing of the initial development application, which has already been given, established the due date for filing competing applications or notices of intent. Under the Commission's regulations, any competing development application must be filed in response to and in compliance with public notice of the initial development application. No competing applications or notices of

intent may be filed in response to this notice.

o. A license applicant must file no later than 60 days following the date of issuance of this notice: (1) A copy of the water quality certification; (2) a copy of the request for certification, including proof of the date on which the certifying agency received the request; or (3) evidence of waiver of water quality certification.

Dated: December 13, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–30324 Filed 12–19–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 13214–003]

Lock 12 Hydro Partners; Notice of Application Ready for Environmental Analysis and Soliciting Comments, Recommendations, Terms and Conditions, and Prescriptions

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Original Major License.

b. *Project No.:* 13214–003.

c. *Date filed:* May 16, 2012.

d. *Applicant:* Lock 12 Hydro Partners, LLC.

e. *Name of Project:* Ravenna Dam Hydroelectric Project.

f. *Location:* At the Kentucky River Authority's Lock and Dam No. 12, on the Kentucky River, near the Town of Ravenna, Estill County Kentucky. No lands managed by the Federal government are located within the project boundary.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* David Brown Kinloch, Lock 12 Hydro Partners, 414 S. Wenzel Street, Louisville, Kentucky 40204, (502) 589–0975.

i. *FERC Contact:* Michael Spencer at (202) 502–8365, or via email at *michael.spencer@ferc.gov*.

j. Deadline for filing comments, recommendations, terms and conditions, and prescriptions: 60 days from the issuance date of this notice; reply comments are due 105 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file comments, recommendations, terms and conditions, and prescriptions using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp*. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp*. You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–13214–003.

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted and is now ready for environmental analysis.

l. The Ravenna Project consists of: (1) An existing 240-foot-long, 17-foot-high concrete lock and dam with a 239-foot-long earthen dike, adjacent to the lock; (2) an existing 345-acre reservoir having a storage capacity of 3,450-acre-feet; (3) a new 40-foot-high, 52-foot-wide trashrack; (4) a new powerhouse within the abandoned lock chamber containing four generating units for a total installed capacity of 2,640 kilowatts; and (5) a new 1,500-foot-long, 12.47 kilo-Volt transmission line. The project is estimated to generate an average of 10,673,000 kilowatt-hours annually. The existing lock and dam are owned by the Kentucky River Authority.

m. A copy of the application is available for review at the Commission in the Public Reference Room or may be viewed on the Commission's Web site at *http://www.ferc.gov* using the ''eLibrary'' link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support. A copy is also available for inspection and reproduction at the address in item h above.

All filings must (1) bear in all capital letters the title ''COMMENTS'', ''REPLY COMMENTS'', ''RECOMMENDATIONS,'' ''TERMS AND CONDITIONS,'' or ''PRESCRIPTIONS;'' (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Each filing must be accompanied by proof of service on all persons listed on the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b), and 385.2010.

You may also register online at *http://www.ferc.gov/docs-filing/esubscription.asp* to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. Public notice of the filing of the initial development application, which has already been given, established the due date for filing competing applications or notices of intent. Under the Commission's regulations, any competing development application must be filed in response to and in compliance with public notice of the initial development application. No competing applications or notices of intent may be filed in response to this notice.

o. A license applicant must file no later than 60 days following the date of issuance of this notice: (1) A copy of the water quality certification; (2) a copy of the request for certification, including proof of the date on which the certifying agency received the request; or (3) evidence of waiver of water quality certification.

Dated: December 13, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–30323 Filed 12–19–13; 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: ER10–1107–002.

Applicants: Pacific Gas and Electric Company.

Description: Second Supplement to December 31, 2012 Pacific Gas and Electric Company updated market power analysis for the Southwest Region under ER10–1107.
Filed Date: 11/25/13.
Accession Number: 20131125–5112.
Comments Due: 5 p.m. ET 1/3/14.

Docket Numbers: ER13–2453–001.
Applicants: Public Service Company of Colorado.
Description: Public Service Company of Colorado submits tariff filing per 35: 2013–12–13–Amnd to Order No. 764 Filing to be effective 1/13/2014.
Filed Date: 12/13/13.
Accession Number: 20131213–5200.
Comments Due: 5 p.m. ET 1/3/14.

Docket Numbers: ER14–63–001.
Applicants: ISO New England Inc., Bangor Hydro Electric Company.
Description: Amended Oakfield Wind Farm LGIA Compliance Filing to be effective 10/11/2013.
Filed Date: 12/12/13.
Accession Number: 20131212–5100.
Comments Due: 5 p.m. ET 1/2/14.

Docket Numbers: ER14–102–001.
Applicants: Midcontinent Independent System Operator, Inc., Dairyland Power Cooperative.
Description: Midcontinent Independent System Operator, Inc. submits tariff filing per 35.17(b): 12–13–2013 DCP Attachment O Amendment Filing to be effective 1/1/2014.
Filed Date: 12/13/13.
Accession Number: 20131213–5082.
Comments Due: 5 p.m. ET 12/23/13.

Docket Numbers: ER14–195–002.
Applicants: Duke Energy Florida, Inc.
Description: Duke Energy Florida, Inc. submits tariff filing per 35.17(b): CBR T1 SA No. 1 Filing to be effective 12/27/2013.
Filed Date: 12/13/13.
Accession Number: 20131213–5089.
Comments Due: 5 p.m. ET 12/20/13.

Docket Numbers: ER14–256–001.
Applicants: Midcontinent Independent System Operator, Inc.
Description: Midcontinent Independent System Operator, Inc. submits tariff filing per 35.17(b): 12–13–2013 SA 2541 Dynegy-Ameren J232 GIA Amended Filing to be effective 11/2/2013.
Filed Date: 12/13/13.
Accession Number: 20131213–5152.
Comments Due: 5 p.m. ET 1/3/14.

Docket Numbers: ER14–603–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: 12–12–2013 SA 1519 G132 Unexecuted Amended GIA to be effective 12/13/2013.
Filed Date: 12/12/13.
Accession Number: 20131212–5088.
Comments Due: 5 p.m. ET 1/2/14.

Docket Numbers: ER14–604–000.
Applicants: Smoky Mountain Transmission LLC.
Description: Compliance part II to be effective 2/10/2014.
Filed Date: 12/12/13.
Accession Number: 20131212–5108.
Comments Due: 5 p.m. ET 1/2/14.

Docket Numbers: ER14–605–000.
Applicants: Alabama Electric Marketing, LLC.
Description: Compliance Filing to be effective 12/13/2013.
Filed Date: 12/12/13.
Accession Number: 20131212–5109.
Comments Due: 5 p.m. ET 1/2/14.

Docket Numbers: ER14–606–000.
Applicants: California Electric Marketing, LLC.
Description: Compliance Filing to be effective 12/13/2013.
Filed Date: 12/12/13.
Accession Number: 20131212–5110.
Comments Due: 5 p.m. ET 1/2/14.

Docket Numbers: ER14–607–000.
Applicants: TPF Generation Holdings, LLC.
Description: Compliance Filing to be effective 12/13/2013.
Filed Date: 12/12/13.
Accession Number: 20131212–5113.
Comments Due: 5 p.m. ET 1/2/14.

Docket Numbers: ER14–608–000.
Applicants: High Desert Power Project, LLC.
Description: Compliance Filing to be effective 12/13/2013.
Filed Date: 12/12/13.
Accession Number: 20131212–5117.
Comments Due: 5 p.m. ET 1/2/14.

Docket Numbers: ER14–609–000.
Applicants: New Mexico Electric Marketing, LLC.
Description: Compliance Filing to be effective 12/13/2013.
Filed Date: 12/12/13.
Accession Number: 20131212–5118.
Comments Due: 5 p.m. ET 1/2/14.

Docket Numbers: ER14–610–000.
Applicants: Tenaska Power Management, LLC.
Description: Compliance Filing to be effective 12/13/2013.
Filed Date: 12/12/13.
Accession Number: 20131212–5119.
Comments Due: 5 p.m. ET 1/2/14.

Docket Numbers: ER14–611–000.
Applicants: Texas Electric Marketing, LLC.
Description: Compliance Filing to be effective 12/13/2013.
Filed Date: 12/12/13.
Accession Number: 20131212–5121.
Comments Due: 5 p.m. ET 1/2/14.

Docket Numbers: ER14–612–000.
Applicants: Skylar Energy LP.
Description: Skylar Rate Tariff to be effective 1/15/2014.
Filed Date: 12/12/13.
Accession Number: 20131212–5129.
Comments Due: 5 p.m. ET 1/2/14.

Docket Numbers: ER14–613–000.
Applicants: Flat Rock Windpower LLC.
Description: First Revised MBR Tariff to be effective 12/13/2013.
Filed Date: 12/12/13.
Accession Number: 20131212–5140.
Comments Due: 5 p.m. ET 1/2/14.

Docket Numbers: ER14–614–000.
Applicants: Flat Rock Windpower II LLC.
Description: First Revised MBR Tariff to be effective 12/13/2013.
Filed Date: 12/12/13.
Accession Number: 20131212–5141.
Comments Due: 5 p.m. ET 1/2/14.

Docket Numbers: ER14–615–000.
Applicants: Sunbury Generation LP.
Description: Request for a limited waiver and for expedited action of Sunbury Generation LP under ER14–615.
Filed Date: 12/12/13.
Accession Number: 20131212–5168.
Comments Due: 5 p.m. ET 12/23/13.

Docket Numbers: ER14–616–000.
Applicants: ISO New England Inc.
Description: ISO New England Inc. submits tariff filing per 35.13(a)(2)(iii: Forward Capacity Market Offer Review Trigger Price Provisions to be effective 2/11/2014.
Filed Date: 12/13/13.
Accession Number: 20131213–5053.
Comments Due: 5 p.m. ET 1/3/14.

Docket Numbers: ER14–617–000.
Applicants: Southwest Power Pool, Inc.
Description: Southwest Power Pool, Inc. submits tariff filing per 35.13(a)(2)(iii: 2460R1 Tulsa LFG, LLC GIA to be effective 12/12/2013.
Filed Date: 12/13/13.
Accession Number: 20131213–5055.
Comments Due: 5 p.m. ET 1/3/14.

Docket Numbers: ER14–618–000.
Applicants: Puget Sound Energy, Inc.
Description: Puget Sound Energy, Inc. submits tariff filing per 35: Order No. 784 Compliance Filing to be effective 12/27/2013.
Filed Date: 12/13/13.
Accession Number: 20131213–5056.
Comments Due: 5 p.m. ET 1/3/14.

Docket Numbers: ER14–619–000.
Applicants: PacifiCorp.
Description: PacifiCorp submits tariff filing per 35.13(a)(2)(iii: Foote Creek III Wholesale Distribution Service Agreement to be effective 3/1/2014.
Filed Date: 12/13/13.

Accession Number: 20131213–5136.
Comments Due: 5 p.m. ET 1/3/14.

Docket Numbers: ER14–620–000.
Applicants: Southwest Power Pool, Inc.
Description: Southwest Power Pool, Inc. submits tariff filing per 35.13(a)(2)(iii: KCPL and GMO Formula Rate Template Change to be effective 1/1/2014.
Filed Date: 12/13/13
Accession Number: 20131213–5150
Comments Due: 5 p.m. ET 1/3/14

Docket Numbers: ER14–621–000.
Applicants: Public Service Electric and Gas Company, PJM Interconnection, L.L.C.
Description: Public Service Electric and Gas Company submits tariff filing per 35.13(a)(2)(iii: PSE&G revises PJM OATT Att H–10A re Decrease to PBOP Expense in Formula Rate to be effective 1/1/2014.
Filed Date: 12/13/13.
Accession Number: 20131213–5169.
Comments Due: 5 p.m. ET 1/3/14.

Docket Numbers: ER14–622–000.
Applicants: Cogen Technologies Linden Venture, L.P.
Description: Cogen Technologies Linden Venture, L.P. submits tariff filing per 35.13(a)(2)(iii: Amended Shared Facilities Agreement to be effective 2/4/2014.
Filed Date: 12/13/13.
Accession Number: 20131213–5191.
Comments Due: 5 p.m. ET 1/3/14.

Docket Numbers: ER14–623–000.
Applicants: PJM Interconnection, L.L.C.
Description: PJM Interconnection, L.L.C. submits tariff filing per 35.13(a)(2)(iii: Revisions to the PJM OATT & OA re Coordinated Transaction Scheduling to be effective 12/31/9998.
Filed Date: 12/13/13.
Accession Number: 20131213–5199.
Comments Due: 5 p.m. ET 1/3/14.

Docket Numbers: ES14–18–000.
Applicants: Michigan Electric Transmission Company, LLC.
Description: Application of Michigan Electric Transmission Company, LLC under Section 204 of the Federal Power Act and Part 34 of the Commission's Regulations.
Filed Date: 12/13/13.
Accession Number: 20131213–5124.
Comments Due: 5 p.m. ET 1/3/14.

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: December 13, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–30316 Filed 12–19–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER14–612–000]

Skylar Energy LP; 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 Skylar Energy LP's application for market-based rate authority, with an accompanying rate tariff, 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 January 6, 2014.

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 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: December 16, 2013.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2013–30317 Filed 12–19–13; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14526–001]

KC Small Hydro, LLC; Notice of Amended Preliminary Permit Application Accepted for Filing and Soliciting Comments, Motions To Intervene, and Competing Applications

On May 28, 2013, KC Scoby Hydro, LLC, filed an application for a preliminary permit, pursuant to section 4(f) of the Federal Power Act (FPA), proposing to study the feasibility of hydropower at the existing Union Street Dam located on the Dan River in the City of Danville, Virginia. On August 28, 2013, the Commission issued a Notice of Acceptance of the May 28, 2013, application and sent an acceptance letter to KC Scoby Hydro, LLC. Subsequently, On October 28, 2013, KC Scoby Hydro, LLC, amended its preliminary permit application to change its name to KC Small Hydro, LLC.

Pursuant to 18 CFR 4.35, the August 28, 2013, Notice of Application and acceptance letter are rescinded, and the acceptance date for the application is now October 28, 2013.

The sole purpose of a preliminary permit, if issued, is to grant the permit

holder priority to file a license application during the permit term. A preliminary permit does not authorize the permit holder to perform any land-disturbing activities or otherwise enter upon lands or waters owned by others without the owners' express permission.

The proposed Danville Union Dam Hydroelectric Project would consist of the following: (1) An existing 820-foot-long and 10-foot-high dam made of granite slabs; (2) an existing impoundment having a surface area of 119.4 acres at an elevation of 410 feet mean sea level, and a storage capacity of 59.7 acre-feet at a 6-inch drawdown from the dam crest; (3) an existing 1,460-foot-long canal that would be extended an additional 1,000 feet downstream from the current terminus to the proposed powerhouse; (4) a new 30-foot by 100-foot powerhouse with three identical turbine-generator units with an installed capacity of 620 kilowatts each; (5) a 550-foot-long tailrace; (6) a new 12.48-kilovolt transmission line extending 500 feet from the powerhouse to an existing substation; and (7) appurtenant facilities. The proposed project would have an annual generation of 9.5 gigawatt-hours.

Applicant Contact: Kelly Sackheim, KC Small Hydro, LLC, 5096 Cocoa Palm Way, Fair Oaks, CA 95628; phone: (301) 401–5978.

FERC Contact: Monir Chowdhury; phone: (202) 502–6736.

Deadline for filing comments, motions to intervene, competing applications (without notices of intent), or notices of intent to file competing applications: 60 days from the issuance of this notice. Competing applications and notices of intent must meet the requirements of 18 CFR 4.36.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, notices of intent, and competing applications using the Commission's eFiling system at *http://www.ferc.gov/docs-filing/efiling.asp.* Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at *http://www.ferc.gov/docs-filing/ecomment.asp.* You must include your name and contact information at the end of your comments. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov,* (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, please send a paper copy to: Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. The first page of any filing should include docket number P–14526–000.

More information about this project, including a copy of the application, can be viewed or printed on the ''eLibrary'' link of the Commission's Web site at *http://www.ferc.gov/docs-filing/elibrary.asp.* Enter the docket number (P–14526) in the docket number field to access the document. For assistance, contact FERC Online Support.

Dated: December 16, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2013–30325 Filed 12–19–13; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2010–0133; FRL–9904–55–OAR]

Proposed Information Collection Request; Comment Request; Regulation of Fuels and Fuel Additives: 2011 Renewable Fuel Standards—Petition for International Aggregate Compliance Approach

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency is planning to submit an information collection request (ICR), ''Regulation of Fuels and Fuel Additives: 2011 Renewable Fuel Standards—Petition for International Aggregate Compliance Approach'' (EPA ICR No. 2398.03, OMB Control No. 2060–0655 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.*). Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through February 28, 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.

DATES: Comments must be submitted on or before February 18, 2014.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OAR–2010–0133, online using *www.regulations.gov* (our preferred method), or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460.

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: Geanetta Heard, Fuels Compliance Center, 6406J, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: 202–343–9017; fax number: 202–565–2085; email address: *heard.geanetta@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 *http://www.epa.gov/dockets.*

Pursuant to section 3506(c)(2)(A) of the PRA, EPA is soliciting comments and information to enable it to: (i) 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; (ii) 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; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) 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. 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. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: With this ICR renewal, EPA is seeking permission to continue recordkeeping and reporting requirements to authorize renewable fuel producers using certain foreign-grown feedstocks to use an aggregate approach to comply with the renewable

biomass verification provisions, akin to that applicable to producers using crops and crop residue grown in the United States. For this authorization, foreign based entities may petition EPA for approval of the aggregate compliance approach for specified renewable fuel feedstocks either in a foreign country as a whole or in a specified geographical area. This petition request for the aggregate compliance approach for foreign-grown crops and crop residue is voluntary, though, if approved by EPA, will offer the benefit that certain renewable biomass produced in a foreign country or geographical area can be counted as feedstock to make renewable fuel for credit under the Renewable Fuel Standard (RFS2) program in 40 CFR Part 80.

Form numbers: None.

Respondents/affected entities: 15.

Respondent's obligation to respond: Voluntary.

Estimated number of respondents: 15 (total).

Frequency of response: On occasion.

Total estimated burden: 200 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $22,794 (per year), includes no annualized capital or operation & maintenance costs.

Changes in estimates: There is no increase of hours in the total estimated respondent burden compared with the ICR currently approved by OMB. The respondent universe and responses also remained the same in this collection. There was in increase in cost to the industry of $8,598 per year due to better numbers used to calculate the industry burden and to account for inflation.

Dated: December 4, 2013.

Byron Bunker,

Director, Compliance Division.

[FR Doc. 2013–30428 Filed 12–19–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2009–0299; 2060–0104; FRL–9904–41–OAR]

Proposed Information Collection Request; Comment Request; Motor Vehicle Emissions: Revisions to Certification of Alternative Fuels Conversions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency is planning to submit an information collection request (ICR), ''Motor Vehicle Emissions: Revisions to Certification of Alternative Fuels Conversions'' (EPA ICR No. 0783.64, OMB Control No. 2060–0104) 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.*). Before doing so, EPA is soliciting public comments on specific aspects of the proposed information collection as described below. This is a proposed extension of the ICR, which is currently approved through May 31, 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.

DATES: Comments must be submitted on or before February 18, 2014.

ADDRESSES: Submit your comments, referencing Docket ID No. EPA–HQ–OAR–2009–0299 online using *www.regulations.gov* (our preferred method), or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460.

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: Holly Pugliese, Compliance Division, U.S. Environmental Protection Agency, 2000 Traverwood Drive, Ann Arbor, Michigan 48105. Telephone: (734) 214–4288. Email Address: *pugliese.holly@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 *http://www.epa.gov/dockets*.

Pursuant to section 3506(c)(2)(A) of the PRA, EPA is soliciting comments and information to enable it to: (i) 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; (ii) 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; (iii) enhance the quality, utility, and clarity of the information to be collected; and (iv) 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. 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. At that time, EPA will issue another **Federal Register** notice to announce the submission of the ICR to OMB and the opportunity to submit additional comments to OMB.

Abstract: With this ICR renewal, EPA is seeking permission to continue recordkeeping and reporting requirements for manufacturers to submit information to EPA to ensure compliance with the provisions of EPA's Clean Alternative Fuel Vehicle and Engine Conversions Final Rule which was issued on April 8, 2011 (76 FR 19830). This includes a variety of requirements for alternative fuel vehicle/engine converters who seek an exemption from the anti-tampering prohibition in section 203(a)(3) of the Clean Air Act. Under Title II of the Clean Air Act (42 U.S.C. 7521 *et seq.*)

Form Numbers: EPA Form Number 5800–257 and EPA Form Number 5800–258.

Respondents/affected entities: This action will affect companies and persons that manufacture, assemble, sell, import, or install alternative fuel conversions for light-duty vehicles, light-duty trucks, medium-duty passenger vehicles.

Respondent's obligation to respond: Required to obtain or retain a benefit.

Estimated number of respondents: 25 (total).

Frequency of response: On occasion as needed to obtain certification.

Total estimated burden: 39,193 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $2,689,777 (per year), includes $363,059 annualized capital or operation & maintenance costs.

Changes in estimates: There is an increase of 20,657 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This increase is due primarily to the increase in the number of

manufacturers and vehicle and engine test groups that are participating in the program.

Dated: December 13, 2013.

Byron Bunker,

Director, Compliance Division.

[FR Doc. 2013–30427 Filed 12–19–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9904–29–OEI]

Cross-Media Electronic Reporting: Authorized Program Revision Approval, State of New York

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces EPA's approval of the State of New York's request to modify its State Operating Permit Programs EPA-authorized program to allow electronic reporting.

DATES: EPA's approval is effective on December 20, 2013 for the State of New York's State Operating Permit Programs, if no timely request for a public hearing is received and accepted by the Agency.

FOR FURTHER INFORMATION CONTACT: Karen Seeh, U.S. Environmental Protection Agency, Office of Environmental Information, Mail Stop 2823T, 1200 Pennsylvania Avenue NW., Washington, DC 20460, (202) 566–1175, *seeh.karen@epa.gov.*

SUPPLEMENTARY INFORMATION: On October 13, 2005, the final Cross-Media Electronic Reporting Rule (CROMERR) was published in the **Federal Register** (70 FR 59848) and codified as part 3 of title 40 of the CFR. CROMERR establishes electronic reporting as an acceptable regulatory alternative to paper reporting and establishes requirements to assure that electronic documents are as legally dependable as their paper counterparts. Subpart D of CROMERR requires that state, tribal or local government agencies that receive, or wish to begin receiving, electronic reports under their EPA-authorized programs must apply to EPA for a revision or modification of those programs and obtain EPA approval. Subpart D provides standards for such approvals based on consideration of the electronic document receiving systems that the state, tribe, or local government will use to implement the electronic reporting. Additionally, § 3.1000(b) through (e) of 40 CFR part 3, subpart D provides special procedures for program revisions and modifications to allow electronic reporting, to be used at the option of the state, tribe or local government in place of procedures available under existing program-specific authorization regulations. An application submitted under the subpart D procedures must show that the state, tribe or local government has sufficient legal authority to implement the electronic reporting components of the programs covered by the application and will use electronic document receiving systems that meet the applicable subpart D requirements.

On August 8, 2010 the New York State Department of Environmental Conservation (NYSDEC) submitted an amended application titled ''Air Compliance and Emission Electronic Reporting System'' for modification of its EPA-authorized Part 70 program under title 40 CFR. EPA reviewed NYSDEC's request to modify Part 70—''State Operating Permit Programs'' and, based on this review, EPA determined that the application met the standards for approval of authorized program modification set out in 40 CFR part 3, subpart D. In accordance with 40 CFR 3.1000(d), this notice of EPA's decision to approve New York State's request to modify its Part 70—State Operating Permit Programs to allow electronic reporting under 40 CFR part 70 is being published in the **Federal Register**.

NYSDEC was notified of EPA's determination to approve its application with respect to the authorized program listed above.

Dated: December 11, 2013.

Andrew Battin,

Director, Office of Information Collection.

[FR Doc. 2013–30418 Filed 12–19–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–9012–6]

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 12/09/2013 Through 12/13/2013

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*

EIS No. 20130367, Draft Supplement, USFS, MT, Miller West Fisher Project, Comment Period Ends: 02/03/2014, Contact: Leslie McDougall 406–295–7431.

EIS No. 20130368, Draft Supplement, NRC, MS, Generic—License Renewal of Nuclear Plants Supplement 50, Regarding Grand Gulf Nuclear Station, Unit 1, Comment Period Ends: 02/11/2014, Contact: David Drucker 301–415–6223.

EIS No. 20130369, Final EIS, FHWA, NV, Pyramid Way and McCarran Boulevard Intersection Improvement Project and Record of Decision, Contact: Abdalla Abdelmoez 775–687–1231. Under MAP–21 Section 1319, FHWA has issued a single FEIS and ROD. Therefore, the 30-day wait/review period under NEPA does not apply to this action.

EIS No. 20130370, Revised Draft EIS, USFS, AZ, Coconino National Forest Land and Resource Management Plan, Comment Period Ends: 03/20/2014, Contact: Vernon Keller 928–527–3415.

EIS No. 20130371, Final EIS, NMFS, 00, American Lobster Fishery Effort Control Measures, Review Period Ends: 01/21/2014, Contact: Peter Burns 978–281–9144.

EIS No. 20130372, Draft EIS, USFS, CO, Cumbres Vegetation Management Project, Comment Period Ends: 02/03/2014, Contact: Diana McGinn 719–852–6241.

EIS No. 20130373, Draft Supplement, RUS, ND, Antelope Valley Station to Neset Transmission Project, Comment Period Ends: 02/03/2014, Contact: Dennis Rankin 202–720–1953.

EIS No. 20130374, Draft EIS, BLM, UT, Monument Butte Oil and Gas Development Project, Comment Period Ends: 02/04/2014, Contact: Stephanie Howard 435–781–4469.

Amended Notices

EIS No. 20130261, Draft Supplement, NPS, CA, Golden Gate National Recreation Area Draft Dog Management Plan, Comment Period Ends: 02/18/2014, Contact: Michael B. Edwards 303–969–2694. Revision to FR Notice Published 11/01/2013; Extending Comment Period to from 01/11/2014 to 02/18/2014.

EIS No. 20130360, Final EIS, USFS, AZ, Rosemont Copper Project, Proposed Mining Operation, Review Period Ends: 02/14/2014, Contact: Mindy Vogel 520–388–8300. Revision to FR Notice Published 11/01/2013; Extending Comment Period to from 01/11/2014 to 02/18/2014.

Dated: December 17, 2013.

Cliff Rader,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2013–30349 Filed 12–19–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9904–34]

Environmental Laboratory Advisory Board (ELAB) Meeting Dates and Agenda

AGENCY: Environmental Protection Agency.

ACTION: Notice of Teleconference and Face-to-Face Meetings.

SUMMARY: The Environmental Protection Agency's Environmental Laboratory Advisory Board (ELAB), as previously announced, holds teleconference meetings the third Wednesday of each month at 1:00 p.m. ET and two face-to-face meetings each calendar year. For 2014, teleconference only meetings will be February 19, 2014; March 19, 2014; April 16, 2014; May 21, 2014; June 18, 2014; July 16, 2014; September 17, 2014; October 15, 2014; November 19, 2014; and December 17, 2014 at 1:00 p.m. ET to discuss the ideas and views presented at the previous ELAB meetings, as well as new business. Items to be discussed by ELAB over these coming meetings include: (1) Issues in continuing the expansion of national environmental accreditation; (2) ELAB support to the Agency on issues relating to measurement and monitoring for all programs; and (3) follow-up on some of ELAB's past recommendations and issues. In addition to these teleconferences, ELAB will be hosting their two face-to-face meetings with teleconference line also available on January 27, 2014 at the Hyatt Regency Louisville in Louisville, KY at 8:00 a.m. (CT) and on August 4, 2014 at the Hyatt Regency on Capitol Hill in Washington, DC at 8:00 a.m. (ET).

Written comments on laboratory accreditation issues and/or environmental monitoring or measurement issues are encouraged and should be sent to Ms. Lara P. Phelps, DFO, US EPA (E243–05), 109 T. W. Alexander Drive, Research Triangle Park, NC 27709 or emailed to *phelps.lara@epa.gov*. Members of the public are invited to listen to the teleconference calls, and time permitting, will be allowed to comment on issues discussed during this and previous ELAB meetings. Those persons interested in attending should call Lara P. Phelps at (919) 541–5544 to obtain teleconference information. For information on access or services for individuals with disabilities, please contact Lara P. Phelps at the number above. To request accommodation of a disability, please contact Lara P. Phelps, preferably at least 10 days prior to the meeting, to give EPA as much time as possible to process your request.

Dated: December 12, 2013.

Glenn Paulson,

Science Advisor.

[FR Doc. 2013–30374 Filed 12–19–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9904–37–Region–10]

Proposed Modification of a General NPDES Permit for Small Suction Dredging—Permit Number IDG–37–0000

AGENCY: Region 10, Environmental Protection Agency.

ACTION: Proposed modification of a general permit.

SUMMARY: EPA proposes to modify a National Pollutant Discharge Elimination System (NPDES) General Permit for placer mining operations in Idaho using small suction dredges (intake nozzle size of 5 inches in diameter or less and with equipment rated at 15 horsepower or less). When the 2013 GP was issued, the language of the GP contained a discrepancy with the total maximum daily load (TMDL) that was issued for Mores Creek. The GP did not include any reference to the tributaries of Mores, Elk or Grimes creeks that were included in the loading allocations of the TMDL. This modification proposes to rectify that discrepancy by including a reference to the tributaries within the GP requirements for Mores, Grimes and Elk creeks and listing the tributaries in Appendix F to the GP. Other parts of the GP are not open for public comment at this time.

DATES: Interested persons may submit comments on the proposed modification of the general permit to EPA, Region 10 at the address below. Comments must be postmarked by February 3, 2014.

ADDRESSES: Comments on the proposed modified General Permit should be sent to Director, Office of Water and Watersheds; USEPA Region 10; 1200 Sixth Avenue Suite 900, OWW–130; Seattle, Washington 98101. Comments may also be submitted by fax to (206) 553–0165 or electronically to *godsey.cindi@epa.gov.*

FOR FURTHER INFORMATION CONTACT: Copies of the proposed modified general permit and Statement of Basis are available upon request. Requests may be made to Audrey Washington at (206) 553–0523 or to Cindi Godsey at (907) 271–6561. Requests may also be electronically mailed to: *washington.audrey@epa.gov or godsey.cindi@epa.gov.* These documents may also be found on the EPA Region 10 Web site at *http://yosemite.epa.gov/R10/water.nsf/NPDES+Permits/Permits+Homepage* then click on ''Draft Permits'' then ''Draft Permits for Idaho Dischargers.''

SUPPLEMENTARY INFORMATION:

Executive Order 12866: The Office of Management and Budget has exempted this action from the review requirements of Executive Order 12866 pursuant to Section 6 of that order.

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 RFA. Notwithstanding that general permits are not subject to the RFA, EPA has determined that this GP, as issued, will not have a significant economic impact on a substantial number of small entities.

Dated: December 12, 2013.

Christine Psyk,

Associate Director, Office of Water & Watersheds, Region 10, U.S. Environmental Protection Agency.

[FR Doc. 2013–30425 Filed 12–19–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2013–0769; FRL–9903–60]

Registration Review; Pesticide Dockets Opened for Review and Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: With this document, EPA is opening the public comment period for several registration reviews. Registration review is EPA's periodic review of pesticide registrations to ensure that each pesticide continues to satisfy the statutory standard for registration, that is, the pesticide can perform its intended function without unreasonable adverse effects on human health or the environment. Registration review dockets contain information that will assist the public in understanding the types of information and issues that the Agency may consider during the course of registration reviews. Through this program, EPA is ensuring that each pesticide's registration is based on current scientific and other knowledge, including its effects on human health and the environment. This document also announces the Agency's intent not to open registration review dockets for *Pseudozyma flocculosa* (case # 6049), *Pseudomonas chlororaphis* (case # 6011), and PXTS (case # 5108). These pesticides do not currently have any registered pesticide products and are not, therefore, scheduled for review under the registration review program. This document also announces the registration review case closure for the pesticide tralkoxydim (case # 7237), and the availability of the tralkoxydim registration review case closure document. The cancellation of the last remaining tralkoxydim registrations became effective October 30, 2013. The case closure for tralkoxydim is being announced herein with no comment period.

DATES: Comments must be received on or before February 18, 2014.

ADDRESSES: Submit your comments identified by the docket identification (ID) number for the specific pesticide of interest provided in the table in Unit III.A., 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:

For pesticide specific information contact: The Chemical Review Manager identified in the table in Unit III.A. for the pesticide of interest.

For general information contact: Richard Dumas, Pesticide Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460–0001; telephone number: (703) 308–8015; fax number: (703) 308–8005; email address: *dumas.richard@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general, and may be of interest to a wide range of stakeholders including environmental, human health, farmworker, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action.

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 pesticide(s) discussed in this document, compared to the general population.

II. Authority

EPA is initiating its reviews of the pesticides identified in this document pursuant to section 3(g) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and the Procedural Regulations for Registration Review at 40 CFR part 155, subpart C. Section 3(g) of FIFRA provides, among other things, that the registrations of pesticides are to be reviewed every 15 years. Under FIFRA, a pesticide product may be registered or remain registered only if it meets the statutory standard for registration given in FIFRA section 3(c)(5). When used in accordance with widespread and commonly recognized practice, the pesticide product must perform its intended function without unreasonable adverse effects on the environment; that is, without any unreasonable risk to man or the environment, or a human dietary risk from residues that result from the use of a pesticide in or on food.

III. Registration Reviews

A. What action is the Agency taking?

As directed by FIFRA section 3(g), EPA is reviewing the pesticide registrations identified in the table in this unit to assure that they continue to satisfy the FIFRA standard for registration—that is, they can still be used without unreasonable adverse effects on human health or the environment. A pesticide's registration review begins when the Agency establishes a docket for the pesticide's registration review case and opens the docket for public review and comment. At present, EPA is opening registration review dockets for the cases identified in the following table.

TABLE—REGISTRATION REVIEW DOCKETS OPENING

Registration review case name and number	Docket ID No.	Chemical review manager, telephone No., email address
2, 4–DB (case #0196)	EPA–HQ–OPP–2013–0661	Jill Bloom, (703) 308–8019, *bloom.jill@epa.gov.*
2, 4–DP (case #0294)	EPA–HQ–OPP–2013–0726	Kaitlin Keller, (703) 308–8172, *keller.kaitlin@epa.gov.*
Acibenzolar (case #7031)	EPA–HQ–OPP–2013–0755	Dana Friedman, (703) 347–8827, *friedman.dana@epa.gov.*
Dimethyl disulfide (case #7454)	EPA–HQ–OPP–2013–0488	Garland Waleko, (703) 308–8049, *waleko.garland@epa.gov.*
Dithiopyr (case #7225)	EPA–HQ–OPP–2013–0750	Veronica Dutch, (703) 308–8585, *dutch.veronica@epa.gov.*
Flucarbazone-sodium (case #7251)	EPA–HQ–OPP–2013–0283	Jolene Trujillo, (703) 347–0103, *trujillo.jolene@epa.gov.*
Fluthiacet-methyl (case #7245)	EPA–HQ–OPP–2013–0285	Ricardo Jones, (703) 347–0493, *jones.ricardo@epa.gov.*
Imazazil and Imazazil sulfate (case #2325).	EPA–HQ–OPP–2013–0305	Margaret Hathaway, (703) 305–5076, *hathaway.margaret@epa.gov.* Sandra O'Neill, (703) 347–0141, *oneill.sandra@epa.gov.*
Iodine and Iodophors (case #3080)	EPA–HQ–OPP–2013–0767	Sandra O'Neill, (703) 347–0141, *oneill.sandra@epa.gov.*
Picloram (case #0096)	EPA–HQ–OPP–2013–0740	Eric Miederhoff, (703) 347–8028, *miederhoff.eric@epa.gov.*
Polymeric betaine (case #5116)	EPA–HQ–OPP–2013–0374	Sanyvette Williams, (703) 305–7702, *williams.sanyvette@epa.gov.*
Quinoxyfen (case #7037)	EPA–HQ–OPP–2013–0771	Katherine St. Clair, (703) 347–8778, *stclair.katherine@epa.gov.*
Sucrose (case #5117)	EPA–HQ–OPP–2013–0751	Gina Burnett, (703) 605–0513, *burnett.gina@epa.gov.*

EPA is also announcing that it will not be opening dockets for *Pseudozyma flocculosa, Pseudomonas chlororaphis,* and PXTS because these pesticide active ingredients are not included in any products registered under FIFRA. For tralkoxydim, a Notice of Receipt of a Request to Voluntarily Cancel Certain Pesticide Registrations was issued on August 21, 2013 for a 30 day comment period (78 FR 51721) (FRL–9396–5). This notice announced voluntary cancellation requests that would terminate the last tralkoxydim products registered for use in the United States; the Agency did not receive any comments. On October 30, 2013, the Agency published the Cancellation Order for these tralkoxydim product registrations in the **Federal Register** (78 FR 64938) (FRL–9403–2). Due to the publication of this Cancellation Order, the Agency closed the registration review case for tralkoxydim, pursuant to 40 CFR 155.42(c). The case closure document for tralkoxydim's registration review, along with other documents relevant to the registration review of tralkoxydim, is available in the tralkoxydim registration review docket (EPA–HQ–OPP–2011–0706).

B. Docket Content

1. *Review dockets.* The registration review dockets contain information that the Agency may consider in the course of the registration review. The Agency may include information from its files including, but not limited to, the following information:

- An overview of the registration review case status.
- A list of current product registrations and registrants.
- **Federal Register** notices regarding any pending registration actions.
- **Federal Register** notices regarding current or pending tolerances.
- Risk assessments.
- Bibliographies of data or information used in support of current registrations.
- Summaries of incident data.
- Any other pertinent data or information.

Each docket contains a document summarizing what the Agency currently knows about the pesticide case and a preliminary work plan for anticipated data and assessment needs. Additional documents provide more detailed information. During this public comment period, the Agency is asking that interested persons identify any additional information they believe the Agency should consider during the registration reviews of these pesticides. The Agency identifies in each docket the areas where public comment is specifically requested, though comment in any area is welcome.

2. *Other related information.* More information on these cases, including the active ingredients for each case, may be located in the registration review schedule on the Agency's Web site at *http://www.epa.gov/oppsrrd1/registration_review/schedule.htm.* Information on the Agency's registration review program and its implementing regulation may be seen at *http://www.epa.gov/oppsrrd1/registration_review.*

3. *Information submission requirements.* Anyone may submit data or information in response to this document. To be considered during a pesticide's registration review, the submitted data or information must meet the following requirements:

- To ensure that EPA will consider data or information submitted, interested persons must submit the data or information during the comment period. The Agency may, at its discretion, consider data or information submitted beyond the comment period.
- The data or information submitted must be presented in a legible and useable form. For example, an English translation must accompany any material that is not in English and a written transcript must accompany any information submitted as an audiographic or videographic record. Written material may be submitted in paper or electronic form.
- Submitters must clearly identify the source of any submitted data or information.
- Submitters may request the Agency to reconsider data or information that the Agency rejected in a previous review. However, submitters must explain why they believe the Agency should reconsider the data or information in the pesticide's registration review.

As provided in 40 CFR 155.58, the registration review docket for each pesticide case will remain publicly accessible through the duration of the

registration review process; that is, until all actions required in the final decision on the registration review case have been completed.

List of Subjects

Environmental protection, pesticides and pests.

Dated: December 12, 2013.

Michael Goodis,

Acting Director, Pesticide Re-Evaluation Division, Office of Pesticide Programs.

[FR Doc. 2013–30253 Filed 12–19–13; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9904–20–OARM]

Senior Executive Service Performance Review Board; Membership

AGENCY: U.S. Environmental Protection Agency.

ACTION: Notice.

SUMMARY: Notice is hereby given of the membership of the U.S. Environmental Protection Agency Performance Review Board for 2013.

FOR FURTHER INFORMATION CONTACT: Karen D. Higginbotham, Director, Executive Resources Division, 3606A, Office of Human Resources, Office of Administration and Resources Management, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW., Washington, DC 20460, (202) 564–7287.

SUPPLEMENTARY INFORMATION: Section 4314(c)(1) through (5) of Title 5, U.S.C., requires each agency to establish in accordance with regulations prescribed by the Office of Personnel Management, one or more SES performance review boards. This board shall review and evaluate the initial appraisal of a senior executive's performance by the supervisor, along with any recommendations to the appointment authority relative to the performance of the senior executive.

Members of the 2013 EPA Performance Review Board are:

Benita Best-Wong, Deputy Director, Office of Wetlands, Oceans and Watersheds, Office of Water

Jeanne Brisken, Research Program Manager, Office of Research and Development

David Bloom, Director, Office of Budget, Office of the Chief Financial Officer

David Lloyd, Director, Office of Brownfields and Land Revitalization, Office of Solid Waste and Emergency Response

Diane Bazzle, Director, Office of the Executive Services, Office of the Administrator

Denise Benjamin-Sirmons, Director, Office of Diversity, Advisory Committee Management and Outreach, Office of Administration and Resources Management

Sarah Dunham, Director, Office of Atmospheric Programs, Office of Air and Radiation

James Giattina, Director, Water Management Division, Region 4

Robin Gonzalez, Director, Enterprise IT Systems, Office of Environmental Information

Sally Gutierrez, Chief, Environmental Technology Innovation Cluster Development and Support Program, Office of Research and Development

David Dix, Director, Office of Science Coordination and Policy, Office of Chemical Safety and Pollution Prevention

Karen D. Higginbotham (Ex-Officio), Director, Executive Resources Division, Office of Human Resources, Office of Administration and Resources Management

Peter Jutro, Senior Scientist, National Homeland Security Research Center, Office of Research and Development

Susan Kantrowitz (Ex-Officio), Director, Office of Human Resources, Office of Administration and Resources Management

Brenda Mallory, Principal Deputy General Counsel, Office of General Counsel

Suzanne Murray, Regional Counsel, Region 6, Office of Enforcement and Compliance Assurance

Cheryl Newton, Assistant Regional Administrator for Resources Management, Region 5

George Pavlou, Deputy Regional Administrator, Region 2

Cynthia Sonich-Mullin, Director, National Risk Management Research Laboratory, Cincinnati, Office of Research and Development

Katrina Cherry, Director, Office of Management and International Services, Office of International and Tribal Affairs

Alexis Strauss-Hacker, Deputy Regional Administrator, Region 9

Dated: December 9, 2013.

Nanci E. Gelb,

Deputy Assistant Administrator, Administration and Resources Management.

[FR Doc. 2013–30330 Filed 12–19–13; 8:45 am]

BILLING CODE 6560–50–P

EXPORT-IMPORT BANK OF THE UNITED STATES

[Public Notice: 2013–3007]

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 10–02 Application for Short-Term Express Credit Insurance Policy.

SUMMARY: The Export-Import Banks of the United States (Ex-Im Bank), as 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.

This collection of information is necessary, pursuant to 12 U.S.C. 635(a)(1), to determine eligibility of the applicant for Ex-Im Bank assistance.

The application tool can be reviewed at: *http://exim.gov/pub/pending/eib10_02.pdf.*

DATES: Comments must be received on or before January 21, 2014 to be assured of consideration.

ADDRESSES: Comments may be submitted electronically on *www.regulations.gov* (EIB–2013–0048) or by mail to Office of Information and Regulatory Affairs, 725 17th Street NW. Washington, DC 20038 Attn: OMB 3048–EIB10–02.

SUPPLEMENTARY INFORMATION:

Title and Form Number: EIB 10–02 Application for Short-Term Express Credit Insurance Policy.

OMB Number: 3048–0031.

Type of Review: Regular.

Need and Use: This form is used by an exporter (or broker acting on its behalf) in order to obtain approval for coverage of the repayment risk of export sales. The information received allows Ex-Im Bank staff to make a determination of the eligibility of the applicant and the creditworthiness of one of the applicant's foreign buyers for Ex-Im Bank assistance under its programs.

This is the application form for use by small U.S. businesses with limited export experience. Companies that are eligible to use the Express policy will need to answer approximately 20 questions and sign an acknowledgement of the certifications that appear on the reverse of the application form. This program does not provide discretionary credit authority to the U.S. exporter, and

therefore the financial and credit information needs are minimized.

This revised form requests additional information about sales by affiliates, U.S. content of the product, and foreign buyers. By requesting this information in the application form, Ex-Im Bank will no longer need to separately request additional information from the applicant in order to process the application.

Affected Public: This form affects entities involved in the export of U.S. goods and services.

Annual Number of Respondents: 500.

Estimated Time per Respondent: 0.25 hours.

Annual Burden Hours: 125 hours.

Frequency of Reporting of Use: Once per year.

Government Expenses:

Reviewing time per year: 1,000 hours.

Average Wages per Hour: $42.50.

*Average Cost per Year (time*wages):* $42,250.

Benefits and Overhead: 20%.

Total Government Cost: $51,000.

Kalesha Malloy,

Agency Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2013–30233 Filed 12–19–13; 8:45 am]

BILLING CODE 6690–01–P

FEDERAL COMMUNICATIONS COMMISSION

Information Collection Being Submitted for Review and Approval to the Office of Management and Budget (OMB)

AGENCY: Federal Communications Commission (FCC).

ACTION: Notice; 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. 3502–3520), the FCC invites the general public and other Federal agencies to take this opportunity to comment on the following information collection. 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 estimates; 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 collection burden on 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 PRA that does not display a valid OMB Control Number.

DATES: Written 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 Nicholas A. Fraser, Office of Management and Budget (OMB), via fax at 202–395–5167, or via the Internet at *Nicholas_A._Fraser@omb.eop.gov* and to Leslie Smith, Office of Managing Director (OMD), Federal Communications Commission (FCC), via the Internet at *Leslie.Smith@fcc.gov.* To submit your PRA comments by email, send them to: *PRA@fcc.gov.*

FOR FURTHER INFORMATION CONTACT: Leslie Smith, OMD, FCC, at 202–418–0217, or via the Internet at: *Leslie.Smith@fcc.gov.*

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0917.

Title: CORES Registration Form, FCC Form 160.

Form Number: FCC Form 160.

Type of Review: Extension of a currently approved collection.

Respondents: Businesses or other for-profit entities; Individuals or households; Not-for-profit institutions; and State, Local, or Tribal Governments.

Number of Respondent and Responses: 93,000 respondents; 93,000 responses.

Estimated Time per Response: 10 minutes (0.167 hours).

Frequency of Response: One time reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in the *Debt Collection Act of 1996 (DCCA),* Public Law 104–134, Chapter 10, Section 31001.

Total Annual Burden: 15,531 hours.

Total Annual Cost: None.

Privacy Impact Assessment: A Privacy Impact Assessment (PIA) covering the information system for this information collection, which is posted at: *http://transition.fcc.gov/omd/privacyact/Privacy_Impact_Assessment.html.*

Nature and Extent of Confidentiality: The FCC is not requesting that respondents submit confidential information to the Commission. If the FCC requests that respondents submit information which respondents believe is confidential, respondents may request confidential treatment of such information pursuant to Section 0.459 of the FCC's rules, 47 CFR Section 0.459. The FCC has a system of records, FCC/OMD–9, ''Commission Registration System (CORES),'' to cover the collection, purpose(s), storage, safeguards, and disposal of the personally identifiable information (PII) that individual respondents may submit on FCC Form 160, which is posted at: *http://transition.fcc.gov/omd/privacyact/records-systems.html.*

The FCC will also redact PII submitted on this form before it makes FCC Form 160 available for public inspection. FCC Form 160 includes a ''privacy statement'' to inform applicants (respondents) of the FCC's need to obtain the information and the protections that the FCC has in place to protect PII.

Needs and Uses: Respondents use FCC Form 160 to register in the FCC's Commission Registration System (CORES). When registering, the respondent receives a unique FCC Registration Number (FRN), which is required for anyone doing business with the Commission. Respondents may also register in CORES on-line at *www.fcc.gov/frnreg.* FCC Form 160 is used to collect information that pertains to the entity's name, address, contact representative, telephone number, email address(es), and fax number. The Commission uses this information to collect or report on any delinquent debt arising from the respondent's business dealings with the FCC, including both ''feeable'' and ''nonfeeable'' services; and to ensure that registrants (respondents) receive any refunds due. Use of the CORES System is also a means of ensuring that the Commission operates in compliance with the *Debt Collection Improvement Act of 1996 (DCCA),* Public Law 104–134, Chapter 10, Section 31001.

The FCC is currently sending confirmations of CORES registrations and updates by U.S. Postal Service. The FCC will transition to sending confirmations by email where we have email addresses for the CORES registrants. This is being done because: (1) emailing confirmations instead of sending hard copies will save the FCC considerable money, including labor, paper and postage; and (2) additionally, it is more efficient to transmit confirmations electronically on a real-time base.

On November 19, 2010, the FCC adopted a *Notice of Proposed Rulemaking (NPRM),* Amendment of Part 1 of the Commission's Rules Concerning Practice and Procedure, Amendment of CORES Registration System, MD Docket No. 10–234, FCC 10–192. The *NPRM* has proposed to eliminate some of the FCC's exceptions to the requirement that entities and individuals provide their Taxpayer Identification Number (''TIN'') at the time of registration; require FRN holders to provide their email address(es); give FRN holders the option to identify multiple points of contact; and require FRN holders to indicate their tax-exempt status and notify the Commission of pending bankruptcy proceedings. All remaining existing information collection requirements would stay as they are.

OMB Control Number: 3060–0918.

Title: CORES Update/Change Form, FCC Form 161.

Form Number: FCC Form 161.

Type of Review: Extension of a currently approved collection.

Respondents: Businesses or other for-profit entities; Individuals or households; Not-for-profit institutions; and State, Local, or Tribal Governments.

Number of Respondents and Responses: 80,000 respondents; 80,000 responses.

Estimated Time per Response: 10 minutes (0.167 hours).

Frequency of Response: On occasion reporting requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in the *Debt Collection Act of 1996 (DCCA),* Public Law 104–134, Chapter 10, Section 31001.

Total Annual Burden: 13,360 hours.

Total Annual Costs: None.

Privacy Impact Assessment: A Privacy Impact Assessment (PIA) covering the information system for this information collection is posted at: *http://transition.fcc.gov/omd/privacyact/Privacy_Impact_Assessment.html.*

Nature and Extent of Confidentiality: The FCC is not requesting that respondents submit confidential information to the Commission. If the FCC requests that respondents submit information which respondents believe is confidential, respondents may request confidential treatment of such information pursuant to Section 0.459 of the FCC's rules, 47 CFR Section 0.459. The FCC has a system of records, FCC/OMD–9, ''Commission Registration System (CORES),'' to cover the collection, purpose(s), storage, safeguards, and disposal of the personally identifiable information (PII) that individual respondents may submit on FCC Form 161, which is posted at: *http://transition.fcc.gov/omd/privacyact/records-systems.html.*

The FCC will also redact PII submitted on this form before it makes FCC Form 161 available for public inspection. FCC Form 161 includes a ''privacy statement'' to inform applicants (respondents) of the FCC's need to obtain the information and the protections that the FCC has in place to protect PII.

Needs and Uses: After respondents have registered in the FCC's Commission Registration System (CORES) and have been issued a FCC Registration Number (FRN), they may use FCC Form 161 to update and/or change their contact information, including name, address, telephone number, email address(es), fax number, contact representative, contact representative's address, telephone number, email address, and/or fax number. Respondents may also update their registration information in CORES on-line at *www.fcc.gov/frnreg.* The Commission uses this information to collect or report on any delinquent debt arising from the respondent's business dealings with the FCC, including both ''feeable'' and ''nonfeeable'' services; and to ensure that registrants (respondents) receive any refunds due. Use of the CORES System is also a means of ensuring that the Commission operates in compliance with the *Debt Collection Improvement Act of 1996 (DCIA).*

The FCC is currently sending confirmations of CORES registrations and updates by U.S. Postal Service. The FCC will transition to sending confirmations by email where we have email addresses for the CORES registrants. This is being done because: (1) emailing confirmations instead of sending hard copies will save the FCC considerable money, including labor, paper and postage; and (2) additionally, it is more efficient to transmit confirmations electronically on a real-time base.

On November 19, 2010, the FCC adopted a *Notice of Proposed Rulemaking (NPRM),* Amendment of Part 1 of the Commission's Rules Concerning Practice and Procedure, Amendment of CORES Registration System, MD Docket No. 10–234, FCC 10–192. The *NPRM* has proposed to eliminate some of the FCC's exceptions to the requirement that entities and individuals provide their Taxpayer Identification Number (''TIN'') at the time of registration; require FRN holders to provide their email address(es); give FRN holders the option to identify multiple points of contact; and require FRN holders to indicate their tax-exempt status and notify the Commission of pending bankruptcy proceedings. All remaining existing information collection requirements would stay as they are.

Federal Communications Commission.

Gloria J. Miles,

Federal Register Liaison, Office of the Secretary, Office of Managing Director.

[FR Doc. 2013–30263 Filed 12–19–13; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Update to Notice of Financial Institutions for Which the Federal Deposit Insurance Corporation Has Been Appointed Either Receiver, Liquidator, or Manager

AGENCY: Federal Deposit Insurance Corporation.

ACTION: Update listing of financial institutions in liquidation.

SUMMARY: Notice is hereby given that the Federal Deposit Insurance Corporation (Corporation) has been appointed the sole receiver for the following financial institutions effective as of the Date Closed as indicated in the listing. This list (as updated from time to time in the **Federal Register**) may be relied upon as ''of record'' notice that the Corporation has been appointed receiver for purposes of the statement of policy published in the July 2, 1992 issue of the **Federal Register** (57 FR 29491). For further information concerning the identification of any institutions which have been placed in liquidation, please visit the Corporation Web site at *www.fdic.gov/bank/individual/failed/banklist.html* or contact the Manager of Receivership Oversight in the appropriate service center.

Dated: December 16, 2013.

Federal Deposit Insurance Corporation.

Pamela Johnson,

Regulatory Editing Specialist.

INSTITUTIONS IN LIQUIDATION

FDIC Ref. No.	Bank name	City	State	Date closed
10491	Texas Community Bank, National Association	The Woodlands	TX	12/13/2013

[FR Doc. 2013–30238 Filed 12–19–13; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL DEPOSIT INSURANCE CORPORATION

Notice to All Interested Parties of the Termination of the Receivership of 10186—The La Coste National Bank La Coste, Texas

Notice is hereby given that the Federal Deposit Insurance Corporation (''FDIC'') as Receiver for The La Coste National, La Coste, Texas (''the Receiver'') intends to terminate its receivership for said institution. The FDIC was appointed receiver of The La Coste National Bank on February 19, 2010. The liquidation of the receivership assets has been completed. To the extent permitted by available funds and in accordance with law, the Receiver will be making a final dividend payment to proven creditors.

Based upon the foregoing, the Receiver has determined that the continued existence of the receivership will serve no useful purpose. Consequently, notice is given that the receivership shall be terminated, to be effective no sooner than thirty days after the date of this Notice. If any person wishes to comment concerning the termination of the receivership, such comment must be made in writing and sent within thirty days of the date of this Notice to: Federal Deposit Insurance Corporation, Division of Resolutions and Receiverships, Attention: Receivership Oversight Department 32.1, 1601 Bryan Street, Dallas, TX 75201.

No comments concerning the termination of this receivership will be considered which are not sent within this time frame.

Federal Deposit Insurance Corporation

Dated: December 17, 2013.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2013–30326 Filed 12–19–13; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Announcement of Board Approval Under Delegated Authority and Submission to OMB

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY: Notice is hereby given of the final approval of a proposed information collection by the Board of Governors of the Federal Reserve System (Board) under OMB delegated authority, pursuant to 5 CFR 1320.16 (OMB Regulations on Controlling Paperwork Burdens on the Public). Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the Paperwork Reduction Act Submission, supporting statements and approved collection of information instrument(s) are placed into OMB's public docket files. The Federal Reserve 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.

FOR FURTHER INFORMATION CONTACT: Federal Reserve Board Clearance Officer—Cynthia Ayouch—Office of the Chief Data Officer, Board of Governors of the Federal Reserve System, Washington, DC 20551 (202) 452–3829.

Telecommunications Device for the Deaf (TDD) users may contact (202) 263–4869, Board of Governors of the Federal Reserve System, Washington, DC 20551.

OMB Desk Officer—Shagufta Ahmed—Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW., Washington, DC 20503.

Final approval under OMB delegated authority the revision, without extension, of the following report:

Report title: Banking Organization Systemic Risk Report.

Agency form number: FR Y–15.

OMB Control number: 7100–0352.

Effective Date: December 31, 2013.

Frequency: Annually.

Reporters: U.S. Bank Holding Companies (BHCs) with total consolidated assets of $50 billion or more, and any U.S.-based organizations identified as global systemically important banks (GSIBs) that do not otherwise meet the consolidated assets threshold for BHCs.

Estimated annual reporting hours: 9,735 hours.

Estimated average hours per response: 295 hours.

Number of respondents: 33.

General description of report: This information collection is mandatory pursuant to section 5 of the BHC Act (12 U.S.C. 1844(c)). Except as otherwise noted, the collected information will be made available to the public for report dates beginning December 31, 2013. The following line items will be kept confidential for the December 31, 2013, report date and made publically available beginning with the December 31, 2014, report date: Schedule A, items 1(b)(2) through 2(a)(2) and items 2(b)(2) through 3; and, Schedule C, items 1(a) through 1(l). The following line items will be kept confidential until the first reporting date after the U.S. rule implementing the liquidity coverage ratio (LCR) is finalized: Schedule D, items 7 and 8.

Though confidential treatment will not be routinely given to the financial data in this report, respondents may request such treatment for any information that they believe is subject to an exemption from disclosure pursuant to sections (b)(4), (b)(6), or (b)(8) of the Freedom of Information Act (FOIA) (5 U.S.C. 522(b)(4), (b)(6), and (b)(8)).

Abstract: The FR Y–15, which was derived from a Basel data collection aimed at measuring systemic importance, was implemented in December 2012 (77 FR 76484). In addition to (i) facilitating the future implementation of the GSIB surcharge through regulation, (ii) identifying institutions that may be domestic systemically important banks (DSIBs) under a future framework and (iii) analyzing the systemic risk implications of proposed mergers and acquisitions, the Federal Reserve uses the FR Y–15 data to monitor, on an ongoing basis, the systemic risk profile of the institutions which are subject to enhanced prudential standards under section 165 of the Dodd-Frank Wall Street Reform and Consumer Protection Act (DFA).

Current Actions: On August 30, 2013, the Federal Reserve published a notice

in the **Federal Register** (78 FR 53759) requesting public comment for 60 days on the proposal to revise, without extension, the mandatory annual Banking Organization Systemic Risk Report. The comment period for this notice expired on October 29, 2013.

Summary of Public Comments: The Federal Reserve received three comment letters on the proposed revisions to the FR Y–15: a joint comment letter from three trade associations, another comment letter from a different trade association, and a comment letter from a banking organization. The comments focused on the confidential treatment of data submitted on the FR Y–15 (partially with respect to items based on the Basel liquidity coverage ratio) and the submission deadline. Several commenters suggested that the Federal Reserve rely on other existing data collections in order to reduce reporting burden. Other comments expressed concern about using Basel II credit conversion factor (CCF) definitions for off-balance sheet items. Commenters requested delayed implementation of the requirements, elimination of the attestation requirement, and continued confidential treatment of certain FR Y–15 data. The following is a detailed discussion of the comments received and the Federal Reserve's responses to those comments.

Detailed Discussion of Public Comments and Federal Reserve Responses

A. Reporting Panel

The proposal stated that the FR Y–15 will be used to monitor, on an ongoing basis, the systemic risk profile of the institutions which are subject to enhanced prudential standards under section 165 of DFA. The proposal further stated that the data will be used to facilitate the future implementation of the GSIB surcharge through regulation, identify institutions that may be DSIBs under a future framework, and analyze the systemic risk implications of proposed mergers and acquisitions. One commenter suggested the reporting panel is not appropriate because BHCs that are subsidiaries of foreign banking organizations (FBOs) are not subject to the GSIB framework and the DSIB and mergers and acquisitions frameworks are still under development. Another commenter similarly argued that the international GSIB framework by its terms is not applicable to non-GSIBs and is not practical for DSIB identification. One commenter suggested that there is no meaningful comparison between top-tier BHCs and the BHC subsidiaries of FBOs, because the former is the top-tier company of the entire consolidated organization while the latter is a subsidiary that includes only part of the entire consolidated organization's operations.

The Federal Reserve's data collections may be implemented independent of a related final regulatory framework. As a host of metrics have been identified for examining the systemic risk of banking organizations, it is incumbent upon national supervisors to collect and monitor such data so as to better understand the overall domestic systemic risk landscape and pinpoint the riskiest institutions therein. Indeed, monitoring the systemic risk profile of institutions subject to section 165 of DFA is one of the main purposes of collecting the FR Y–15. Therefore, the Federal Reserve believes it is appropriate to apply the FR Y–15 requirements at this time to institutions that are not GSIBs but may be identified as DSIBs, even though a regulatory framework for DSIBs has not been proposed or implemented. The Federal Reserve further notes that the use of data for analyzing mergers and acquisitions will frequently be incorporated into an already-established applications process.

With respect to application of the requirements to the U.S. subsidiaries of FBOs, the Federal Reserve observes that the FR Y–15 evaluates the systemic risk footprint of these BHCs in a domestic context. Since the global systemic footprint of the entire FBO extends beyond that of its U.S. BHC subsidiary, the FR Y–15 does not capture the full systemic risk implications of the global entity. Instead, the FR Y–15 appropriately focuses on the domestic systemic footprint of large U.S. BHCs owned by FBOs. These U.S. BHC subsidiaries are similarly situated in size and complexity to other U.S. BHCs that are subject to the reporting panel. As such, these subsidiaries may have systemic factors of sufficient magnitude to pose a systemic risk to the U.S. financial system. Therefore, the Federal Reserve will continue to include on the FR Y–15 reporting panel those U.S. BHC subsidiaries of FBOs that meet the threshold for scope of application.

B. Alternative Sources of Systemic Risk Data

Several commenters suggested that information obtained from other data collections such as the Capital Assessments and Stress Testing report (FR Y–14; OMB No. 7100–0341) or the proposed Liquidity Monitoring Reports (FR 2052a and b) could be used in lieu of collecting certain data on the FR Y–15. The commenters argued that using such data would reduce reporting burden.

The Federal Reserve notes that the information collected on the FR Y 15 provides a baseline set of metrics that are used to assess and compare the systemic risk profiles of reporting firms. In order to make reliable comparisons, the data must be produced using a common set of definitions. Therefore, substituting data with information subject to different underlying definitions would weaken the ability to make reliable comparisons and could lead to false conclusions about relative systemic risk. Other than those items specifically noted in the instructions (see General Instructions, Section H), the FR Y–15 data are unique and thus cannot be replaced with data from another regulatory report. Therefore, the Federal Reserve will not use other data collections in lieu of collecting data on the FR Y–15. However, as relevant data does become available on other public regulatory reports, the Federal Reserve will revise the FR Y–15 at that time to automatically import these data.

C. Confidentiality

In the final 2012 **Federal Register** notice, the Federal Reserve indicated that the FR Y–15 data would be made public via the FFIEC Web site because the data provides valuable information about the domestic systemic risk landscape and the market can use the measures of systemic risk found in the FR Y–15 to evaluate the systemic importance of an individual institution on a national level.[1] The Federal Reserve further stated that the public disclosure of the data would promote the policy goal of transparency for future systemic risk assessments, including through international efforts such as GSIB designation by the Financial Stability Board (FSB).[2]

Following publication of the final 2012 **Federal Register** notice, the Federal Reserve received additional requests from an industry group and several individual institutions to keep parts of the FR Y–15 confidential. The Federal Reserve decided to publicly release data on the FR Y–15 that is published in aggregate form or retrieved from public portions of the Consolidated Financial Statements for Bank Holding Companies (FR Y–9C; OMB No. 7100–0128). This decision was based on various considerations, including that the report was being implemented for the first time and that the reporting panel for year-end 2012

[1] See 77 FR 76484, 76486 (December 28, 2012).

[2] *Id.*

was limited to a small subset of the total reporting panel.

In the notice of proposed revisions, the Federal Reserve stated that the data items on the FR Y–15 that are retrieved from the public portions of the FR Y–9C or that are published only in aggregate form are not confidential, and that the confidentiality of the remaining items would depend on a determination that considers the competitive harm resulting from the disclosure and the public purpose served by the disclosure.[3]

Several commenters requested that the Federal Reserve continue to release publicly only the items that were released for the 2012 submissions. In particular, a commenter asked that the Federal Reserve continue this treatment until rules on which the reporting items are based are finalized and fully implemented in the United States. The commenter also requested that the Federal Reserve clarify its intentions as to what reported information it intends to release as public information going forward. Additionally, one commenter referenced the Basel Committee on Banking Supervision's (BCBS's) practice of keeping data submitted in connection with the Basel III monitoring exercise confidential. The commenter asserted that publishing the data would put reporting institutions at a competitive disadvantage since institutions outside of the U.S. are not subject to the same requirements. The commenter also argued that new data elements may confuse investors. Another commenter stated that FR Y–9C confidentiality automatically passes through to the FR Y–15 but that Country Exposure Report (FFIEC 009; OMB No. 7100–0035) confidentiality does not.

In evaluating the concerns raised by commenters, the Federal Reserve considered the potential public harm from releasing data reported on the FR Y–15 that was not released for the 2012 submissions, along with the public purposes that would be served by additional disclosure. The Federal Reserve believes that the FR Y–15 data provides consistent and comparable measures of systemic risk which can be used by market participants to evaluate the systemic importance of an institution. Moreover, the Federal Reserve believes that access to the underlying data is integral to understanding the drivers of the aggregated systemic risk metrics. For example, the total intra-financial system assets metric (Schedule B, item 6) is comprised of eleven subcomponents. Without the more granular data, it may be difficult to fully assess whether the planned actions of a firm would lead to a material reduction of the metric in future periods. In addition, the Federal Reserve believes that the data is key to the public understanding how the systemic nature of BHCs subject to section 165 of DFA is evaluated, including how enhanced prudential standards are applied to these BHCs in accordance with their relative systemic importance. Furthermore, the Federal Reserve believes that providing the underlying data increases transparency and, in turn, market discipline regarding systemic risk. Release of the data should encourage a market discipline that reduces the negative externalities associated with raising a firm's systemic footprint. This market discipline should be particularly acute once the regulatory policies regarding systemic risk are finalized.

However, the Federal Reserve believes it is reasonable to delay the public release of certain data items about which commenters have specifically expressed concern. As noted above, commenters asked that the Federal Reserve not release information beyond what was released for the 2012 submissions until such time as the rules on which the reporting is based are finalized and fully implemented in the United States.

The Federal Reserve believes that it is appropriate to delay, until the 2014 reporting period, the public release of non-aggregate Schedule A (size indicator) items that are not derived from public portions of the FR Y–9C. This information is correspondent or related to the information that U.S. BHCs subject to the Federal Reserve's advanced approaches framework (advanced approaches BHCs) will report beginning in 2015 on the revised FR Y–9C and the revised Risk-Based Capital Reporting for Institutions Subject to the Advanced Capital Adequacy Framework (FFIEC 101; OMB No. 7100–0319). This reported information is related to the international (supplementary) leverage ratio requirement and other requirements in the Federal Reserve's revised capital rule (12 CFR part 217), adopted in 2013 (capital rule).[4] Since advanced approaches BHCs will be reporting this information quarterly on the FR Y–9C and FFIEC 101 in 2015, delaying the release of the associated information on the FR Y–15 until the 2014 reporting period will better align the public disclosure of the information across the multiple reports. In addition, this will provide additional time for respondents to ensure that consistent and comparable data is provided across reports. The Federal Reserve believes that it is appropriate for the delayed disclosure to also apply to BHCs that are not advanced approaches BHCs. As with the advanced approaches BHCs, the delay will allow these institutions to fully develop their systems and refine the accuracy of the data associated with the FR Y–15 and the 2015 capital-related reporting requirements. Thus, the aggregated total exposures figure and those items derived from public portions of the FR Y–9C will be the only Schedule A items released for the 2013 reporting period.

As discussed further below, most of the Schedule D line items related to the BCBS LCR will no longer be collected on the FR Y–15. The two items that remain identify a subset of trading and available-for-sale (AFS) assets as level 1 or level 2 assets under the BCBS standard. These items are necessary to calculate consistently across jurisdictions the systemic importance of a reporting institution's trading and AFS portfolio. The Federal Reserve observes that these items could be estimated from publicly-available FR Y–9C data and that these items are not equivalent to an institution's liquidity buffer as calculated under the BCBS LCR, or under the U.S. proposed implementation of the LCR which was released as a notice of proposed rulemaking earlier in 2013.[5] However, considering commenter concerns that there could be market confusion with respect to these line items while the rulemaking to implement the LCR is ongoing, the Federal Reserve will delay disclosure of those two line items until the U.S. rulemaking is finalized. In addition, after the U.S. rule implementing the LCR is finalized, the Federal Reserve will consider aligning the definitions of level 1 and level 2 assets used in the two items of the FR Y–15 with the definitions in the U.S. rule.

The Federal Reserve will also delay the disclosure of items on Schedule C that specify payments activity in individual currencies until the 2014 reporting period. Some institutions have expressed concern about publicly releasing these new reporting items. The Federal Reserve has observed that these items have been among the most difficult for institutions to collect and believes it is reasonable to keep this information confidential for an additional year while reporting institutions continue to develop and enhance their reporting capabilities for these items. By adopting this delay, the

[3] See 78 FR 53760 (August 30, 2013).

[4] 78 FR 62018 (October 11, 2013).

[5] See 78 FR 71818 (November 29, 2013).

two aggregated payments figures will be the only payments data released for the 2013 reporting period.

Thus, except for the items on Schedules A, C, and D that are subject to delayed release as outlined above, all FR Y–15 data will be made available to the public beginning with the 2013 reporting period. To address concerns about potential misinterpretation of these data, the Federal Reserve will give respondents the opportunity to provide an optional narrative as part of their FR Y–15 submission. This will allow respondents to include brief explanatory comments about any data disclosure within the report which they feel may be subject to misinterpretation or otherwise cause confusion among investors. These statements will be made available to the public.

With respect to confidential treatment passing through to the FR Y–15, this is limited to the cases where specific line item confidentiality has been granted for a related item on the FR Y–9C (see General Instructions, Section H). This automated pass-through does not apply to items pulled from confidential reports. The Federal Reserve specifically decided to make the highly aggregated item pulled from the FFIEC 009 publicly available on the FR Y–15 (Schedule E, item 1) because it is a high-level, aggregate number that, if nonzero, does not reveal any of the actual underlying values included in the FFIEC 009 report.[6]

D. Submission Deadline

The Federal Reserve approved an initial submission window of 90 days for those institutions submitting the FR Y–15 for the December 31, 2012, as-of-date.[7] This was done to allow extra time for the eight initial respondents to develop and test the systems required to collect the FR Y–15 data. Several commenters suggested keeping the submission date at 90 calendar days after the December 31 as-of-date. One commenter argued that more time is needed since the same staff work on the FR Y–9C and the FR Y–14. This commenter supported the switch to a June 30 determination date.

An ongoing window of 60 days after the as-of-date for FR Y–15 submissions, beginning with the December 31, 2013, as-of-date, was approved by the Federal Reserve last year.[8] This is 15 days beyond the deadline associated with the FR Y–9C and 10 days beyond the deadline associated with the FFIEC 009, which are both source documents for the FR Y–15. This staggered submission schedule made it easier for banks to ensure that the forms properly reconciled. The 60 day window was chosen, in part, based on the recommendations of several commenters on the first FR Y–15 proposal in 2012.

Considering the fact that several regulatory reports are due 60 days after the December 31 as-of-date,[9] the Federal Reserve will extend the submission window to 65 days. This should ease potential resource constraints while simultaneously ensuring the timely availability of the systemic risk data.

E. Implementation Issues for New Respondents

Two commenters noted that several off-balance sheet items use CCF categories defined under the standardized approach of the Basel II agreement[10] as modified by the Basel III agreement and published by the BCBS. They argued that this creates an undue burden on reporters and seems unnecessary considering the recently finalized capital rule (final capital rule)[11] that includes a standardized approach based on the BCBS standards. One commenter recommended not requiring the reporting of these items for advanced approaches institutions. Another commenter recommended making all new reporters exempt from reporting any data items connected to the BCBS Basel III implementation monitoring exercise.

With respect to CCFs, there are minor differences between Basel II standardized and the final capital rule. In general, these differences are only material for a few large institutions and in each case the calculation is relatively simple and straightforward. Moreover, the global systemic score under the GSIB framework is calculated using the standardized approach of the Basel II agreement. For these reasons, the FR Y–15 will continue to use the Basel II CCF definitions.

For the reasons discussed further in the Specific Data Items section below, the Federal Reserve will remove the three items on the FR Y–15 with explicit links to the Basel III implementation monitoring exercise.

F. Attestation Requirement and Estimated Data

The FR Y–15 attestation page states ''I, the undersigned CFO (or equivalent) of the named banking organization, attest that the Banking Organization Systemic Risk Report (including the supporting schedules) for this report date has been prepared in conformance with the instructions issued by the Federal Reserve System and is true and correct to the best of my knowledge and belief.'' One commenter recommended allowing first-time reporters in 2013 to use reasonable estimates. They recommended that the allowance be made explicit in the instructions and on the attestation page. Another commenter asserted that the Chief Financial Officer (or equivalent) should not have to attest to data that will tie to a future rulemaking until the rule is actually finalized. The commenter further argued that respondents need ample notice and experience with the data before attesting and that the data should be collected on a best efforts basis until firms have gained more experience with the report.

Reasonable estimates are already allowed when the institution is filing the report for the first time. This fact is explicitly captured in the instructions (see General Instructions, Section F). The attestation page on the reporting form states that the report has been ''prepared in conformance with the instructions issued by the Federal Reserve System.'' As the reasonable estimates clause for first-time reporters is clearly specified in the instructions, it is not necessary to repeat the clause in the attestation itself. Thus, the Federal Reserve will retain the current attestation language.

The Federal Reserve does not believe that the ability to attest data must be linked to the publication of a related final regulatory requirement. Detailed instructions are provided to respondents and Federal Reserve Bank staff are available to answer questions pertaining to the collection. The Federal Reserve believes that these resources, which mirror those that are available for other collections including the FR Y–9C, are sufficient to allow for the attestation of the FR Y–15. The Federal Reserve agrees that respondents need advanced notice of a reporting requirement in order to build adequate collection and validation systems. The Federal Reserve, recognizing that smaller BHCs would require additional time to collect and audit the FR Y–15 data, limited the initial reporting panel to the eight U.S. GSIBs.[12] This provided an additional

[6] See 77 FR 76486 (December 28, 2012).

[7] *Id.*

[8] *Id.*

[9] Examples of reports due 60 days after December 31 include the FFIEC 101 and Form 10–K (10–K; OMB No. 3235–0063).

[10] See paragraphs 83 through 85 of *International Convergence of Capital Measurement and Capital Standards,* June 2006, available at *http://www.bis.org/publ/bcbs128.pdf.*

[11] 78 FR 62018 (October 11, 2013).

[12] See 77 FR 76484 (December 28, 2012).

year for the other respondents to prepare for the new reporting requirement. Given the advanced notice and the resources available, the Federal Reserve will retain the current attestation requirement.

G. Specific Data Items

One commenter argued that disclosure of the items associated with the LCR could expose respondents to risks under U.S. securities laws because they are not based on a final regulatory standard. The commenter also argued that the market will inappropriately use the LCR-related data to assess the liquidity positions of respondents. Another commenter noted that liquidity rules would not be in effect until 2015 and suggested that the items related to liquidity not be collected until the final rules take effect.

The BCBS recently adopted a revised systemic risk calculation that no longer uses the LCR items collected in the previous version of the report. Taking into consideration this revision along with the comments received, the Federal Reserve will remove the following six items from Schedule D: Level 1 assets, subject to operational requirements; Securities in item 7 that are trading or AFS securities; Level 2 assets, with haircuts and subject to operational requirements; Securities in item 8 that are trading or AFS securities; Adjustment to high quality liquid assets (HQLA) due to caps on Level 2B and total Level 2 assets; and Amount of item 9 attributable to trading and AFS securities. The two LCR-related items that remain reflect the liquidity of the bank's trading and AFS securities. These items are not subject to the same confidentiality concerns since they can be reasonably estimated based on public FR Y–9C data.[13] The Federal Reserve believes this more limited disclosure mitigates the risk of market participants trying to use systemic risk measures on the FR Y–15 to assess a firm's liquidity position. To avoid any potential misinterpretation, the Federal Reserve will remove the reference to HQLA in one of the remaining items (Total trading and AFS securities less HQLA).

One commenter asked that a de minimis exemption be considered for line items unique to the FR Y–15. Due to the rounding rules specified in the instructions (see General Instructions, Section C), amounts less than $500,000 are not reported when respondents choose to report their figures in millions. Therefore, a de minimis exemption already exists within the report. This exemption will be left unchanged.

Commenters asked for a number of technical clarifications regarding specific data items on the FR Y–15 form. The Federal Reserve has addressed these questions in the finalized version of the FR Y–15 instructions.

Board of Governors of the Federal Reserve System, December 17, 2013.

Robert deV. Frierson,

Secretary of the Board.

[FR Doc. 2013–30309 Filed 12–19–13; 8:45 am]

BILLING CODE 6210–01–P

[13] FR Y–9C schedules HC–B and HC–D provide category breakdowns of AFS and trading securities.

GENERAL SERVICES ADMINISTRATION

[Notice–MX–2013–01; Docket No. 2013–0002; Sequence 39]

Notification of a Public Meeting of the Government Accountability and Transparency Board

AGENCY: Office of Government-wide Policy, General Services Administration (GSA).

ACTION: Meeting Notice.

SUMMARY: The Government Accountability and Transparency (GAT) Board will host a meeting for the public to make presentations to the Board, as indicated below. This notice is intended to notify the general public, representatives of state and local governments, civic and professional organizations, and other interested parties, of the opportunity to present material to the Board and attend the meeting.

DATES: The GAT Board meeting will be held on January 22, 2014, in two sessions: The first session will occur from 9:00 a.m. to 12:00 p.m. Eastern Standard Time; the second session will be 1:30 p.m. to 4:30 p.m. Eastern Standard Time. The second session is for overflow purposes and will be cancelled without further notice, if responses to this notice lead the Chairperson of the GAT Board to determine the first session's timeframes are sufficient.

ADDRESSES: General Services Administration National Capital Region (NCR) Regional Office Building (ROB) Auditorium, 301 7th Street, SW., Washington, DC 20407. The GSA auditorium is located on the first floor of the building.

FOR FURTHER INFORMATION CONTACT: Ms. Nancy DiPaolo, Chief, Congressional and Intergovernmental Affairs, Recovery Board, 1717 Pennsylvania Avenue NW., Suite 700, Washington, DC 20006; Telephone 202–254–7900.

SUPPLEMENTARY INFORMATION:

Background: The Government Accountability and Transparency Board's mandate appears in Executive Order 13576 (June 13, 2011), which in short states that the Board shall:

- Provide strategic direction for enhancing transparency of federal spending and advance efforts to detect and remediate fraud, waste, and abuse in federal programs; and
- Work with the Recovery Accountability and Transparency Board (RATB) to build on lessons learned and apply the approaches developed by the RATB across federal spending.

Agenda: The purpose of the January 22, 2014 meeting is to allow the public to make presentations to the GAT Board regarding accountability and transparency for federal expenditures made through contracts and grants.

The GAT Board Chairman will make a brief opening statement. The rest of the meeting will feature presentations by members of the public on the following:

1. Who do you represent?
2. What questions are you trying to answer with federal spending information?
3. What federal spending information do you need to answer these questions?
4. Where do you find that federal spending information now?
5. Where does federal spending information need clearer instructions or explanations?
6. What suggestions do you have for prioritizing federal spending information enhancements?

The GAT Board is collecting this information at the meeting for strategic advisory purposes, to help the Board in developing its annual plan (Calendar Year 2014 Way Forward document). Note that the Board is not a decision-making body, nor does it have funding and staff. The Board provides strategic advice to interagency working groups.

Procedures for notifying the Board of attendance: Persons wishing to attend the meeting should email their names and represented organization (or indicate ''self'') to *federaltransparency@ratb.gov* and write ''January 22, 2014 GAT Board RSVP'' in the subject line.

Street Address: You may submit your RSVP by mail to 1717 Pennsylvania Avenue NW., Suite 700, Washington, DC 20006. ''GAT Board public meeting RSVP'' should be written on the envelope.

Procedures for submitting public comments or presentation materials: In addition to notifying the Board of attendance, persons wishing to present to the GAT Board at the meeting should email their written comments and/or

presentation materials to *federaltransparency@ratb.gov* and write ''January 22, 2014 GAT Board public comment'' in the subject line. Provide these written comments or presentation materials on the six topics listed above at least one week prior to the meeting (no later than January 15, 2014).

Street Address: You may submit written comments or presentation materials by mail to 1717 Pennsylvania Avenue NW., Suite 700, Washington, DC 20006. ''GAT Board public meeting comments'' should be written on the envelope.

Presentations: The GAT Board will provide the necessary visual equipment to project the submitted presentations to the audience the day of the meeting. Hard copies will not be provided.

Space and Time Limitations: There will be limited space for this meeting; therefore, members of the public who have submitted written comments and/or signed up in advance to make presentations will be given priority in attending this meeting and speaking to the GAT Board. Other members of the public will be admitted and heard in the order in which they sign up, time permitting. A time limit of no more than 20 minutes each (followed by a 10 minute question and answer session) will be placed on those members of the public wishing to speak at the meeting. The GAT Board will make every effort to hear the views of all interested persons. The Chairperson of the GAT Board is empowered to conduct the meeting in a fashion that will, to the Chairperson's judgment, facilitate the orderly conduct of business.

Meeting Record: The submitted presentations will be the only record of the meeting and will be posted on the GAT Board Web site after the public meeting.

Arrival: Interested parties are encouraged to arrive at least 30 minutes early to accommodate security procedures. A valid government-issued photo identification card will be required to enter the building.

Special Accommodations: The public meeting is physically accessible to people with disabilities. Request for sign language interpretation or other auxiliary aids should be directed to Ms. Nancy DiPaolo, Chief, Congressional and Intergovernmental Affairs, Recovery Board, 1717 Pennsylvania Avenue NW., Suite 700, Washington, DC 20006; Telephone 202–254–7900, at least 5 working days prior to the meeting date.

Availability of background materials for the meeting: Several documents available on the Board's Web site provide information on GAT Board activities during Calendar Year 2013 (see *http://www.federaltransparency.gov/about/Pages/gatb.aspx*):

- The GAT Board's annual plan (Calendar Year 2013 Way Forward document), which contains the Board's long-term strategy and the near-term focus of working groups to develop approaches to (1) standardize key data elements to improve procurement data integrity; (2) standardize key data elements to improve grants data integrity; (3) leverage existing data to help improve oversight; and (4) link financial management systems with award systems.
- Progress made in Calendar Year 2013. The Calendar Year 2013 meeting minutes of the GAT Board contain information on progress made, including the GAT Board working groups' briefings.

Dated: December 16, 2013.

Anne Rung,

Associate Administrator, Office of Government-wide Policy, General Services Administration.

[FR Doc. 2013–30283 Filed 12–19–13; 8:45 am]

BILLING CODE 6820–BR–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–10052, CMS–10142, CMS–10311, CMS–10344, and CMS–R–244]

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 January 21, 2014.

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) 395–5806 *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:* Extension without change of a currently approved collection; *Title of Information Collection:* Recognition of

Pass-Through Payment for Additional (New) Categories of Devices Under the Outpatient Prospective Payment System and Supporting Regulations; *Use:* Interested parties such as hospitals, device manufacturers, pharmaceutical companies, and physicians apply for transitional pass-through payment for certain items used with services covered in the outpatient prospective payment system (PPS). After we receive all requested information, we evaluate the information to determine if the creation of an additional category of medical devices for transitional pass-through payments is justified. We may request additional information related to the proposed new device category, as needed. We advise the applicant of our decision, and update the outpatient PPS during its next scheduled quarterly payment update cycle to reflect any newly approved device categories. We list below the information that we require from all applicants. *Form Number:* CMS–10052 (OCN: 0938–0857); *Frequency:* Once; *Affected Public:* Private sector—Business or other for-profits; *Number of Respondents:* 10; *Total Annual Responses:* 10; *Total Annual Hours:* 160. (For policy questions regarding this collection contact Barry Levi at 410–786–4529.)

2. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Bid Pricing Tool (BPT) for Medicare Advantage (MA) Plans and Prescription Drug Plans (PDP); *Use:* We require Medicare Advantage organizations (MAOs) and prescription drug plans (PDPs) to complete the BPT as part of the annual bidding process. During this process, organizations prepare their proposed actuarial bid pricing for the upcoming contract year and submit them to us for review and approval. The purpose of the BPT is to collect the actuarial pricing information for each plan. The BPT calculates the plan's bid, enrollee premiums, and payment rates. We publish beneficiary premium information using a variety of formats (www.medicare.gov, the Medicare & You Handbook, Summary of Benefits marketing information) for the purpose of beneficiary education and enrollment. *Form Number:* CMS–10142 (OCN–0938–0944); *Frequency:* Yearly; *Affected Public:* Private sector—Business or other for-profits and Not-for-profit institutions; *Number of Respondents:* 555; *Total Annual Responses:* 4,995; *Total Annual Hours:* 149,850. (For policy questions regarding this collection contact Rachel Shevland at 410–786–3026.)

3. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Medicare Program—Home Health Prospective Payment System Rate Update for Calendar Year 2010: Physician Narrative Requirement and Supporting Regulation; *Use:* The conditions of participation and accompanying requirements specified in the regulations are used by federal or state surveyors as a basis for determining whether a home health agency qualifies for approval or re-approval under Medicare. The Physician's certification and recertification of each patient's need for skilled care services; homebound status and the physician's clinical justification for skilled nursing management and evaluation of the care plan specified in the regulations at 42 CFR 424.22 are to be used by contractors and by us when reviewing the patient's medical record as a basis for determining whether the patient is eligible for the Medicare home health benefit and whether the medical record meets the criteria for coverage and Medicare payment. We, along with the healthcare industry believe that the availability to the home health agency of the type of records and general content of records, which this regulation specifies, is standard medical practice, and is necessary in order to ensure the well-being and safety of patients and professional treatment accountability. *Form Number:* CMS–10311 (OCN: 0938–1083; *Frequency:* Occasionally; *Affected Public:* Private sector—Business or other for-profits and Not-for-profit institutions); *Number of Respondents:* 9,354; *Total Annual Responses:* 345,600; *Total Annual Hours:* 28,800. (For policy questions regarding this collection contact Randy Throndset at 410–786–0131.)

4. *Type of Information Collection Request:* Extension without change of a currently approved collection; *Title of Information Collection:* Elimination of Cost-Sharing for full benefit dual-eligible Individuals Receiving Home and Community-Based Services; *Use:* This provision eliminates Part D cost-sharing for full benefit dual-eligible beneficiaries who are receiving home and community based services. To implement this provision, states are required to identify the affected beneficiaries in their monthly Medicare Modernization Act Phase Down reports. *Form Number:* CMS–10344 (OCN: 0938–1127); *Frequency:* Monthly; *Affected Public:* Private sector—Business or other for-profits and Not-for-profit institutions; *Number of Respondents:* 51; *Total Annual Responses:* 612; *Total Annual Hours:* 612. (For policy questions regarding this collection contact Katherine Pokrzywa at 410–786–5530.)

5. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Programs for All-inclusive Care of the Elderly (PACE) and Supporting Regulations; *Use:* The Program for All-inclusive Care of the Elderly (PACE) organizations must demonstrate their ability to provide quality community-based care for the frail elderly who meet their state's nursing home eligibility standards using capitated payments from Medicare and the state. The model of care includes as core services the provision of adult day health care and multidisciplinary team case management, through which access to and allocation of all health services is controlled. Physician, therapeutic, ancillary, and social support services are provided in the participant's residence or on-site at the adult day health center. The PACE programs must provide all Medicare and Medicaid covered services including hospital, nursing home, home health, and other specialized services. Financing of this model is accomplished through prospective capitation of both Medicare and Medicaid payments. The information collection requirements are necessary to ensure that only appropriate organizations are selected to become PACE organizations and that we have the information necessary to monitor the care provided to the frail, vulnerable population served. *Form Number:* CMS–R–244 (OCN: -0938–0790; *Frequency:* Once and occasionally; *Affected Public:* Private Sector—Not-for-profit institutions; *Number of Respondents:* 99; *Total Annual Responses:* 99; *Total Annual Hours:* 81,912. (For policy questions regarding this collection contact Anitra Johnson at 410–786–0609.)

Dated: December 17, 2013.

Martique Jones,

Deputy Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2013–30334 Filed 12–19–13; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–10239 and CMS–10496]

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 February 18, 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–10239 Conditions of Participation for Critical Access Hospitals (CAH) and Supporting Regulations; CMS–10496 State Health Insurance Exchange Incident Report

Under the 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:* Revision of a currently approved collection; *Title of Information Collection:* Conditions of Participation for Critical Access Hospitals (CAH) and Supporting Regulations; *Use:* At the outset of the CAH program, the information collection requirements for all CAHs were addressed together under CMS–R–48 (OCN: 0938–0328). As the CAH program has grown in scope of services and the number of providers, the burden associated with CAHs with distinct part units (DPUs) was separated from the CAHs without DPUs. Section 1820(c)(2)(E)(i) of the Social Security Act provides that a CAH may establish and operate a psychiatric or rehabilitation DPU. Each DPU may maintain up to10 beds and must comply with the hospital requirements specified in 42 CFR Subparts A, B, C, and D of part 482. Presently, 105 CAHs have rehabilitation or psychiatric DPUs. The burden associated with CAHs that have DPUs continues to be reported under CMS–R–48, along with the burden for all 4,890 accredited and non-accredited hospitals. *Form Number:* CMS–10239 (OCN: 0938–1043); *Frequency:* Yearly; *Affected Public:* Private sector—Business or other for-profit; *Number of Respondents:* 1,233; *Total Annual Responses:* 152,942; *Total Annual Hours:* 24,723. (For policy questions regarding this collection contact Sarah Fahrendorf at 410–786–3112.)

2. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* State Health Insurance Exchange Incident Report; *Use:* We have implemented a Computer Matching Agreement (CMA) with the State-Based Administering Entities (AEs). This agreement establishes the terms, conditions, safeguards, and procedures under which we will disclose certain information to the AEs in accordance with the Patient Protection and Affordable Care Act of 2010 (Pub. L. 111–148), as amended by the Health Care and Education Reconciliation Act (Pub. L. 111–152), which are referred to collectively as the Affordable Care Act (ACA), amendments to the Social Security Act made by the ACA, and the implementing regulations. The AEs, which are state entities administering Insurance Affordability Programs, will use the data, accessed through the CMS Data Services Hub (Hub), to make Eligibility Determinations for Insurance Affordability Programs and certificates of exemption.

The AEs shall report suspected or confirmed incidents affecting loss or suspected loss of PII within one hour of discovery to their designated Center for Consumer Information and Insurance Oversight State Officer who will then notify the affected Federal agency data sources, i.e., Internal Revenue Service, Department of Defense, Department of Homeland Security, Social Security Administration, Peace Corps, Office of

Personnel Management and Veterans Health Administration. Additionally, AEs shall contact the office of the appropriate Special Agent-in-Charge, Treasury Inspector General for Tax Administration (TIGTA), and the IRS Office of Safeguards within 24 hours of discovery of any potential breach, loss, or misuse of Return Information. *Form Number:* CMS–10496 (OCN: 0938–1216); *Frequency:* Occasionally; *Affected Public:* State, Local or Tribal governments; *Number of Respondents:* 18; *Total Annual Responses:* 936; *Total Annual Hours:* 234. (For policy questions regarding this collection contact Theodora Wills at 410–786–1504.)

Dated: December 17, 2013.

Martique Jones,

Deputy Director, Regulations Development Group, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2013–30337 Filed 12–19–13; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Public Comment Request

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects (Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995), the Health Resources and Services Administration (HRSA) announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this Information Collection Request must be received within 60 days of this notice.

ADDRESSES: Submit your comments to *paperwork@hrsa.gov* or mail the HRSA Information Collection Clearance Officer, Room 10–29, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call the HRSA Information Collection Clearance Officer at (301) 443–1984.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the information request collection title for reference.

Information Collection Request Title: NURSE Corps Loan Repayment Program OMB No. 0915–0140—Revision

Abstract: The NURSE Corps Loan Repayment Program (NURSE Corps LRP), formerly known as the Nursing Education Loan Repayment Program (NELRP), assists in the recruitment and retention of professional Registered Nurses (RNs), including advanced practice RNs (i.e., nurse practitioners, certified registered nurse anesthetists, certified nurse-midwives, clinical nurse specialists), dedicated to working at eligible health care facilities with a critical shortage of nurses (i.e., a Critical Shortage Facility) or working as nurse faculty in eligible, accredited schools of nursing, by decreasing the financial barriers associated with pursuing a nursing profession. The NURSE Corps LRP provides loan repayment assistance to these nurses to repay a portion of their qualifying educational loans in exchange for full-time service at a public or private nonprofit Critical Shortage Facility or in an eligible, accredited school of nursing.

Need and Proposed Use of the Information: The need and purpose of this information collection is to obtain information for NURSE Corps LRP applicants and participants. The information is used to consider an applicant for a NURSE Corps LRP contract award and to monitor a participant's compliance with the service requirements. Individuals must submit an application in order to participate in the program. The application asks for personal, professional, educational, and financial information required to determine the applicant's eligibility to participate in the NURSE Corps LRP. The semi-annual employment verification form asks for personal and employment information to determine if a participant is in compliance with the service requirements.

Likely Respondents: Professional RNs or advanced practice RNs (i.e., nurse practitioners, certified registered nurse anesthetists, certified nurse-midwives, clinical nurse specialists) who are interested in participating in the NURSE Corps LRP, and official representatives at their service sites.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this Information Collection Request are summarized in the table below.

Total Estimated Annualized Burden Hours:

The estimates of reporting burden for applicants are as follows:

Instrument	Number of respondents	Responses/ respondents	Total responses	Hours per response	Total burden hours
NURSE Corps LRP Application *	5,500	1	5,500	2.0	11,000
Authorization to Release Information Form	5,500	1	5,500	.10	550
Authorization to Release Employment Information	5,500	1	5,500	.10	550
Total	5,500	1	16,500	.733	12,100

** Please note that the burden hours associated with this instrument account for both new and continuation applications. Additional (uploaded) supporting documentation is included as part of this instrument and reflected in the burden hours.*

The estimates of reporting burden for Participants are as follows:

Participant Semi-Annual Employment Verification Form ...	2,300	2	4,600	.5	2,300
Total ...	2,300	2	4,600	.5	2,300
Total for Applicants and Participants ...	18,800	...	21,100	.682	14,400

HRSA specifically requests comments on (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.

Dated: December 12, 2013.

Bahar Niakan,

Director, Division of Policy and Information Coordination.

[FR Doc. 2013–30286 Filed 12–19–13; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Public Comment Request

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects (Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995), the Health Resources and Services Administration (HRSA) announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate, below, or any other aspect of the ICR.

DATES: Comments on this Information Collection Request must be received within 60 days of this notice.

ADDRESSES: Submit your comments to *paperwork@hrsa.gov* or mail the HRSA Information Collection Clearance Officer, Room 10–29, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call the HRSA Information Collection Clearance Officer at (301) 443–1984.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the information request collection title for reference.

Information Collection Request Title: Black Lung Clinics Program Performance Measures

OMB No. 0915–xxxx—New.

Abstract: The Office of Rural Health Policy (ORHP), Health Resources and Services Administration, conducts an annual data collection of user information for the Black Lung Program, which has been ongoing with OMB approval since 2004. The program supports projects that seek to reduce the morbidity and mortality associated with occupationally-related coal mine dust lung disease. Primary services provided for active, inactive, disabled, and retired coal miners include screening, diagnosis, and treatment. Data collected will provide information on patient demographics, provision and quality of services, and patient outcomes. This data will help to ensure grantees are meeting the overall program goals, which include reducing the morbidity of coal mine dust lung disease (CMDLD) and secondary conditions; enhancing access to quality services; and increasing coordination among service providers.

Need and Proposed Use of the Information: The various measures on number of patients served in medical and nonmedical encounters will ensure that clinics are providing screening, diagnosis, and treatment services as well as compensation counseling. HRSA will be able to determine the number of new patients with an initial diagnosis of lung disease as a result of coal mine employment and the number of patients initially eligible for benefits. Other measures will account for secondary conditions common to miners (e.g., cardiovascular disease) and the number of insured (vs. uninsured patients). All of this information will assist HRSA in meeting congressional reporting requirements under the Government Reporting and Performance Act of 1993 and in ensuring the needs of the nation's coal miners are met.

Likely Respondents: Current and prospective Black Lung Clinics Program grantees.

Burden Statement: Burden in this context means the time expended by persons to generate, maintain, retain, disclose or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install and utilize technology and systems for the purpose of collecting, validating and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this Information Collection Request are summarized in the table below.

Total Estimated Annualized Burden Hours:

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
New Black Lung Clinics Program Performance Measures	18	1	18	12	216
Total	18	1	18	12	216

HRSA specifically requests comments on (1) the 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.

Dated: December 12, 2013.

Bahar Niakan,

Director, Division of Policy and Information Coordination.

[FR Doc. 2013–30285 Filed 12–19–13; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; 60-day Comment Request: The Atherosclerosis Risk in Communities Study (ARIC)

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 National Heart, Lung and Blood Institute (NHLBI), 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 and for Further Information: To obtain a copy of the data collection plans and instruments, submit comments in writing, or request more information on the proposed project, contact: Dr. Jacqueline Wright, 6701 Rockledge, Epidemiology Branch, Program in Prevention and Population Sciences, Division of Cardiovascular Sciences, National Heart, Lung, and Blood Institute, National Institutes of Health, 6701 Rockledge Dr., MSC 7936, Bethesda, MD 20892–7936, or call non-toll-free number 301–435–0384, or Email your request, including your address to *jacqueline.wright@nih.gov*. Formal requests for additional plans and instruments must be requested in writing.

Comment Due Date: 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: The Atherosclerosis Risk in Communities Study (ARIC),—Revised, National Heart, Lung and Blood Institute (NHLBI), National Institutes of Health (NIH).

Need and Use of Information Collection: The purpose and use of the information collection for this project is to examine the major factors contributing to the occurrence of and the trends for cardiovascular diseases among men, women, African Americans and white persons in four U.S. communities: Forsyth County, North Carolina; Jackson, Mississippi; suburbs of Minneapolis, Minnesota; and Washington County, Maryland. The cohort in Jackson is selected to represent only African American residents of the city. The primary objectives of the study are to: (1) investigate factors associated with both atherosclerosis and clinical cardiovascular diseases and (2) measure occurrence of and trend in coronary heart disease (CHD) and heart failure and relate them to community levels of risk factors, medical care, and atherosclerosis.

OMB approval is requested for 3 years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 15,714.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of response	Number of respondents	Frequency of responses	Time per response (hours)	Burden (hours)
Participant				
Semiannual phone follow-up interview (Attachment 1)	10,049	6	15/60	15,074
Non-Participant				
a. Physician contact for CHD deaths (Attachment 2)	690	1	10/60	115
b. Coroner contact for CHD deaths (Attachment 2)	570	1	10/60	95
c. Informant contact (Attachment 2)	1,200	1	10/60	200
d. Physician contact for out-of-hospital heart failure (Attachment 2)	2,760	1	5/60	230

Dated: December 4, 2013.

Michael Lauer,

Director, DCVS, NHLBI, NIH.

Lynn Susulske,

NHLBI Project Clearance Liaison, National Institutes of Health.

[FR Doc. 2013–30302 Filed 12–19–13; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[OMB Control Number 1615–0079]

Agency Information Collection Activities: Application for Replacement/Initial Nonimmigrant Arrival-Departure Document, Form I–102; Revision of a Currently Approved Collection

ACTION: 30-Day notice.

SUMMARY: The Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The information collection notice was previously published in the **Federal Register** on September 12, 2013, at 78 FR 56240, allowing for a 60-day public comment period. USCIS did receive one comment in connection with the 60-day notice.

DATES: The purpose of this notice is to allow an additional 30 days for public comments. Comments are encouraged and will be accepted until January 21, 2014. This process is conducted in accordance with 5 CFR 1320.10.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, must be directed to the OMB USCIS Desk Officer via email at *oira_submission@omb.eop.gov.* The comments submitted to the OMB USCIS Desk Officer may also be submitted to DHS via the Federal eRulemaking Portal Web site at *http://www.regulations.gov* under e-Docket ID number USCIS–2007–0011 or via email at *uscisfrcomment@uscis.dhs.gov.* All submissions received must include the agency name and the OMB Control Number 1615–0079.

Regardless of the method used for submitting comments or material, all submissions will be posted, without change, to the Federal eRulemaking Portal at *http://www.regulations.gov,* and will include any personal information you provide. Therefore, submitting this information makes it public. You may wish to consider limiting the amount of personal information that you provide in any voluntary submission you make to DHS. For additional information please read the Privacy Act notice that is available via the link in the footer of *http://www.regulations.gov.*

Note: The address listed in this notice should only be used to submit comments concerning this information collection. Please do not submit requests for individual case status inquiries to this address. If you are seeking information about the status of your individual case, please check ''My Case Status'' online at: *https://egov.uscis.gov/cris/Dashboard.do,* or call the USCIS National Customer Service Center at 1–800–375–5283.

Written comments and suggestions from the public and affected agencies should address one or more of the following four points:

(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 estimate 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; and

(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.

Overview of This Information Collection

(1) *Type of Information Collection Request:* Revision of a Currently Approved Collection.

(2) *Title of the Form/Collection:* Application for Replacement/Initial Nonimmigrant Arrival-Departure Document.

(3) *Agency form number, if any, and the applicable component of the DHS sponsoring the collection:* I–102; USCIS.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract: Primary:* Individuals or households. Nonimmigrants temporarily residing in the United States use this form to request a replacement of their arrival evidence document.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 6,782 responses. 3,987 responses (paper-format) at .50 hours per response; and 2,795 responses (electronic filing) at .416 hours per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 3,156.22 annual burden hours.

If you need a copy of the information collection instrument with supplementary documents, or need additional information, please visit *http://www.regulations.gov.* We may also be contacted at: USCIS, Office of Policy and Strategy, Regulatory Coordination Division, 20 Massachusetts Avenue NW., Washington, DC 20529–2140; Telephone 202–272–8377.

Dated: December 16, 2013.

Laura Dawkins,

Chief, Regulatory Coordination Division, Office of Policy and Strategy, U.S. Citizenship and Immigration Services, Department of Homeland Security.

[FR Doc. 2013–30344 Filed 12–19–13; 8:45 am]

BILLING CODE 9111–97–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Agency Information Collection Activities: Small Vessel Reporting System

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: 30-Day notice and request for comments; Extension of an existing information collection: 1651–0137.

SUMMARY: U.S. Customs and Border Protection (CBP) of the Department of Homeland Security 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: Small Vessel Reporting System (SVRS). This is a proposed extension of an information collection that was previously approved. CBP is proposing that this information collection be extended with a change to the burden hours. This document is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** (78 FR 61378) on October 3, 2013, allowing for a 60-day comment

period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.10.

DATES: Written comments should be received on or before January 21, 2014 to be assured of consideration.

ADDRESSES: Interested persons are invited to submit written comments on this information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the OMB Desk Officer for Customs and Border Protection, Department of Homeland Security, and sent via electronic mail to *oira_submission@omb.eop.gov* or faxed to (202) 395–5806.

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: U.S. Customs and Border Protection (CBP) encourages the general public and affected Federal agencies to submit written comments and suggestions on proposed and/or continuing information collection requests pursuant to the Paperwork Reduction Act (Pub. L. 104–13; 44 U.S.C. 3507). Your comments should address one of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency/component, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies/components estimate 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; and

(4) Minimize the burden of the collections of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological techniques or other forms of information.

Title: Small Vessel Reporting System.

OMB Number: 1651–0137.

Form Number: None.

Abstract: The Small Vessel Reporting System (SVRS) is a program that allows certain participants using small pleasure boats to report their arrival telephonically instead of having to appear in person for inspection by a CBP officer each time they enter the United States. In some cases, a participant may also be asked to report to CBP for an in person inspection upon arrival. Participants may be U.S. citizens, U.S. lawful permanent residents, Canadian citizens, and permanent residents of Canada who are nationals of Visa Waiver Program countries listed in 8 CFR 217.2(a). In addition, participants of one or more Trusted Traveler programs and current Canadian Border Boater Landing Permit (CBP Form I–68) holders may participate in SVRS.

In order to register for the SVRS pilot program, participants enter data via the SVRS Web site which collects information such as biographical information and vessel information. Participants will go through the in person CBP inspection process during SVRS registration, and in some cases, upon arrival in the United States.

For each voyage, SVRS participants will be required to submit a float plan about their voyage via the SVRS Web site in advance of arrival in the United States. The float plan includes vessel information, listing of all persons on board, estimated dates and times of departure and return, and information on the locations to be visited on the trip. Participants in SVRS can create a float plan for an individual voyage or a template for a float plan that can be used multiple times.

SVRS is authorized by 8 U.S.C. 1103, 8 U.S.C. 1225, 8 U.S.C. 1365b, 8 CFR 235.1, 19 U.S.C. 1433, 19 U.S.C. 1498, and 19 CFR 4.2. The SVRS Web site is accessible at: *https://svrs.cbp.dhs.gov/.*

Current Actions: CBP proposes to extend the expiration date of this information collection with a change to the burden hours resulting from updated estimates of the number of participants and the time per response. There is no change to the information being collected.

Type of Review: Extension (with change).

Affected Public: Individuals.

SVRS Application

Estimated Number of Respondents: 8,938.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Responses: 8,938.

Estimated Time per Response: 15 minutes.

Estimated Total Annual Burden Hours: 2,235.

Float Plan

Estimated Number of Respondents: 2,252.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Responses: 2,252.

Estimated Time per Response: 10.6 minutes.

Estimated Total Annual Burden Hours: 398.

Dated: December 16, 2013.

Tracey Denning,

Agency Clearance Officer, U.S. Customs and Border Protection.

[FR Doc. 2013–30280 Filed 12–19–13; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Customs Brokers User Fee Payment for 2014

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security.

ACTION: General notice.

SUMMARY: This document provides notice to customs brokers that the annual fee of $138 that is assessed for each permit held by a broker, whether it may be an individual, partnership, association, or corporation, is due by February 21, 2014. U.S. Customs and Border Protection announces this date of payment for 2014 in accordance with the Tax Reform Act of 1986.

DATES: Payment of the 2014 Customs Broker User Fee is due February 21, 2014.

FOR FURTHER INFORMATION CONTACT: Craig Briess, Broker Management Branch, Office of International Trade, (202) 863–6083.

SUPPLEMENTARY INFORMATION: CBP Dec. 07–01 amended section 111.96 of title 19 of the Code of Federal Regulations (19 CFR 111.96(c)) pursuant to the amendment of section 13031 of the Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1985 (19 U.S.C. 58c) by section 892 of the American Jobs Creation Act of 2004, to establish that effective April 1, 2007, an annual user fee of $138 is to be assessed for each customs broker permit and national permit held by an individual, partnership, association, or corporation. U.S. Customs and Border Protection (CBP) regulations provide that this fee is payable for each calendar year in each broker district where the broker was issued a permit to do business by the due date which is published in the **Federal Register** annually. *See* 19 CFR 24.22(h) and (i)(9). Broker districts are defined in the General Notice entitled, ''Geographical Boundaries of Customs

Brokerage, Cartage and Lighterage Districts'' published in the **Federal Register** on September 27, 1995 (60 FR 49971).

Section 1893 of the Tax Reform Act of 1986 (Pub. L. 99–514) provides that notices of the date on which the payment is due for each broker permit shall be published by the Secretary of the Treasury in the **Federal Register** no later than 60 days before such due date. Please note that section 403 of the Homeland Security Act of 2002, 6 U.S.C. 101 *et seq.,* (Pub. L. 107–296) and Treasury Department Order No. 100–16 (*see* Appendix to 19 CFR part 0) delegated general authority vested in the Secretary of the Treasury over customs revenue functions (with certain specified exceptions) to the Secretary of Homeland Security.

This document notifies customs brokers that for calendar year 2014, the due date for payment of the user fee is February 21, 2014. It is anticipated that for subsequent years, the annual user fee for customs brokers will be due on the first business day of February of each year.

Dated: December 16, 2013.

Richard F. DiNucci,

Acting Assistant Commissioner, Office of International Trade.

[FR Doc. 2013–30278 Filed 12–19–13; 8:45 am]

BILLING CODE 9111–14–P; 9111–15–P; 9111–16–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

U.S. Customs and Border Protection 2014 East Coast Trade Symposium: ''Increasing Economic Competitiveness Through Global Partnership and Innovation''

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security (DHS).

ACTION: Notice of Trade Symposium.

SUMMARY: This document announces that CBP will convene only one Symposium in 2014, the East Coast Trade Symposium, which will be held in Washington, DC on Thursday, March 6 and Friday, March 7, 2014. The East Coast Trade Symposium will feature panel discussions involving agency personnel, members of the trade community and other government agencies, on the agency's role in international trade initiatives and programs. This marks our thirteenth year convening the Trade Symposium. Members of the international trade and transportation communities and other interested parties are encouraged to attend.

DATES: Thursday, March 6, 2014, (opening remarks and general sessions, 8:00 a.m.–6:00 p.m.). Friday, March 7, 2014, (opening remarks, breakout sessions, and closing remarks, 8:30 a.m.–1:00 p.m.).

ADDRESSES: The CBP 2014 East Coast Trade Symposium will be held at the Washington Hilton Hotel, at 1919 Connecticut Avenue NW., Washington, DC 20009, in the Columbia 5–12 room.

FOR FURTHER INFORMATION CONTACT: The Office of Trade Relations at (202) 344–1440, or at *tradeevents@dhs.gov.* To obtain the latest information on the Symposium and to register online, visit the CBP Web site at *http://www.cbp.gov/xp/cgov/trade/trade_outreach/2014_trade_symp/.* Requests for special needs should be sent to the Office of Trade Relations at *tradeevents@dhs.gov.*

SUPPLEMENTARY INFORMATION: CBP will be holding one Trade Symposium in 2014 and it will be held on the East Coast in Washington, DC. Due to budgetary constraints as a result of sequestration, CBP will not be holding a West Coast Trade Symposium in 2014. This document announces that CBP will convene the 2014 East Coast Trade Symposium on Thursday, March 6 and Friday, March 7, 2014. The theme for the 2014 East Coast Trade Symposium will be ''Increasing Economic Competitiveness Through Global Partnership and Innovation.'' The format of the East Coast Trade Symposium will be held with general sessions and breakout sessions. Discussions will be held regarding CBP's role in international trade initiatives and partnerships.

The agenda for the 2014 East Coast Trade Symposium and the keynote speakers will be announced at a later date on the CBP Web site (*http://www.cbp.gov*). Registration is now open. The registration fee is $128.00 per person. Interested parties are requested to register early, as space is limited. All registrations must be made online at the CBP Web site (*http://www.cbp.gov/xp/cgov/trade/trade_outreach/2014_trade_symp/*) and will be confirmed with payment by credit card only.

Due to the overwhelming interest to attend past symposiums, each company is requested to limit its company's registrations to no more than three participants, in order to afford equal representation from all members of the international trade community. If a company exceeds the limitation, any additional names submitted for registration will automatically be placed on a waiting list.

Hotel accommodations will be announced at a later date on the CBP Web site (*http://www.cbp.gov*).

Dated: December 16, 2013.

Maria Luisa Boyce,

Senior Advisor for Private Sector Engagement, Executive Director, Office of Trade Relations, Office of the Commissioner, U.S. Customs and Border Protection.

[FR Doc. 2013–30279 Filed 12–19–13; 8:45 am]

BILLING CODE P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5681–N–49]

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 use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Juanita Perry, Department of Housing and Urban Development, 451 Seventh Street SW., Room 7266, 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 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus Federal property. This Notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, and suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies,

and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Where property is described as for ''off-site use only'' recipients of the property will be required to relocate the building to their own site at their own expense. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Theresa Ritta, Office of Enterprise Support Programs, Program Support Center, HHS, room 12–07, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/available or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to Ann Marie Oliva at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register**, the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (i.e., acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: *Air Force:* Ms. Connie Lotfi, Air Force Real Property Agency, 2261 Hughes Avenue, Suite 156, Lackland AFB, TX 78236–9852, (210)–395–9512; (This is not a toll-free number).

Dated: December 12, 2013.

Mark Johnston,

Deputy Assistant Secretary for Special Needs.

TITLE V, FEDERAL SURPLUS PROPERTY PROGRAM FEDERAL REGISTER REPORT FOR 12/20/2013

Suitable/Available Properties

Building

Florida

2 Buildings
Cocoa Beach Tracking Annex
Cocoa Beach FL 32931
Landholding Agency: Air Force
Property Number: 18201340040
Status: Unutilized
Directions: 00001 (59 sq. ft.); 00002 (1,030 sq. ft.)
Comments: 56+ yrs.-old; 24+ months vacant; launch support; fair conditions; contact Air Force for more info.

Nevada

Bldg. 72
152 Airlift Wing
Reno NV 39502
Landholding Agency: Air Force
Property Number: 18201340014
Status: Excess
Comments: off-site removal only; 1,200 sq. ft.; storage; 36+ months vacant; need repairs; secured area; contact Air Force for more info.

Utah

7 Buildings
Hill AFB
Layton UT 84056
Landholding Agency: Air Force
Property Number: 18201340026
Status: Excess
Directions: 01245 (15,103 sq. ft.); 00016 (560 sq.); 1601 (2,785 sq. ft.); 1602 (127 sq. ft.); 1603 (1,000 sq. ft.); 1604 (127 sq. ft.); 1605 (120 sq. ft.)
Comments: off-site removal only; 70+ yrs.-old; repairs needed; secured area; clearance for removal granted by installation commander; contact Air Force for more info.

13 Buildings
Hill AFB
Layton UT 84056
Landholding Agency: Air Force
Property Number: 18201340027
Status: Excess
Directions: 1607 (16,050 sq. ft.); 1608 (130 sq. ft.); 1609 (1,000 sq. ft.); 1901 (5,160 sq. ft.); 1902 (8,902 sq. ft.); 1946 (2,436 sq. ft.); 2214 (14,086 sq. ft.); 2232 (1,148 sq. ft.); 2238 (1,148 sq. ft.); 2241 (3,297 sq. ft.); 517 (26,602 sq. ft.) 518 (26,602 sq. ft.)
Comments: off-site removal only; 70+ yrs.-old; repairs needed; secured area; clearance for removal granted by installation commander; contact Air Force for more info.

01244
Hill AFB
Layton UT 84056
Landholding Agency: Air Force
Property Number: 18201340038
Status: Excess
Comments: off-site removal only; 14,279 sq. ft.; clearance for removal granted by installation commander; contact Air Force for more info.

Virginia

5 Buildings
Fort Eustis
Ft. Eustis VA 23604
Landholding Agency: Air Force
Property Number: 18201340029
Status: Unutilized
Directions: 2739 (2,965 sq. ft.); 2740 (395 sq.); 2746 (9,783 sq. ft.); 2796 (8,453 sq. ft.); 2798 (8,736 sq. ft.)
Comments: off-site removal only; no future agency need; age: 1967 (except bldg. 2740; est. 2008); deteriorated; contact Air Force for more info. on a specific property/accessibility reqs.

Land

Alaska

37,515 SF of Land
JBER-Elmendorf
JBER AK 99506
Landholding Agency: Air Force
Property Number: 18201340003
Status: Underutilized
Comments: restricted area; transferee must obtain a government sponsor to access property; contact Air Force for more info.

Florida

99142 Land
Cocoa Beach Tracking Annex
Cocoa Beach FL 32931
Landholding Agency: Air Force
Property Number: 18201340041
Status: Unutilized
Comments: .31 acre; launch support; subject to storm tidal surges that may cause flooding; contact Air Force for more info.

New York

Parcel 7
AFRL/RI Rome Lab
Rome NY 13441
Landholding Agency: Air Force
Property Number: 18201340036
Status: Unutilized
Comments: 1.722 acres; vacant; partially paved w/chain linked fence surrounding part of property; contact Air force for more info.

Unsuitable Properties

Building

Alaska

Bldg. 2206
Eielson; 2345 Wabash Ave.
Eielson AK 99702

Landholding Agency: Air Force
Property Number: 18201340002
Status: Unutilized
Comments: public access denied and no alternative method to gain access w/out compromising national security
Reasons: Secured Area

Arizona

6 Buildings
Davis Monthan AFB
Tucson AZ 85707
Landholding Agency: Air Force
Property Number: 18201340028
Status: Underutilized
Directions: 127, 7410, 7411, 7413, 7416, 7412
Comments: located on a gated entry controlled military base; public access denied and no alternative method to gain access w/out compromising national security
Reasons: Secured Area

Colorado

MFH-Bldg. 47000
A & B E. Ponderosa Dr.
UASF CO 80840
Landholding Agency: Air Force
Property Number: 18201340033
Status: Unutilized
Comments: public access denied & no alternative method to gain access w/out compromising national security
Reasons: Secured Area

Florida

2 Buildings
125th Fighter Wing
Jacksonville FL 32218
Landholding Agency: Air Force
Property Number: 18201340012
Status: Unutilized
Directions: 1047, 1048
Comments: public access denied & no alternative method to gain access w/out compromising national security
Reasons: Secured Area

Bldg. 9632
Eglin AFB
Eglin FL 32542
Landholding Agency: Air Force
Property Number: 18201340020
Status: Unutilized
Comments: public access denied & no alternative method to gain access w/out compromising national security
Reasons: Secured Area

Illinois

Bldg. 155
Scott AFB
Scott IL 62225
Landholding Agency: Air Force
Property Number: 18201340022
Status: Unutilized
Comments: public access denied & no alternative method to gain access w/out compromising national security
Reasons: Secured Area

Louisiana

Bldg. 7244
4411 Kenny Ave., Barksdale AFB
Barksdale LA 71110
Landholding Agency: Air Force
Property Number: 18201340007
Status: Underutilized
Comments: public access denied & no alternative method to gain access w/out compromising national security
Reasons: Secured Area

5 Buildings
773 Kenny Ave., Barksdale AFB
Barksdale LA 71110
Landholding Agency: Air Force
Property Number: 18201340008
Status: Unutilized
Directions: 4442, 4455, 4456, 5485, 7243
Comments: public access denied & no alternative method to gain access w/out compromising national security
Reasons: Secured Area

Maryland

2 Buildings
Maryland Air National Guard
Baltimore MD 21220
Landholding Agency: Air Force
Property Number: 18201340013
Status: Unutilized
Directions: 3013, 5066
Comments: public access denied & no alternative method to gain access w/out compromising national security
Reasons: Secured Area

9 Buildings
Joint Base Andrews
Joint base Andrews MD 20762
Landholding Agency: Air Force
Property Number: 18201340034
Status: Unutilized
Directions: 4942, 4952, 4962, 4963, 4964, 4971, 4972, 4973, 4982
Comments: no entry to military installation w/out DoD ID; public access denied & no alternative method to gain access w/out compromising national security
Reasons: Secured Area

Nebraska

Bldg. 73
510 Custer Dr.
Offutt AFB NE 68113
Landholding Agency: Air Force
Property Number: 18201340009
Status: Excess
Comments: public access denied & no alternative method to gain access w/out compromising national security
Reasons: Secured Area

New Jersey

4 Buildings
JBMDL
Ft. Dix NJ 08640
Landholding Agency: Air Force
Property Number: 18201340023
Status: Unutilized
Directions: 3108, 3165, 5350, 5970
Comments: public access denied & no alternative method to gain access w/out compromising national security
Reasons: Secured Area

2 Buildings
JBMDL
Ft. Dix NJ 08640
Landholding Agency: Air Force
Property Number: 18201340024
Status: Underutilized
Directions: 9523, 2415
Comments: public access denied & no alternative method to gain access w/out compromising national security
Reasons: Secured Area

Bldg. 3326
JBMDL
JBMDL NJ 08641
Landholding Agency: Air Force
Property Number: 18201340025
Status: Unutilized
Comments: DoD personnel only; public access denied & no alternative method to gain access w/out compromising national security
Reasons: Secured Area

New Mexico

Building 848
Holloman AFB
Holloman NM 88330
Landholding Agency: Air Force
Property Number: 18201340032
Status: Unutilized
Directions: RPUID: 44558
Comments: public access denied & no alternative method to gain access w/out compromising national security
Reasons: Secured Area

New York

Bldg. 940
IAP–ARS (ANG)
Niagara Falls NY 14304
Landholding Agency: Air Force
Property Number: 18201340016
Status: Unutilized
Comments: w/in ANG cantonment area; public access denied & no alternative method to gain access w/out compromising national security
Reasons: Secured Area

Bldg. 11
1 Air National Guard Rd.
Schenectady Airport NY 12302
Landholding Agency: Air Force
Property Number: 18201340017
Status: Excess
Comments: public access denied & no alternative method to gain access w/out compromising national security
Reasons: Secured Area

Pennsylvania

Pa ANG Bldg. 1–66
Fort Indiantown Gap
AGS, LKLW
Annville PA 17003
Landholding Agency: Air Force
Property Number: 18201340018
Status: Excess
Comments: public access denied & no alternative method to gain access w/out compromising national security
Reasons: Secured Area

South Carolina

DKGV 822
JB Charleston
Goose Creek SC 29445
Landholding Agency: Air Force
Property Number: 18201340010
Status: Unutilized
Comments: public access denied & no alternative method to gain access w/out compromising national security
Reasons: Secured Area

DKGV 43
JB Charleston
Goose Creek SC 29445
Landholding Agency: Air Force
Property Number: 18201340011

Status: Underutilized
Comments: public access denied & no alternative method to gain access w/out compromising national security
Reasons: Secured Area

Tennessee

Bldg. 425, Viewing Stand
PSXE (McGhee Tyson Airport)
Louisville TN 37777
Landholding Agency: Air Force
Property Number: 18201340019
Status: Underutilized
Comments: public access denied & no alternative method to gain access w/out compromising national security
Reasons: Secured Area

Texas

Building 1400
Sheppard AFB
Sheppard TX
Landholding Agency: Air Force
Property Number: 18201340030
Status: Unutilized
Comments: public access denied & no alternative method to gain access w/out compromising national security
Reasons: Secured Area

3 Buildings
Sheppard AFB
Sheppard TX
Landholding Agency: Air Force
Property Number: 18201340031
Status: Underutilized
Directions: 1700, 2208, 2220
Comments: public access denied & no alternative method to gain access w/out compromising national security
Reasons: Secured Area

Washington

5 Buildings
Fairchild AFB
Fairchild WA 99011
Landholding Agency: Air Force
Property Number: 18201340037
Status: Unutilized
Directions: 1316, 1342, 1352, 2285, 2001
Comments: public access denied & no alternative method to gain access w/out compromising national security
Reasons: Secured Area

2 Buildings
Fairchild AFB
Fairchild WA 99011
Landholding Agency: Air Force
Property Number: 18201340039
Status: Unutilized
Directions: 1230, 1238
Comments: public access denied & no alternative method to gain access w/out compromising national security
Reasons: Secured Area

[FR Doc. 2013–30082 Filed 12–19–13; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–5700–FA–13]

Announcement of Funding Awards for Fiscal Year 2013 for the Housing Choice Voucher Program

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Announcement of Fiscal Year 2013 awards.

SUMMARY: In accordance with Section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this document notifies the public of funding awards for Fiscal Year (FY) 2013 to public housing agencies (PHAs) under the Section 8 Housing Choice Voucher Program (HCVP). The purpose of this notice is to publish the names, addresses, and amount of the awards to PHAs for non-competitive funding awards for housing conversion actions, public housing relocations and replacements, moderate rehabilitation replacements, and HOPE VI voucher awards.

FOR FURTHER INFORMATION CONTACT: Michael S. Dennis, Director, Office of Housing Voucher Programs, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW., Room 4228, Washington, DC 20410–5000, telephone (202) 402–4059. Hearing- or speech-impaired individuals may call HUD's TTY number at (800) 927–7589. (Only the ''800'' telephone number is toll-free.)

SUPPLEMENTARY INFORMATION: The regulations governing the HCVP are published at 24 CFR 982. The regulations for allocating housing assistance budget authority under Section 213(d) of the Housing and Community Development Act of 1974 are published at 24 CFR Part 791, Subpart D.

The purpose of this rental assistance program is to assist eligible families to pay their rent for decent, safe, and sanitary housing. The FY 2013 awardees announced in this notice were provided HCVP tenant protection vouchers (TPVs) funds on an as-needed, non-competitive basis, i.e., not consistent with the provisions of a Notice of Funding Availability (NOFAs). TPV awards made to PHAs for program actions that displace families living in public housing were made on a first-come, first-served basis in accordance with PIH Notice 2007–10, Voucher Funding in Connection with the Demolition or Disposition of Occupied Public Housing Units, and PIH Notice 2013–12, Implementation of the Federal Fiscal Year 2013 Funding Provision for the Housing Choice Voucher Program. Awards for the Rental Assistance Demonstration (RAD) were provided for Rental Supplement and Rental Assistance Payment Projects (RAD component #2) consistent with PIH Notice 2012–32. Announcements of awards provided under the NOFA process for Mainstream, Designated Housing, Family Unification (FUP), and Veterans Assistance Supportive Housing (VASH) programs will be published in a separate **Federal Register** notice.

Awards published under this notice were provided (1) to assist families living in HUD-owned properties that are being sold; (2) to assist families affected by the expiration or termination of their Project-based Section 8 and Moderate Rehabilitation contracts; (3) to assist families in properties where the owner has prepaid the HUD mortgage; (4) to assist families in projects where the Rental Supplement and Rental Assistance Payments contracts are expiring (Rental Assistance Demonstration (RAD—Second Component); (5) to provide relocation housing assistance in connection with the demolition of public housing; (6) to provide replacement housing assistance for single room occupancy (SRO) units that fail housing quality standards (HQS); and (7) to assist families in public housing developments that are scheduled for demolition in connection with a HUD-approved HOPE VI revitalization or demolition grant.

A special administrative fee of $200 per occupied unit was provided to PHAs to compensate for any extraordinary HCVP administrative costs associated with the Multifamily Housing conversion action(s).

The Department awarded total new budget authority of $86,772,680 for 18,710 housing choice vouchers to recipients under all of the above-mentioned categories. This budget authority includes $1,615,994 of unobligated commitments made in FY 2012. These funds were reserved by September 30, 2012, but not contracted until FY 2013, and thus have been included with obligated commitments for FY 2013.

In accordance with Section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (103 Stat. 1987, 42 U.S.C. 3545), the Department is publishing the names, addresses, and

amounts of those awards as shown in Appendix A alphabetically by State then by PHA name.

Dated: December 11, 2013.

Deborah Hernandez,

General Deputy Assistant, Secretary for Public and Indian Housing.

SECTION 8 RENTAL ASSISTANCE PROGRAMS ANNOUNCEMENT OF AWARDS FOR FISCAL YEAR 2013

Housing agency	Address	Units	Award
Special Fees			
Special Fee for Opt-Outs/Terminations			
AR: CONWAY COUNTY HA	PO BOX 229, MORRILTON, AR 72110	0	$1,400
CA: SAN FRANCISCO HA	1815 EGBERT AVE, SAN FRANCISCO, CA 94124	0	2,600
CA: CITY OF LOS ANGELES HA	2600 WILSHIRE BLVD, 3RD FL, LOS ANGELES, CA 90057.	0	3,400
CA: COUNTY OF MONTEREY HA	123 RICO ST, SALINAS, CA 93907	0	4,000
CA: COUNTY OF SONOMA HA	1440 GUERNEVILLE RD, SANTA ROSA, CA 95403	0	9,600
CA: CITY OF POMONA HA	505 S. GAREY AVE, POMONA, CA 91769	0	600
DC: DISTRICT OF COLUMBIA HA	1133 NORTH CAPITOL ST NE., WASHINGTON, DC 20002.	0	45,000
FL: MIAMI DADE HA	701 NW., 1ST COURT, 16TH FL, MIAMI, FL 33136	0	1,200
GA: GEORGIA DCA	60 EXECUTIVE PARK SO NE., STE 250, ATLANTA, GA 30329.	0	2,600
IA: MID IOWA REGIONAL HA	1605 1ST AVE NORTH, STE 1, FORT DODGE, IA 50501.	0	2,400
ID: SOUTHWESTERN IDAHO COOP	1108 WEST FINCH DR, NAMPA, ID 83651	0	1,800
KS: KANSAS CITY HA	1124 NORTH NINTH ST, KANSAS CITY, KS 66101	0	1,200
KS: GREAT BEND HA	1101 KANSAS AVE, GREAT BEND, KS 67530	0	400
KS: COWLEY COUNTY PHA	PO BOX 1122, ARKANSAS CITY, KS 67005	0	2,000
KY: KENTUCKY HOUSING CORP	1231 LOUISVILLE RD, FRANKFORT, KY 40601	0	2,600
MA: MASSACHUSETTS DHCD	100 CAMBRIDGE ST, BOSTON, MA 02114	0	19,600
MD: HA OF PRINCE GEORGE'S COUNTY	9400 PEPPERCORN PL, STE 200, LARGO, MD 20774	0	45,000
ME: MAINE STATE HA	353 WATER ST, AUGUSTA, ME 04330	0	600
MI: MICHIGAN STATE HSG DEV AUTH	PO BOX 30044, LANSING, MI 48909	0	42,200
MN: ST PAUL PHA	555 NORTH WABASHA, STE 400, ST. PAUL, MN 55102.	0	4,200
MN: EAST GRAND FORKS ECON DEV	PO BOX 439, EAST GRAND FORKS, MN 56721	0	1,200
MN: NW., MN MULTI–COUNTY HRA	PO BOX 128, MENTOR, MN 56736	0	1,200
MN: DOUGLAS COUNTY HRA	1224 N. NOKOMIS ST, ALEXANDRIA, MN 56308	0	800
MN: SE MN MULTI–COUNTY HRA	134 EAST SECOND ST, WABASHA, MN 55981	0	3,400
MO: SPRINGFIELD HA	421 WEST MADISON ST, SPRINGFIELD, MO 65806	0	2,400
MT: HELENA HA	812 ABBEY ST, HELENA, MT 59601	0	7,200
ND: HA OF CASS COUNTY	230 8TH AVE WEST, WEST FARGO, ND 58078	0	600
ND: WALSH COUNTY HA	600 E 9TH ST, GRAFTON, ND 58237	0	1,000
NE: CENTRAL NEBRASKA JOINT HA	PO BOX 509, LOUP CITY, NE 68853	0	600
NM: AN JUAN COUNTY HA	7450 E. MAIN ST, STE C, FARMINGTON, NM 87402	0	1,400
NV: CITY OF RENO HA	1525 EAST NINTH ST, RENO, NV 89512	0	5,200
NV: SOUTHERN NEVADA REG HA	340 NORTH 11TH ST, LAS VEGAS, NV 89104	0	2,000
NY: TOWN OF ISLIP HA	963 MONTAUK HWY, OAKDALE, NY 11769	0	1,400
NY: THE CITY OF NEW YORK DHPD	100 GOLD ST, RM 501, NEW YORK, NY 10038	0	13,200
NY: CITY OF NEW ROCHELLE	515 NORTH AVE, NEW ROCHELLE, NY 10801	0	7,600
NY: VILLAGE OF COBLESKILL	RD 1, BOX 12, COBLESKILL, NY	0	6,400
NY: NYS HSG TRUST FUND CORP	38–40 STATE ST, ALBANY, NY 12207	0	31,600
OH: COLUMBUS METRO HA	880 EAST 11TH AVE, COLUMBUS, OH 43211	0	4,800
OH: KNOX METRO HA	201A WEST HIGH ST, MOUNT VERNON, OH 43050	0	1,000
OR: HA OF JACKSON	2231 TABLE ROCK RD, MEDFORD, OR 97501	0	2,400
OR: KLAMATH HA	PO BOX 5110, KLAMATH FALLS, OR 97601	0	3,400
OR: LINN–BENTON HA	1250 SE QUEEN AVE, ALBANY, OR 97322	0	1,600
OR: JOSEPHINE HSG COMM DEV	PO BOX 1630, GRANTS PASS, OR 97528	0	2,400
OR: CENTRAL OREGON REG HA	405 SW 6TH ST, REDMOND, OR 97756	0	6,800
PA: BEAVER COUNTY HA	300 STATE ST, BEAVER, PA 15009	0	5,600
RQ: MUNICIPALITY OF SAN JUAN	PO BOX 36–2138, SAN JUAN, PR 00936	0	5,600
RQ: PUERTO RICO HSG FIN AGENCY	CALL BOX 71361–GPO, SAN JUAN, PR 00936	0	2,800
SD: PIERRE HSG REDEV AUTH	301 W. PLEASANT AVE, PIERRE, SD 57501	0	600
SD: BROOKINGS HSG & REDEV	1310 MAIN AVE SOUTH, BROOKINGS, SD 57006	0	2,400
TX: CUERO HA	PO BOX 804, CUERO, TX 77954	0	3,400
VA: HOPEWELL REDEV & HA	350 E. POYTHRESS ST, HOPEWELL, VA 23860	0	5,600
VA: VIRGINIA HSG REDEV AUTH	601 SOUTH BELVIDERE ST, RICHMOND, VA 23220	0	9,400
VT: BURLINGTON HA	65 MAIN ST, BURLINGTON, VT 05401	0	1,400
WA: KING COUNTY HA	600 ANDOVER PARK WEST, SEATTLE, WA 98188	0	32,000
WI: WISCONSIN HSNG & ECON DEV AUTH	PO BOX 1728, MADISON, WI 53701	0	5,600
WY: HA OF THE CITY CHEYENNE	3304 SHERIDAN AVE, CHEYENNE, WY 82009	0	6,200
Total for Special Fees—Opt-Outs/Terminations		0	382,600

SECTION 8 RENTAL ASSISTANCE PROGRAMS ANNOUNCEMENT OF AWARDS FOR FISCAL YEAR 2013—Continued

Housing agency	Address	Units	Award
Special Fees for Prepayments			
CA: COUNTY OF LOS ANGELES HA	700 W. MAIN ST, ALHAMBRA, CA 91801	0	8,600
CA: CITY OF LOS ANGELES HA	2600 WILSHIRE BLVD., 3RD FL, LOS ANGELES, CA 90057.	0	8,600
CA: COUNTY OF SANTA CLARA HA	505 WEST JULIAN ST, SAN JOSE, CA 95110	0	17,800
CA: ALAMEDA COUNTY HA	22941 ATHERTON ST, HAYWARD, CA 94541	0	30,200
CA: SANTA CRUZ COUNTY HA	2931 MISSION ST, SANTA CRUZ, CA 95060	0	15,000
CA: CITY OF SANTA ROSA HA	90 SANTA ROSA AVE, SANTA ROSA, CA 95402	0	8,400
CA: CITY OF SANTA ANA HA	20 CIVIC CENTER PLZ, SANTA ANA, CA 92701	0	8,200
CA: COUNTY OF ORANGE HA	1770 NORTH BROADWAY, SANTA ANA, CA 92706	0	52,200
CA: COUNTY OF SAN DIEGO	3989 RUFFIN RD, SAN DIEGO, CA 92123	0	15,200
CT: CONN DEPT OF SOCIAL SERVICES	25 SIGOURNEY ST, 9TH FL, HARTFORD, CT 06105	0	30,800
HI: CITY AND COUNTY OF HONOLULU	715 SOUTH KING ST, STE 311, HONOLULU, HI 96813.	0	44,800
IL: HA OF JOLIET	6 SOUTH BROADWAY ST, JOLIET, IL 60436	0	28,000
IN: FORT WAYNE HA	PO BOX 13489, FORT WAYNE, IN 46869	0	23,800
IN: MICHIGAN CITY HA	621 EAST MICHIGAN BLVD, MICHIGAN, IN 46360	0	16,800
KY: FRANKFORT HA	590 WALTER TODD DR, FRANKFORT, KY 40601	0	4,400
KY: HENDERSON HA	111 SOUTH ADAMS ST, HENDERSON, KY 42420	0	17,800
KY: CYNTHIANA HA	149 FEDERAL ST, CYNTHIANA, KY 41031	0	4,200
MA: BOSTON HA	52 CHAUNCY ST, BOSTON, MA 02111	0	1,600
MA: CAMBRIDGE HA	675 MASSACHUSETTS AVE, CAMBRIDGE, MA 02139	0	7,800
MA: BROCKTON HA	45 GODDARD RD, BROCKTON, MA 02303	0	17,200
MA: MASSACHUSETTS DHCD	100 CAMBRIDGE ST, BOSTON, MA 02114	0	39,200
MD: HA OF BALTIMORE	417 EAST FAYETTE ST, BALTIMORE, MD 21201	0	44,200
MD: MONTGOMERY COUNTY HOC	10400 DETRICK AVE, KENSINGTON, MD 20895	0	8,600
MI: MICHIGAN STATE HSG DEV AUTH	PO BOX 30044, LANSING, MI 48909	0	84,800
MN: VIRGINIA HRA	PO BOX 1146, VIRGINIA, MN 55792	0	8,800
MS: MISSISSIPPI REGIONAL HA VIII	PO BOX 2347, GULFPORT, MS 39505	0	3,800
NJ: GLASSBORO HA	737 LINCOLN BLVD, GLASSBORO, NJ 08028	0	12,600
NY: NYS HSG TRUST FUND CORP	38–40 STATE ST, ALBANY, NY 12207	0	312,600
OH: COLUMBUS METRO HA	880 EAST 11TH AVE, COLUMBUS, OH 43211	0	28,000
OR: HA OF HILLSBORO	111 NE LINCOLN ST, STE 200–L, HILLSBORO, OR 97124.	0	4,800
PA: MERCER COUNTY HA	80 JEFFERSON AVE, SHARON, PA 16146	0	10,200
PA: ALTOONA HA	2700 PLEASANT VALLEY BLVD, ALTOONA, PA 16602	0	10,000
PA: WILKES BARRE HA	50 LINCOLN ST, WILKES BARRE, PA 18702	0	15,200
RI: RHODE ISLAND HSG MORT FIN CORP	44 WASHINGTON ST, PROVIDENCE, RI 02903	0	35,000
TX: ARLINGTON HA	501 W SANFORD, STE 20, ARLINGTON, TX 76011	0	21,600
VA: NORFOLK REDEV & HA	201 GRANBY ST, NORFOLK, VA 23501	0	18,600
VA: ROANOKE REDEV & HA	2624 SALEM TRNPK NW., ROANOKE, VA 24017	0	9,000
VA: FAIRFAX CO REDEV & HA	3700 PENDER DR, STE 300, FAIRFAX, VA 22030	0	35,800
VA: BUCKINGHAM HA	PO BOX 400, DILLWYN, VA 23936	0	8,000
WA: HA OF CHELAN CO/WENATCHEE	1555 SO METHOW ST, WENATCHEE, WA 98801	0	9,000
WY: HA OF THE CITY OF CHEYENNE	3304 SHERIDAN AVE, CHEYENNE, WY 82009	0	2,200
Total for Special Fees—Prepayments		0	1,083,400
Special Fees for RAD Conversions			
CA: CITY OF SAN LUIS OBISPO HA	487 LEFF ST, SAN LUIS OBISPO, CA 93406	0	3,400
CA: CITY OF SANTA BARBARA HA	808 LAGUNA ST, SANTA BARBARA, CA 93101	0	21,200
IL: CITY OF EAST PEORIA HA	100 SOUTH MAIN ST, EAST PEORIA, IL 61611	0	20,000
MA: BROCKTON HA	45 GODDARD, BROCKTON, MA 02303	0	109,000
MA: MASSACHUSETTS DHCD	100 CAMBRIDGE ST, BOSTON, MA 02114	0	36,600
MI: WESTLAND HSG COMM	32715 DORSEY RD, WESTLAND, MI 48186	0	29,600
MI: MICHIGAN STATE HSG DEV AUTH	PO BOX 30044, LANSING, MI 48909	0	164,000
NJ: NEWARK HA	500 BROAD ST, NEWARK, NJ 07102	0	33,600
NJ: ELIZABETH HA	688 MAPLE AVE, ELIZABETH, NJ 07202	0	6,000
NJ: PERTH AMBOY HA	881 AMBOY AVE, PERTH AMBOY, NJ 08861	0	20,000
NJ: PATERSON HA	60 VAN HOUTEN ST, PATERSON, NJ 07505	0	28,400
NJ: EAST ORANGE HA	160 HALSTED ST, EAST ORANGE, NJ 07018	0	17,400
NJ: VINELAND HA	191 CHESTNUT AVE, VINELAND, NJ 08360	0	23,400
NJ: NJ DEPT OF COMM AFFAIRS	101 SOUTH BROAD ST, TRENTON, NJ 08625	0	57,400
NY: BUFFALO MUNICIPAL HA	300 PERRY ST, BUFFALO, NY 14204	0	14,400
NY: THE MUNICIPAL HA OF YONKERS	1511 CENTRAL PARK AVE, YONKERS, NY 10710	0	40,600
NY: HA OF ROCHESTER	675 WEST MAIN ST, ROCHESTER, NY 14611	0	102,200
NY: HA OF AMSTERDAM	52 DIVISION ST, AMSTERDAM, NY 12010	0	18,600
NY: HA OF NORTH SYRACUSE	201 SO MAIN ST, STE 205A, NORTH SYRACUSE, NY 13212.	0	3,800
NY: THE CITY OF NEW YORK DHPD	100 GOLD ST, RM 501, NEW YORK, NY 10038	0	20,600

SECTION 8 RENTAL ASSISTANCE PROGRAMS ANNOUNCEMENT OF AWARDS FOR FISCAL YEAR 2013—Continued

Housing agency	Address	Units	Award
NY: CITY OF POUGHKEEPSIE	MEMORIAL SQUARE, POUGHKEEPSIE, NY 12602	0	4,000
NY: CITY OF NIAGARA FALLS COM DEV	1022 MAIN ST, NIAGARA, NY 14301	0	10,800
NY: NYS HSG TRUST FUND CORP	38–40 STATE ST, ALBANY, NY 12207	0	279,600
PA: LACKAWANNA COUNTY HA	2019 WEST PINE ST, DUNMORE, PA 18512	0	2,200
WA: HA OF CITY OF LONGVIEW	1207 COMMERCE AVE, LONGVIEW, WA 98632	0	7,000
WA: HA OF CITY OF YAKIMA	810 N 6TH AVE, YAKIMA, WA 98902	0	5,000
Total for Special Fees—RAD Conversions		0	1,078,800
Special Fees for Rent Supplement			
CA: SAN FRANCISCO HA	1815 EGBERT AVE, SAN FRANCISCO, CA 94124	0	7,200
CA: COUNTY OF MERCED HA	405 U ST, MERCED, CA 95340	0	14,000
FL: NW., FLORIDA REGIONAL HA	PO BOX 218, GRACEVILLE, FL 32440	0	1,600
KS: COWLEY COUNTY PHA PO BOX	1122, ARKANSAS CITY, KS 67005	0	600
MA: BOSTON HA	52 CHAUNCY ST, BOSTON, MA 02111	0	2,400
MA: HOLYOKE HA	475 MAPLE ST, HOLYOKE, MA 01040	0	7,400
MI: MICHIGAN STATE HSG DEV AUTH	PO BOX 30044, LANSING, MI 48909	0	3,200
NJ: EAST ORANGE HA	160 HALSTED ST, EAST ORANGE, NJ 07018	0	42,800
NY: HA OF AUBURN	20 THORNTON AVE, AUBURN, NY 13021	0	11,000
NY: TOWN OF AMHERST	1195 MAIN ST, BUFFALO, NY 14209	0	43,200
NY: CITY OF BUFFALO	470 FRANKLIN ST, BUFFALO, NY 14202	0	13,200
NY: NYS HSG TRUST FUND CORP	38–40 STATE ST, ALBANY, NY 12207	0	9,600
Total for Special Fees for Rent Supplement		0	156,200
Total for Special Fees		0	2,701,000
Public Housing TP Mod Rehab Replacements			
CA: COUNTY OF LOS ANGELES HA	700 W. MAIN ST, ALHAMBRA, CA 91801	3	28,845
CA: SAN JOSE HA	505 WEST JULIAN ST, SAN JOSE, CA 95110	4	33,160
CO: HA OF PUEBLO	1414 NO SANTA FE AVE, PUEBLO, CO 81003	8	30,833
CO: BOULDER CITY HA	4800 BROADWAY, BOULDER, CO 80304	8	64,251
DC: DISTRICT OF COLUMBIA HA	1133 NORTH CAPITOL ST NE., WASHINGTON, DC 20002.	49	440,972
IN: EAST CHICAGO HA	4920 LARKSPUR DR, EAST CHICAGO, IN 46312	58	179,805
LA: LAKE CHARLES HA	PO BOX 1206, LAKE CHARLES, LA 70602	2	9,986
ME: MAINE STATE HA	353 WATER ST, AUGUSTA, ME 04330	11	30,488
OH: CUYAHOGA MHA	8120 KINSMAN RD, CLEVELAND, OH 44104	20	107,715
OK: OKLAHOMA HSG FIN AGENCY	100 NW., 63RD ST, STE 200, OKLAHOMA CITY, OK 73116.	1	4,505
SD: SIOUX FALLS HSG & REDEV COMM	630 SOUTH MINNESOTA, SIOUX FALLS, SD 57104	5	18,495
TN: HA OF JOHNSON CITY	901 PARDEE ST, JOHNSON CITY, TN 37601	15	70,663
WV: HA OF RALEIGH CO	282 GEORGE ST, BECKLEY, WV 25802	9	31,483
Total for Mod Rehab Replacements		193	1,051,201
Mod Rehab Replacements for RAD			
CA: COUNTY OF LOS ANGELES HA	700 W MAIN STREET, ALHAMBRA, CA 91801	162	708,005
Total for Mod Rehab Replacements for RAD		162	708,005
MTW Relocation			
GA: HA ATLANTA GA	230 JOHN WESLEY DOBBS AVE NE., ATLANTA, GA 30303.	160	268,080
IL: CHICAGO HA	60 EAST VAN BUREN ST, 11TH FL, CHICAGO, IL 60605.	58	277,831
OR: HA OF PORTLAND	135 SW ASH ST, PORTLAND, OR 97204	649	798,192
TX: SAN ANTONIO HA	818 S. FLORES ST, SAN ANTONIO, TX 78295	115	488,575
WA: SEATTLE HA	120 SIXTH AVE NORTH, SEATTLE, WA 98109	181	351,012
WA: HA OF CITY OF VANCOUVER	2500 MAIN ST, #200, VANCOUVER, WA 98660	83	125,143
Total for MTW Relocation		1,246	2,308,833
Public Housing Relocation			
AL: HA OF BESSEMER	PO BOX 1390, BESSEMER, AL 35021	4	16,901
AZ: CITY OF ELOY HA	100 W PHOENIX AVE, ELOY, AZ 85231	24	37,617
CA: COUNTY OF SACRAMENTO HA	801 12TH ST, SACRAMENTO, CA 95814	78	689,252

SECTION 8 RENTAL ASSISTANCE PROGRAMS ANNOUNCEMENT OF AWARDS FOR FISCAL YEAR 2013—Continued

Housing agency	Address	Units	Award
CA: CITY OF BERKELEY HA	1901 FAIRVIEW ST, BERKELEY, CA 94703	35	248,915
CA: CITY OF SANTA BARBARA HA	808 LAGUNA ST, SANTA BARBARA, CA 93101	180	984,571
CO: BRIGHTON HA	22 SO 4TH AVE, BRIGHTON, CO 80601	28	93,708
FL: HA OF FORT LAUDERDALE CITY	437 SW 4TH AVE, FORT LAUDERDALE, FL 33315	157	1,323,804
FL: HA OF THE CITY OF FORT MYERS	4224 RENAISSANCE PRESERVE WAY, FORT MYERS, FL 33916.	99	713,465
GA: HA OF AUGUSTA	1435 WALTON WAY, AUGUSTA, GA 30914	79	132,974
GA: GEORGIA DEPT OF COMM AFFAIRS	60 EXECUTIVE PARK SO NE., STE 250, ATLANTA, GA 30329.	238	1,011,983
IL: HA OF CITY OF ROCK ISLAND	227 21ST ST, ROCK ISLAND, IL 61201	102	247,313
LA: NEW ORLEANS HA	4100 TOURO ST, NEW ORLEANS, LA 70122	397	2,302,034
LA: EAST BATON ROUGE PHA	4731 NORTH BLVD, BATON ROUGE, LA 70806	21	53,977
MD: MONTGOMERY COUNTY HOC	10400 DETRICK AVE, KENSINGTON, MD 20895	469	3,398,015
NC: KINSTON HA	608 N QUEEN ST, KINSTON, NC 28502	38	42,503
NJ: ASBURY PARK HA	1000 1/2 THIRD AVE, ASBURY PARK, NJ 07712	69	208,861
NJ: JERSEY CITY HA	400 U.S. HIGHWAY #1, JERSEY CITY, NJ 07306	20	78,943
NJ: PLAINFIELD HA	510 FRONT ST, PLAINFIELD, NJ 07060	100	167,956
NJ: GLASSBORO HA	737 LINCOLN BLVD, GLASSBORO, NJ 08028	51	302,692
NY: HA OF NEW ROCHELLE	50 SICKLES AVE, NEW ROCHELLE, NY 10801	144	521,820
OH: COLUMBUS METRO HA	880 EAST 11TH AVE, COLUMBUS, OH 43211	161	288,883
OH: CUYAHOGA METRO HA	8120 KINSMAN RD, CLEVELAND, OH 44104	110	288,913
OH: LORAIN METRO HA	1600 KANSAS AVE, LORAIN, OH 44052	2	12,127
OR: HSG & URBAN REN AGENCY	PO BOX 467, DALLAS, OR 97338	4	14,016
PA: YORK CITY HA	31 SO BROAD ST, YORK, PA 17405	14	23,696
TN: FRANKLIN HA	200 SPRING ST, FRANKLIN, TN 37065	42	63,283
TX: HOUSTON HA	2640 FOUNTAIN VIEW, HOUSTON, TX 77057	99	313,271
TX: HA OF DALLAS	3939 NO HAMPTON RD, DALLAS, TX 75212	219	1,353,707
TX: HA OF PORT ARTHUR	PO BOX 2295, PORT ARTHUR, TX 77643	192	341,066
VQ: VIRGIN ISLANDS HA	PO BOX 7668, ST. THOMAS, VI 00801	264	2,242,469
Total for Public Housing Relocation		3,440	17,518,735
Witness Relocation			
CA: COUNTY OF RIVERSIDE HA	5555 ARLINGTON AVE, RIVERSIDE, CA 92504	1	9,990
CO: AURORA HA	10745 E KENTUCKY AVE, AURORA, CO 80012	1	6,066
MA: BOSTON HA	52 CHAUNCY ST, BOSTON, MA 02111	2	19,318
MA: WEBSTER HA	GOLDEN HEIGHTS, WEBSTER, MA 01570	1	4,776
MD: MONTGOMERY COUNTY HOC	10400 DETRICK AVE, KENSINGTON, MD 20895	5	79,416
MI: MICHIGAN STATE HSG DEV AUTH	PO BOX 30044, LANSING, MI 48909	1	10,386
MO: ST. LOUIS HA	3520 PAGE BLVD, ST. LOUIS, MO 63106	1	10,680
PA: YORK CITY HA	31 SO BROAD ST, YORK, PA 17405	1	7,260
PA: DELAWARE COUNTY HA	1855 CONSTITUTION AVE, WOODLYN, PA 19094	1	14,664
TX: HARRIS COUNTY HA	8410 LANTERN POINT, HOUSTON, TX 77054	1	10,010
VA: PRINCE WILLIAM CO HA	15941 DONALD CURTIS DR, STE 112	1	21,480
Total for Witness Relocation		16	194,046
Total for Public Housing Tenant Protection		5,057	21,780,820
Housing Tenant Protection Rent Supplement			
CA: SAN FRANCISCO HA	1815 EGBERT AVE, SAN FRANCISCO, CA 94124	36	554,079
CA: COUNTY OF MERCED HA	405 U ST, MERCED, CA 95340	20	67,746
FL: NW FLORIDA REGIONAL HA	PO BOX 218, GRACEVILLE, FL 32440	8	15,244
KS: COWLEY COUNTY PHA	PO BOX 1122, ARKANSAS CITY, KS 67005	6	8,405
MA: BOSTON HA	52 CHAUNCY ST, BOSTON, MA 02111	12	49,936
MA: HOLYOKE HA	475 MAPLE ST, HOLYOKE, MA 01040	37	192,540
MI: MICHIGAN STATE HSG DEV AUTH	PO BOX 30044, LANSING, MI 48909	16	50,494
NJ: EAST ORANGE HA	160 HALSTED ST, EAST ORANGE, NJ 07018	214	1,088,280
NY: HA OF AUBURN	20 THORNTON AVE, AUBURN, NY 13021	28	19,145
NY: TOWN OF AMHERST	1195 MAIN ST, BUFFALO, NY 14209	216	452,624
NY: CITY OF BUFFALO	470 FRANKLIN ST, BUFFALO, NY 14202	66	99,383
NY: NYS HSG TRUST FUND CORP	38–40 STATE ST, ALBANY, NY 12207	48	73,411
Total for Rent Supplement		707	2,671,287
Prepayment Vouchers			
CA: COUNTY OF LOS ANGELES HA	700 W. MAIN ST, ALHAMBRA, CA 91801	43	300,684
CA: CITY OF LOS ANGELES HA	2600 WILSHIRE BLVD, 3RD FL, LOS ANGELES, CA 90057.	43	74,370

SECTION 8 RENTAL ASSISTANCE PROGRAMS ANNOUNCEMENT OF AWARDS FOR FISCAL YEAR 2013—Continued

Housing agency	Address	Units	Award
CA: COUNTY OF SANTA CLARA HA	505 WEST JULIAN ST, SAN JOSE, CA 95110	89	203,833
CA: ALAMEDA COUNTY HA	22941 ATHERTON ST, HAYWARD, CA 94541	152	1,767,006
CA: CITY OF SANTA ROSA HA	90 SANTA ROSA AVE, SANTA ROSA, CA 95402	57	532,727
CA: CITY OF SANTA ANA HA	20 CIVIC CENTER PLAZA, SANTA ANA, CA 92701	41	223,710
CA: COUNTY OF ORANGE HA	1770 NORTH BROADWAY, SANTA ANA, CA 92706	268	3,056,519
CA: COUNTY OF SAN DIEGO	3989 RUFFIN RD, SAN DIEGO, CA 92123	76	553,247
CT: CONN DEPT OF SOCIAL SERVICES	25 SIGOURNEY ST, 9TH FL, HARTFORD, CT 06105	154	468,013
HI: CITY AND COUNTY OF HONOLULU	715 SOUTH KING ST., STE 311, HONOLULU, HI 96813.	224	1,171,307
IL: HA OF JOLIET	6 SOUTH BROADWAY ST, JOLIET, IL 60436	140	204,406
KY: FRANKFORT HA	590 WALTER TODD DR, FRANKFORT, KY 40601	22	21,732
KY: HENDERSON HA	111 SOUTH ADAMS ST, HENDERSON, KY 42420	89	117,626
KY: CYNTHIANA HA	149 FEDERAL ST, CYNTHIANA, KY 41031	28	115,362
MA: BOSTON HA	52 CHAUNCY ST, BOSTON, MA 02111	8	85,959
MA: CAMBRIDGE HA	675 MASSACHUSETTS AVE, CAMBRIDGE, MA 02139	39	102,573
MA: BROCKTON HA	45 GODDARD RD, BROCKTON, MA 02303	86	527,635
MA: PLYMOUTH HA	POB 3537, PLYMOUTH, MA 02361	46	467,748
MA: MASSACHUSETTS DHCD	100 CAMBRIDGE ST, BOSTON, MA 02114	196	1,201,154
MD: HA OF BALTIMORE	417 EAST FAYETTE ST, BALTIMORE, MD 21201	221	729,079
MD: MONTGOMERY COUNTY HA	10400 DETRICK AVE, KENSINGTON, MD 20895	43	567,987
MI: MICHIGAN STATE HSG DEV AUTH	PO BOX 30044, LANSING, MI 48909	424	1,425,099
IN: FORT WAYNE HA	PO BOX 13489, FORT WAYNE, IN 46869	119	230,936
IN: MICHIGAN CITY HA	621 EAST MICHIGAN BLVD, MICHIGAN, IN 46360	84	150,407
MN: VIRGINIA HRA	PO BOX 1146, VIRGINIA, MN 55792	44	56,315
MS: MISSISSIPPI REGIONAL HA VIII	PO BOX 2347, GULFPORT, MS 39505	19	135,553
NJ: GLASSBORO HA	737 LINCOLN BLVD, GLASSBORO, NJ 08028	63	135,566
NY: NYS HSG TRUST FUND CORP	38–40 STATE ST, ALBANY, NY 12207	1,573	6,623,329
OH: COLUMBUS METRO. HA	880 EAST 11TH AVE, COLUMBUS, OH 43211	140	442,747
OR: HA OF WASHINGTON COUNTY	111 NE LINCOLN ST, STE 200–L, HILLSBORO, OR 97124.	24	55,952
PA: MERCER COUNTY HA	80 JEFFERSON AVE, SHARON, PA 16146	51	134,085
PA: ALTOONA HA	2700 PLEASANT VALLEY BLVD, ALTOONA, PA 16602	50	64,388
PA: WILKES BARRE HA	50 LINCOLN ST, WILKES BARRE, PA 18702	76	262,680
PA: ERIE COUNTY HA	120 S. CENTER, CORRY, PA 16407	0	174,261
RI: RHODE ISLAND HSG MORT FIN CORP	44 WASHINGTON ST, PROVIDENCE, RI 02903	175	1,582,408
TX: ARLINGTON HA	501 W. SANFORD, STE 20, ARLINGTON, TX 76011	108	415,679
VA: NORFOLK REDEV & HA	201 GRANBY ST, NORFOLK, VA 23501	93	330,959
VA: ROANOKE REDEV & HA	2624 SALEM TRNPK NW., ROANOKE, VA 24017	55	158,440
VA: FAIRFAX CO RED AND HNG AUTH	3700 PENDER DR, STE 300, FAIRFAX, VA 22030	179	1,359,279
VA: BUCKINGHAM HA	PO BOX 400, DILLWYN, VA 23936	40	32,470
WA: HA OF CHELAN COUNTY/CITY OF	1555 SO METHOW ST, WENATCHEE, WA 98801	45	109,920
WY: HA OF THE CITY OF CHEYENNE	3304 SHERIDAN AVE, CHEYENNE, WY 82009	11	18,968
Total for Prepayment Vouchers		5,438	26,392,118
RAD Conversions			
IL: CITY OF EAST PEORIA HA	100 SOUTH MAIN ST, EAST PEORIA, IL 61611	100	146,860
MA: BROCKTON HA	45 GODDARD RD, BROCKTON, MA 02303	545	3,026,724
MA: MASSACHUSETTS DHCD	100 CAMBRIDGE ST, BOSTON, MA 02114	183	382,389
MI: MICHIGAN STATE HSG DEV AUTH	PO BOX 30044, LANSING, MI 48909	820	2,538,068
MI: WESTLAND HSG COMM	32715 DORSEY RD, WESTLAND, MI 48186	148	318,230
NJ: ELIZABETH HA	688 MAPLE AVE, ELIZABETH, NJ 07202	30	74,062
NJ: PERTH AMBOY HA	881 AMBOY AVE, PERTH AMBOY, NJ 08861	100	272,160
NJ: PATERSON HA	60 VAN HOUTEN ST, PATERSON, NJ 07505	142	394,561
NJ: EAST ORANGE HA	160 HALSTED ST, EAST ORANGE, NJ 07018	87	442,432
NJ: VINELAND HA	191 CHESTNUT AVE, VINELAND, NJ 08360	117	240,979
NJ: NJ DEPT OF COMM AFFAIRS	101 SOUTH BROAD ST, TRENTON, NJ 08625	287	946,524
NY: BUFFALO MUNICIPAL HA	300 PERRY ST, BUFFALO, NY 14204	72	81,248
NY: THE MUNICIPAL HA OF YONKERS	1511 CENTRAL PARK AVE, YONKERS, NY 10710	203	545,146
NY: HA OF ROCHESTER	675 WEST MAIN ST, ROCHESTER, NY 14611	634	2,590,913
NY: HA OF NORTH SYRACUSE	201 SO MAIN ST, STE 205A, NORTH SYRACUSE, NY 13212.	19	46,574
NY: THE CITY OF NEW YORK DHPD	100 GOLD ST, RM 501, NEW YORK, NY 10038	103	619,044
NY: CITY OF POUGHKEEPSIE	MEMORIAL SQUARE, POUGHKEEPSIE, NY 12602	20	74,705
NY: CITY OF NIAGARA FALLS	1022 MAIN ST, NIAGARA, NY 14301	54	38,011
NY: HA OF AMSTERDAM	52 DIVISION ST, AMSTERDAM, NY 12010	93	159,261
NY: NYS HSG TRUST FUND CORP	38–40 STATE ST, ALBANY, NY 12207	1,398	4,978,602
WA: HA CITY OF LONGVIEW	1207 COMMERCE AVE, LONGVIEW, WA 98632	35	83,242
WA: HA OF THE CITY OF YAKIMA	810 N 6TH AVE, YAKIMA, WA 98902	25	39,407
Total for RAD Conversions		5,383	19,842,551

SECTION 8 RENTAL ASSISTANCE PROGRAMS ANNOUNCEMENT OF AWARDS FOR FISCAL YEAR 2013—Continued

Housing agency	Address	Units	Award
Termination/Opt-out Vouchers			
AR: CONWAY COUNTY HA	PO BOX 229, MORRILTON, AR 72110	7	15,152
CA: SAN FRANCISCO HA	1815 EGBERT AVE, SAN FRANCISCO, CA 94124	13	49,536
CA: CITY OF LOS ANGELES HA	2600 WILSHIRE BLVD, 3RD FL, LOS ANGELES, CA 90057.	17	168,045
CA: COUNTY OF MONTEREY HA	123 RICO ST, SALINAS, CA 93907	20	42,244
CA: COUNTY OF SONOMA HA	1440 GUERNEVILLE RD, SANTA ROSA, CA 95403	48	402,497
CA: CITY OF POMONA HA	505 SO GAREY AVE, POMONA, CA 91769	3	8,658
DC: DISTRICT OF COLUMBIA HA	1133 NORTH CAPITOL ST NE., WASHINGTON, DC 20002.	249	1,744,171
FL: MIAMI DADE HA	701 NW., 1ST COURT, 16TH FL, MIAMI, FL 33136	6	14,980
GA: GEORGIA DEP. OF COMM AFFAIRS	60 EXECUTIVE PARK SO NE., STE 250, ATLANTA, GA 30329.	16	52,804
IA: MID IOWA REGIONAL HA	1605 1ST AVE NORTH, STE 1, FORT DODGE, IA 50501.	12	18,815
ID: SOUTHWESTERN IDAHO COOP	1108 WEST FINCH DR, NAMPA, ID 83651	9	17,311
KS: KANSAS CITY HA	1124 NORTH NINTH ST, KANSAS CITY, KS 66101	7	39,014
KS: GREAT BEND HA	1101 KANSAS AVE, GREAT BEND, KS 67530	2	2,951
KS: COWLEY COUNTY PHA	PO BOX 1122, ARKANSAS CITY, KS 67005	10	4,669
KY: KENTUCKY HOUSING CORP	1231 LOUISVILLE RD, FRANKFORT, KY 40601	13	10,991
MA: MASSACHUSETTS DHCD	100 CAMBRIDGE ST, BOSTON, MA 02114	98	901,326
MD: HA OF PRINCE GEORGE'S COUNTY	9400 PEPPERCORN PL, STE 200, LARGO, MD 20774	238	3,264,437
ME: MAINE STATE HA	353 WATER ST, AUGUSTA, ME 04330	3	9,546
MI: MICHIGAN STATE HSG DEV AUTH	PO BOX 30044, LANSING, MI 48909	211	529,733
MN: ST PAUL PHA	555 NORTH WABASHA, STE 400, ST. PAUL, MN 55102.	21	28,327
MN: EAST GRAND FORKS ECON DEV	PO BOX 439, EAST GRAND FORKS, MN 56721	6	11,724
MN: NW., MN MULTI–COUNTY HRA	PO BOX 128, MENTOR, MN 56736	6	20,874
MN: DOUGLAS COUNTY HRA	1224 N. NOKOMIS ST, ALEXANDRIA, MN 56308	4	7,703
MN: SE MN MULTI–COUNTY HRA	134 EAST SECOND ST, WABASHA, MN 55981	17	25,059
MO: SPRINGFIELD HA	421 WEST MADISON ST, SPRINGFIELD, MO 65806	12	13,855
MT: HELENA HA	812 ABBEY ST, HELENA, MT 59601	36	103,159
ND: HA OF CASS COUNTY	230 8TH AVE WEST, WEST FARGO, ND 58078	7	30,238
ND: WALSH COUNTY HA	600 EAST 9TH ST, GRAFTON, ND 58237	5	2,656
NE: CENTRAL NEBRASKA JOINT HA	PO BOX 509, LOUP CITY, NE 68853	3	4,652
NM: SAN JUAN COUNTY HA	7450 E. MAIN ST, STE C, FARMINGTON, NM 87402	20	84,286
NV: CITY OF RENO HA	1525 EAST NINTH ST, RENO, NV 89512	26	81,635
NV: SOUTHERN NEVADA REG HA	340 NORTH 11TH ST, LAS VEGAS, NV 89104	10	49,331
NY: THE CITY OF NEW YORK DHPD	100 GOLD ST, RM 501, NEW YORK, NY 10038	66	584,972
NY: CITY OF NEW ROCHELLE	515 NORTH AVE, NEW ROCHELLE, NY 10801	38	420,231
NY: VILLAGE OF COBLESKILL RD 1,	BOX 12, COBLESKILL, NY 12043	34	307,387
NY: NYS HSG TRUST FUND CORP	38–40 STATE ST, ALBANY, NY 12207	155	1,202,109
OH: COLUMBUS METRO HA	880 EAST 11TH AVE, COLUMBUS, OH 43211	24	152,378
OH: KNO_X METRO HA	201A WEST HIGH ST, MOUNT VERNON, OH 43050	22	90,893
OR: HA OF JACKSON	2231 TABLE ROCK RD, MEDFORD, OR 97501	12	10,318
OR: KLAMATH HA	PO BOX 5110, KLAMATH FALLS, OR 97601	17	75,745
OR: LINN–BENTON HA	1250 SE QUEEN AVE, ALBANY, OR 97322	8	18,566
OR: JOSEPHINE HSG COMM DEV COUNCIL	PO BOX 1630, GRANTS PASS, OR 97528	12	20,579
OR: CENTRAL OREGON REG HA	405 SW 6TH ST, REDMOND, OR 97756	34	135,810
PA: BEAVER COUNTY HA	300 STATE ST, BEAVER, PA 15009	28	9,669
PA: ERIE COUNTY HA	120 SO CENTER, CORRY, PA 16407	0	62,625
RQ: MUNICIPALITY OF SAN JUAN	PO BOX 36–2138, SAN JUAN, PR 00936	28	31,190
RQ: PUERTO RICO HSG FIN AGENCY CALL	BOX 71361–GPO, SAN JUAN, PR 00936	14	14,288
SD: PIERRE HSG & REDEV AGENCY	301 W. PLEASANT AVE, PIERRE, SD 57501	3	2,621
SD: BROOKINGS HSG & REDEV AGENCY	1310 MAIN AVE SOUTH, BROOKINGS, SD 57006	12	17,777
TX: CUERO HA	PO BOX 804, CUERO, TX 77954	17	13,936
VA: HOPEWELL REDEV & HA	350 E. POYTHRESS ST, HOPEWELL, VA 23860	28	101,264
VA: VIRGINIA HSG DEV AUTH	601 SOUTH BELVIDERE ST, RICHMOND, VA 23220	47	203,546
VT: BURLINGTON HA	65 MAIN ST, BURLINGTON, VT 05401	7	10,222
WA: KING COUNTY HA	600 ANDOVER PARK WEST, SEATTLE, WA 98188	160	882,616
WI: WISCONSIN HSG & ECON DEV	PO BOX 1728, MADISON, WI 53701	30	146,617
WY: HA OF THE CITY OF CHEYENNE	3304 SHERIDAN AVE, CHEYENNE, WY 82009	34	121,299
Total for Termination/Opt-out Vouchers		1,985	12,397,037
Total for Housing Tenant Protection		13,513	61,302,993
SRO Replacements			
CA: HA OF CITY OF NAPA	1115 SEMINARY ST, NAPA, CA 94559	7	57,797
NY: NYS HSG TRUST FUND CORP	38–40 STATE ST, ALBANY, NY 12207	22	201,881

SECTION 8 RENTAL ASSISTANCE PROGRAMS ANNOUNCEMENT OF AWARDS FOR FISCAL YEAR 2013—Continued

Housing agency	Address	Units	Award
TX: SAN ANTONIO HA	818 SO FLORES ST, SAN ANTONIO, TX 78295	87	554,427
UT: HA OF SALT LAKE	1776 SW TEMPLE, SALT LAKE CITY, UT 84115	24	173,762
Total for SRO Replacements		140	987,867
Grand Total		18,710	$86,772,680

[FR Doc. 2013–30362 Filed 12–19–13; 8:45 am]
BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[1541D0102DMDS64600000DLSN00000.000000DX6460114]

Notice of Senior Executive Service Performance Review Board Appointments

AGENCY: Office of the Secretary, Interior.

ACTION: Notice.

SUMMARY: This notice provides the names of individuals who have been appointed to serve as members of the Department of the Interior Senior Executive Service (SES) Performance Review Board.

DATES: These appointments are effective upon publication in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Thomas Mulhern, Director, Office of Human Resources, Office of the Secretary, Department of the Interior, 1849 C Street NW., Washington, DC 20240, Telephone Number: (202) 208–6761.

SUPPLEMENTARY INFORMATION: The members of the Department of the Interior SES Performance Review Board are as follows:

Name:

Altemus, Michele J.
Anderson, Allyson K.
Anderson, Roderick M.
Andrew, Jonathan M.
Applegate, James D. R.
Arroyo, Bryan
Atkinson, Karen J.
Austin, Stanley J.
Awn I, Muhammad H.
Bales, Jerad D.
Barchenger, Ervin J
Bathrick, Mark L.
Bayani, Theresa Walsh
Beall, James W.
Bean, Michael J.
Beaudreau, Tommy P.
Beck, Richard T.
Belin, Alletta D.
Berrigan, Michael J.
Birdsong, Bret Creech
Black, Michael S.
Blanchard, Mary Josie
Boling, Edward A.
Bolton, Hannibal
Bowker, Bryan L.
Broun, Laurence I.
Brown, David W.
Brown, Laura B.
Brown, William Y
Buffa, Nicole Nmn
Burch, Melvin E.
Burckman, James N.
Burden, John W.
Burzyk, Carla M.
Caramanian, Lori L.
Carl, Leon M.
Carter-Pfisterer, Carole
Charlip, Ralph Blair
Clark, Horace G.
Clement, Joel P.
Compton, Jeffrey S.
Connell, Jamie E.
Cordova-Harrison, Elizabe
Craff, Robert C.
Cribley, Bud C.
Cruickshank, Walter D.
Cruzan, Darren A.
Daniel-Davis, Laura E.
Darnell, Joseph D.
Davis, Mark H.
Dean, Francis J.
Deerinwater, Daniel J.
Delaplaine, L. Bruce
Demulder, Mark L.
Dickinson, William K.
Ditmanson, Dale A.
Donner, Cynthia
Douglas, James C.
Dutschke, Amy L.
Eller, Sharon D.
Ellis, Steven A.
Elmore, Kimberly
Esquivel, Francis O.
Estenoz, Shannon A.
Ethridge, Max M.
Faeth, Lorraine V.
Farber, Michael D.
Farquhar, Edward P.
Ferrlter, Olivia B.
Flanagan, Denise A.
Ford, Jerome E.
Forrest, Vicki L.
Frazer, Gary D.
Freeman, Sharee M.
Frost, Herbert C.
Fulp, Terrance J.
Gallagher, Kevin T.
Gidner, Jerold L.
Glaser, Donald R.
Glenn, Douglas A.
Glomb, Stephen J.
Goklany, Indur M.
Goldfuss, Christina White
Gonzales-Schreiner, Rosea
Goodwin, Janet A.
Gould, Gregory J.
Gould, Rowan W.
Graziano, Angela V.
Gross, Lawrence Nmn Jr.
Guertin, Stephen D.
Hamley, Jeffrey L.
Hanna, Jean Ette D.
Hardgrove, Stephen A.
Harris, Sarah E.
Hart, Paula L.
Hartley, Deborah J.
Haskett, Geoffrey L
Haugrud, Kevin Jack
Hawbecker, Karen S.
Haze, Pamela K.
Herbst, Lars T.
Hildebrandt, Betsy J.
Holland-Bartels, Leslie E.
Holleman, Paul F.
Hoskins, David William
Hum Bert, Harry L.
Impson, Robert K.
Iseman, Thomas M.
Iudicello, Fay S.
Jackson, J. Andrew
Jacobson, Rachel L.
James, James D. Jr.
Johnson, Lynn A.
Johnston, Michael J.
Juen, Jesse J.
Keable, Edward T.
Keel, M. Franklin
Kelly, Francis P.
Kelly, Katherine P.
Kendall, James J. Jr.
Kendall, Mary L.
Kenna, James G.
Kimball, Dan B.
Kimball, Suzette M.
Kinsinger, Anne E.
Klein, Allen D.
Klein, Elizabeth A.
Knox, Robert A.
Knox, Victor W.
Kornze, Neil G.
Kurth, James W.
Laird, Joshua Radbill

Lance, Linda L.
Larsen, Matthew C.
Lauro, Salvatore R.
Lee, Lorri J.
Lehnertz, Christine S.
Loftin, Melinda J.
Lohoefener, Renne R.
Lords, Douglas A.
Loudermilk, Weldon B.
Lueders, Amy L.
Lyon, John G.
Lyons, James R.
Mabry, Scott L.
Masica, Sue E.
Mazer, Bernard J.
Mccaffery, James G.
Mcdowall, Lena E
Mckeown, Matthew I.
Melius, Thomas O.
Milakofsky, Benjamin E
Morris, David A.
Morris, Douglas W.
Moss, Adrianne L.
Mulhern, Thomas A.
Murillo, David G.
Murphy, Timothy M.
Mussenden, Paul A.
Nedd, Michael D.
Neimeyer, Sarah C.
Neubacher, Donald L.
O'dell, Margaret G.
Oneill, Keith James
Orr, L. Renee
Ortiz, Hankie P.
Owens, Glenda Hudson
Palma, Juan M.
Parisian, Edward F.
Payne, Grayford F.
Perez, Jerome E.
Peterson, Penny Lynn
Pimley, Lowell D.
Pinto, Sharon Ann
Pletcher, Mary F.
Prince, Venus Mcghee.
Pula, Nikolao Iuli
Quint, Robert
Rauch, Paula
Reidenbach, Dennis R.
Reynolds, Michael T.
Reynolds, Thomas G.
Rice, Bryan C.
Rideout, Sterling J. Jr
Roberson, Edwin L.
Roberts, Lawrence Scott
Rodi, John L.
Roessel, Charles M.
Rosen, Diane K.
Ross, John W.
Roth, Barry N.
Rountree, Carl D.
Rugen, Catherine E.
Russ, David P.
Ryan, Michael J.
Salerno, Brian M.
Salotti, Christopher P.
Schneider, Margaret N.
Scott, Mary Gibson
Sheaffer, C. Bruce
Sheehan, Denise E.
Sholly, Cameron H.
Shope, Thomas D.
Simmons, Shayla F. S
Impson, Donald A.
Singer, Michele F.
Slack, James J.
Smiley, Karla J.
Smith, Michael R.
Sobeck, Eileen Nmn
Sogge, Mark K.
Sonderman, Debra E.
Speaks, Stanley M.
Stanton, Robert G.
Stevens, Bartholomew S.
Steward, James D.
Suazo, Raymond
Taber, Teresa Renee
Talayumptewa, David N.
Taylor, Ione L.
Taylor, Kenneth S.
Taylor, Willie R.
Teskey, Mark Stanley
Thompson, Thomas D.
Thornhill, Alan D.
Thorsen, Kim Berley A.
Thorson, Robyn
Toothman, Stephanie S.
Tschudy, Deborah Gibbs
Tuggle, Benjamin N.
Uberuaga, David V.
Updike, Randall G.
Vela, Raymond David
Velasco, Janine M.
Vogel, Robert A.
Wade, Diane K.
Wainman, Barbara V.
Walker, William T.
Walkoviak, Larry P.
Walsh, Noreen E.
Ward, Joseph M. Jr.
Washburn, Elizabeth R.
Washburn, Julia L.
Wayson, Thomas C.
Weaver, Jess D.
Weber, Wendi
Welch, Ruth L.
Wells, Sandra J.
Wenk, Daniel N.
Werkheiser, William H.
White, John Ethan
Whitesell, Stephen E.
Whittington, Samuel Q.
Williams, Lc
Williams, Margaret C.
Wolf, Robert W
Woody, William C.
Woronka, Theodore

Thomas Mulhern,
Director, Office of Human Resources.

[FR Doc. 2013–29962 Filed 12–19–13; 8:45 am]
BILLING CODE 4310–RK–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R1–ES–2013–N261; FXES11130100000–145–FF01E00000]

Endangered and Threatened Wildlife and Plants; Recovery Permit Applications

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on the following applications for recovery permits to conduct activities with the purpose of enhancing the survival of an endangered species. The Endangered Species Act of 1973, as amended (Act), prohibits certain activities with endangered species unless a Federal permit allows such activity. The Act also requires that we invite public comment before issuing such permits.

DATES: To ensure consideration, please send your written comments by January 21, 2014.

ADDRESSES: Program Manager for Restoration and Endangered Species Classification, Ecological Services, U.S. Fish and Wildlife Service, Pacific Regional Office, 911 NE 11th Avenue, Portland, OR 97232–4181. Please refer to the permit number for the application when submitting comments.

FOR FURTHER INFORMATION CONTACT: Colleen Henson, Fish and Wildlife Biologist, at the above address or by telephone (503–231–6131) or fax (503–231–6243).

SUPPLEMENTARY INFORMATION:

Background

The Act (16 U.S.C. 1531 *et seq.*) prohibits certain activities with respect to endangered and threatened species unless a Federal permit allows such activity. Along with our implementing regulations in the *Code of Federal Regulations* (CFR) at 50 CFR 17, the Act provides for certain permits, and requires that we invite public comment before issuing these permits for endangered species.

A permit granted by us under section 10(a)(1)(A) of the Act authorizes the permittee to conduct activities (including take or interstate commerce) with respect to U.S. endangered or threatened species for scientific purposes or enhancement of propagation or survival. Our regulations implementing section 10(a)(1)(A) of the Act for these permits are found at 50

CFR 17.22 for endangered wildlife species, 50 CFR 17.32 for threatened wildlife species, 50 CFR 17.62 for endangered plant species, and 50 CFR 17.72 for threatened plant species.

Applications Available for Review and Comment

We invite local, State, and Federal agencies, and the public to comment on the following applications. Please refer to the appropriate permit number for the application when submitting comments.

Documents and other information submitted with these applications are available for review by request from the Program Manager for Restoration and Endangered Species Classification at the address listed in the **ADDRESSES** section of this notice, subject to the requirements of the Privacy Act (5 U.S.C. 552a) and the Freedom of Information Act (5 U.S.C. 552).

Permit Number: TE–19239B

Applicant: Washington Department of Fish and Wildlife, Olympia, Washington.

The applicant requests a new recovery permit to take (survey, monitor habitat restoration, collect, captive rear and breed, and reintroduce) the Taylor's checkerspot butterfly (*Euphydryas editha taylori*) in Oregon and Washington for the purpose of enhancing the species' survival.

Permit Number: TE–21614B

Applicant: Oregon Department of Fish and Wildlife, Salem, Oregon.

The applicant requests a new recovery permit to take (haze, capture, and relocate) the Columbian white-tailed deer (*Odocoileus virginianus leucurus*) in conjunction with a translocation effort in the State of Washington for the purpose of enhancing the species' survival.

Permit Number: TE–702631

Applicant: Assistant Regional Director, Ecological Services, Fish and Wildlife Service, Pacific Region, Portland, Oregon.

The applicant requests a renewal of their recovery permit for scientific take activities. This permit would allow Service employees, and their designated agents, to take, or remove and reduce to possession, all federally listed species in the States of Idaho, Hawaii, Oregon, and Washington, and the trust territories of the Pacific Islands in conjunction with recovery activities for scientific purposes or for enhancing their propagation or survival. A list of federally listed species covered by this permit is available at the following Web site: *http://www.fws.gov/pacific/ecoservices/endangered/recovery/documents/TE–702631–25R1SpeciesList2013.pdf*

Permit Number: TE–22353B

Applicant: Center for Natural Lands Management, Temecula, California.

The applicant requests a new recovery permit to take (conduct habitat restoration activities and survey) the Taylor's checkerspot butterfly (*Euphydryas editha taylori*) in Oregon and Washington for the purpose of enhancing the species' survival.

Permit Number: TE–146777

Applicant: Arleone Dibben-Young, Kaunakakai, Hawaii.

The applicant requests renewal of their recovery permit to take (capture, measure, band, mark, release, and recapture) the ae'o or Hawaiian stilt (*Himantopus mexicanus knudseni*) and the koloa or Hawaiian duck (*Anas wyvilliana*), and take (capture, measure, band, mark, take oropharyngeal and cloacal swabs, release, and recapture) the 'alae ke1oke'o or Hawaiian coot (*Fulica alai*) for the purposes of scientific research and enhancing the species' survival.

Public Availability of Comments

All comments and materials we receive in response to this request will be available for public inspection, by appointment, during normal business hours at the address listed in the **ADDRESSES** section of this notice.

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.

Authority

We provide this notice under section 10 of the Act (16 U.S.C. 1531 *et seq.*)

Dated: December 13, 2013.

Colleen M. Henson,

Regional Director, Pacific Region, U.S. Fish and Wildlife Service.

[FR Doc. 2013–30307 Filed 12–19–13; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[FWS–R2–ES–2013–N187; FXES11120200000F2–134–FF02ENEH00]

Environmental Action Statement Screening Form and Proposed Amendment to the Candidate Conservation Agreement With Assurances; Lesser Prairie Chicken, Oklahoma

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability and request for public comment.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce the availability of the environmental action statement screening form and the draft amendment to the Agricultural Candidate Conservation Agreement with Assurances (CCAA) for the lesser prairie chicken (*Tympanuchus pallidicinctus*) (LEPC) in Oklahoma, under the National Environmental Policy Act of 1969. The Oklahoma Department of Wildlife Conservation (ODWC) (applicant) has applied for an amendment of their existing CCAA, with a major amendment to increase enrollment from 200,000 acres to 400,000 acres by 2037 throughout the 14 Oklahoma counties described in the CCAA.

DATES: *Comment Period:* To ensure consideration of your written comments, they must be received on or before close of business (4:30 p.m. CST) January 21, 2014. Any comments that we receive after the closing date may not be considered in the final decisions on these actions.

ADDRESSES: For where to view documents, see Availability of Documents in **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Acting Field Supervisor, by U.S. mail at U.S. Fish and Wildlife Service, 9014 East 21st Street, Tulsa, OK 74129, or by telephone at 918–581–7458.

SUPPLEMENTARY INFORMATION:

In accordance with the requirements of the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321 *et seq.*), we advise the public that:

1. We have gathered the information necessary to determine impacts in the environmental action statement screening form related to potential issuance of an amended enhancement of survival permit to the applicant; and

2. The applicant has developed a draft amendment to the CCAA, which doubles the acreage of enrollment on which ODWC could take to implement

conservation measures for the LEPC by removing threats to the species and protecting their habitat to the maximum extent practicable pursuant to section 10(a)(1)(A) of the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*).

The permitted CCAA is authorized for 25 years in Alfalfa, Beaver, Beckham, Cimarron, Custer, Dewey, Ellis, Harper, Major, Roger Mills, Texas, Washita, Woods, and Woodward Counties, Oklahoma. This area constitutes the CCAA's Planning Area, with Covered Areas being eligible on non-Federal lands within the Planning Area that provide suitable habitat for LEPC, or have the potential to provide suitable LEPC habitat with the implementation of conservation management practices. This proposed amendment would double the enrollment cap from 200,000 acres to 400,000 acres. This would double the conservation program currently being implemented on agricultural lands within the historic range of the LEPC under the current section 10(a)(1)(A) enhancement of survival permit held by ODWC. The CCAA is in addition to a larger conservation effort for the LEPC across its range within Texas, Oklahoma, Colorado, Kansas, and New Mexico.

ODWC will enroll participating landowners through issuance of Certificates of Inclusion pursuant to the CCAA. Participating landowners who are fully implementing the CCAA provisions of the enhancement of survival permit will be provided assurances that, should the LEPC be listed, the Service will not require them to provide additional land, water, or financial resources, nor will there be any further restrictions to their land, water, or financial resources than those they committed to under the CCAA provisions. The CCAA provisions are found in the *Code of Federal Regulations* (CFR) at 50 CFR 17.22(d) and 17.32(d). Furthermore, if the LEPC is listed, participating landowners would be provided incidental take authorization under the enhancement of survival permit for the level of incidental take on the enrolled lands consistent with the activities under the CCAA provisions. This amendment would potentially double the amount of the incidental take authorization proportionately with the doubling of the enrolled conservation acres.

Background

The LEPC currently occurs in five States: Colorado, Kansas, New Mexico, Oklahoma, and Texas. The species inhabits rangelands dominated primarily by shinnery oak–bluestem and sand sagebrush–bluestem vegetation types. Major factors affecting the status of the LEPC are habitat fragmentation, overutilization by domestic livestock, oil and gas development, wind energy development, loss of native rangelands to cropland conversion, herbicide use, fire suppression, and drought. In 1998, the Service determined that listing of the LEPC was warranted but precluded because of other higher priority species. The December 2008 Candidate Notice of Review elevated the listing priority of the LEPC from an ''8'' to a ''2'' because the overall magnitude of threats to the LEPC were increasing and occurring throughout almost all of the currently occupied range.

On January 25, 2013 (77 FR 37917), we issued a final environmental assessment (EA), along with the final CCAA and enhancement of survival permit. We included public comments and responses associated with the draft EA and draft CCAA in an appendix to the final EA. The Service worked with the ODWC on the development of the CCAA for the LEPC in the State of Oklahoma. The CCAA was initiated in order to facilitate conservation and restoration of the LEPC on private and State trust lands in Oklahoma. Expected conservation benefits for the LEPC from implementation of the conservation measures in this CCAA will be recognized through improved population performance. Specifically, this will entail expected increases in adult and juvenile survivorship, nest success, and recruitment rates. A full discussion of the impacts, both positive and negative, can be found in the Final Environmental Assessment and Biological/Conference Opinion for the original CCAA (*http://www.fws.gov/southwest/es/LPC.html*).

Proposed Action

The purpose of the amendment to the CCAA is to double the amount of acreage that ODWC can use to enroll participating landowners from 200,000 to 400,000 acres over the 25 year duration of the CCAA. The additional acreage will potentially double the amount of conservation for the LEPC by doubling the amount of birds protected on enrolled lands. If, on average, LEPC densities are about two birds per square mile in good quality habitat, there could be as many as 1,250 LEPCs within the targeted enrollment/implementation area of this CCAA and an overall population of about 3,125 birds within the entire planning area. We have analyzed the effects through reinitiating the original Conference Opinion and we have found that the approval and implementation of the amended CCAA will extend a landscape-level conservation program that will result in increased re-colonization of suitable habitats by the LEPC. Furthermore, the conservation measures included in the amended CCAA are designed to reduce the major habitat-related threats to the LEPC in Oklahoma, which is expected to lead to increased distribution and abundance of the species in the action area. Also, adverse impacts associated with implementation of conservation measures under the amended CCAA are expected to be minor and temporary, and should be offset and exceeded by beneficial and long-lasting effects to the LEPC and its habitat. Although an increase in the number of acres enrolled will increase the extent of incidental take of the LEPC, this will be offset and exceeded by beneficial effects that will also increase under the amended CCAA.

Availability of Documents

Electronic copies of the proposed CCAA amendment and the Environmental Action Statement Screening Form, along with the final CCAA and final EA are available on the Service's LEPC Web site, *http://www.fws.gov/southwest/es/LPC.html.* Alternatively, you may obtain CD–ROMs with electronic copies of these documents by writing to Acting Field Supervisor, U.S. Fish and Wildlife Service, 9014 East 21st Street, Tulsa, OK 74129; calling 918–581–7458; or faxing 918–581–7467. Please refer to TE72923A–1 when requesting documents. The proposed amendment to the CCAA and the environmental action statement screening form are available for public inspection, by appointment only, during normal business hours (8 a.m. to 4:30 p.m.) at the Tulsa address listed above.

Persons wishing to review the amended CCAA or Environmental Action Statement may obtain a copy by writing to the Regional Director, U.S. Fish and Wildlife Service, P.O. Box 1306, Room 6034, Albuquerque, NM 87103.

Authority

We provide this notice under section 10(c) of the Act (16 U.S.C. 1531 *et seq.*) and its implementing regulations (50 CFR 17.22) and NEPA (42 U.S.C. 4321 *et seq.*) and its implementing regulations (40 CFR 1506.6).

Joy E. Nicholopoulos,

Acting Regional Director, Southwest Region, Albuquerque, New Mexico.

[FR Doc. 2013–30305 Filed 12–19–13; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[134D0102DRDS5B800000DR.5B811. IA000913DLB000000.000000]

Grant Program To Assess, Evaluate, and Promote Development of Tribal Energy and Mineral Resources

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Solicitation of Proposals.

SUMMARY: The Secretary of the Interior, through the Office of Indian Energy and Economic Development (IEED), solicits grant proposals from federally recognized Indian tribes and tribal energy resource development organizations for projects that promote processing, use, or development of energy and mineral resources on Indian lands. Grant awards are subject to the availability of funds as appropriated by Congress. Awards must be used by an Indian tribe to develop a tribal energy and mineral resource inventory, a tribal energy and mineral resource on Indian land, or a report necessary to develop energy and mineral resources on Indian lands.

DATES: Submit grant proposals on or before February 18, 2014. We will not consider grant proposals received after this date.

ADDRESSES: Email your proposal to *dawn.charging@bia.gov.* We will respond to you via email if we receive your proposal and it is readable. If you cannot email your EMPD proposal, then mail or hand-carry it to the Department of the Interior, Division of Energy and Mineral Development, Attention: Energy and Mineral Development Program, c/o Dawn Charging, 13922 Denver West Parkway—Suite 200 (#253), Lakewood, Colorado 80401–3142.

FOR FURTHER INFORMATION CONTACT: If you have questions about the application process, please contact Dawn Charging, telephone 720–407–0652 or email *dawn.charging@bia.gov.*

If you have technical questions about the energy and mineral resources you wish to assess, evaluate or promote, please contact the appropriate representatives listed below:

- Mineral Projects (Precious Metals, Sand and Gravel): Lynne Carpenter, telephone 720–407–0605, email: *lynne.carpenter@bia.gov,* or David Holmes, telephone 720–407–0609, email: *david.holmes@bia.gov*
- Conventional Energy (Oil, Natural Gas, Coal): Bob Just, telephone 720–407–0611, email *robert.just@bia.gov*
- Renewable Energy (Biomass, Wind, Solar): Jennifer Reimann, telephone 720–407–0669, email *Jennifer.Reimann@bia.gov*
- Geothermal Energy: Bob Just, telephone 720–407–0611, email *bob.just@bia.gov*

On-Line Information: There is additional information about EMDP grants on our Web site, *http://www.bia.gov/WhoWeAre/AS–IA/IEED/DEMD/TT/TF/index.htm.* There you will find sample proposals, sample Tribal resolutions, frequently asked questions, best practices for creating proposals, and general information about technical assistance, which DEMD can provide upon request.

SUPPLEMENTARY INFORMATION:

A. Background
B. Items To Consider Before Preparing an Application for an Energy and Mineral Development Program Grant
C. How To Prepare an Application for Energy and Mineral Development Funding
D. Submission of Application in Digital Format
E. Application Evaluation and Administrative Information
F. When To Submit
G. Where To Submit
H. Transfer of Funding and Transfer of Funds
I. Reporting Requirements for Award Recipients
J. Requests for Technical Information
K. Paperwork Reduction Act Statement

A. Background

The Energy Policy Act of 2005 (25 U.S.C. 3501 *et seq.*) requires the Secretary to, ''establish and implement an Indian energy resource development program to assist consenting Indian tribes and tribal energy resource development organizations.'' It also requires the Secretary to, ''provide grants to Indian tribes and tribal energy resource development organizations for use in carrying out projects to promote the integration of energy resources, and to process, use, or develop those energy resources, on Indian land….''

IEED, through the Division of Energy and Mineral Development (DEMD) office in Lakewood, Colorado, administers the Energy and Mineral Development Program (EMDP) program. This solicitation seeks proposals for energy and mineral development projects that explore for energy and mineral resources, inventory or assess known resources, or perform feasibility or market studies that tend to promote the use and development of known energy and mineral resources.

Energy and mineral resources may include conventional energy resources (*e.g.,* oil, gas, coal, uranium, and coal bed gas) or renewable energy resources (*e.g.,* wind, solar, biomass, hydro and geothermal). Mineral resources include industrial minerals (*e.g.,* sand, gravel), precious minerals *(e.g.,* gold, silver, platinum), base minerals (*e.g.,* lead, copper, zinc), and ferrous metal minerals (*e.g.,* iron, tungsten, chromium). We want to encourage energy resource development for the nation as a whole, and at the same time help tribes achieve economic benefits from their energy resources. We seek to expand not only tribal knowledge of their energy resources, but the ability yo bring those resources to market in an environmentally acceptable manner.

In past years, we have received more EMDP grant proposals than we could fund that year. Therefore, we have applicants compete for funding, and DEMD then awards funds to a limited number of the best proposals. The DEMD has established ranking procedures with defined criteria for rating proposal merits so that awards are as fair and equitable as possible.

EMDP grants are based on non-recurring appropriations in the Federal budget. These funds are provided on a year-to-year basis, and may or may not be provided in future years.

B. Items To Consider Before Preparing an Application for an Energy and Mineral Development Program Grant

1. Indian Tribe

The term *Indian tribe* for purposes of EMDP energy grants under the Energy Policy Act of 2005 means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (*85 Stat. 688*) [*43* U.S.C. *1601* et seq.], which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians;

The term ''Indian tribe'' for purposes of EMDP grants for mineral development under the Snyder Act means an Indian tribe under section 102 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a).

2. Tribal Energy Resource Development Organization

The term *tribal energy resource development organization* for purposes of EMDP energy grants under the Energy Policy Act of 2005 means an organization of two or more entities, at least one of which is an Indian tribe, that has the written consent of the governing bodies of all Indian tribes participating in the organization to apply for a grant, loan, or other assistance under 25 U.S.C. 3502.

3. Indian Land

The term *Indian land* for the purposes of EMDP energy grants under the Energy Policy Act of 2005 means—

(a) Any land located within the boundaries of an Indian reservation, pueblo, or rancheria;

(b) any land not located within the boundaries of an Indian reservation, pueblo, or rancheria, the title to which is held—

(i) In trust by the United States for the benefit of an Indian tribe or an individual Indian;

(ii) by an Indian tribe or an individual Indian, subject to restriction against alienation under laws of the United States; or

(iii) by a dependent Indian community; and

(c) land that is owned by an Indian tribe and was conveyed by the United States to a Native Corporation pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), or that was conveyed by the United States to a Native Corporation in exchange for such land.

The term ''Indian land'' for purposes of EMDP grants for mineral development under the Snyder Act means any tract, or interest therein, in which the mineral estate is owned by one or more Indian tribes in trust or restricted status.

4. Tribes' Compliance History

DEMD will monitor all EMDP grant awards for statutory and regulatory compliance. Tribes that misuse funds may forfeit remaining funds in that and future EMDP years. DEMD may review the use of any prior awards before deciding to fund current year proposals, and may request explanation from tribes with outstanding project funds from previous years.

5. BIA Sanctions List

Tribes who are currently under BIA sanction at Level 2 or higher resulting from non-compliance with the Single Audit Act are ineligible for a EMPD grant award. Tribes at Sanction Level 1 will be considered for funding.

6. Completion of Previous Energy and Mineral Development Projects

DEMD will not usually consider additional funding for a new EMDP project proposal until any previous year's EMPD project from the same applicant is complete and documented. We do understand, however, that delays beyond the control of the applicant sometimes occur. DEMD will consider any explanation provided in conjunction with a new EMDP grant proposal. For instance, if previous year grant funds were seriously delayed through no fault of the applicant, and the prior project is not yet complete for that reason, DEMD would probably not reject a new EMPD grant proposal on that basis.

7. Multiple Projects

DEMD will accept separate applications for multiple projects, even if the project concerns the same energy and mineral resource. For example, a tribe may have a known energy and mineral resource, but need to better define it with further exploration work or analysis. The tribe may also need to conduct a market analysis or feasibility study to understand the economics of bringing that resource to market. In this situation the applicant could submit two separate proposals. The DEMD will apply the same objective ranking criteria to each proposal, although EMDP budget levels may limit what, if anything, either or both proposals might be awarded. Contact DEMD if you have questions concerning multiple projects.

8. Multi-Year Projects

We cannot commit to awarding multi-year funding for a project. EMDP funding is subject to annual appropriations by Congress, so DEMD can only fund single-year projects.

EMDP projects requiring funding beyond a single year should be submitted as a single-year proposal with an explanation that the applicant expects additional time will be needed to complete the project and will therefore submit other applications in following years, to the extent EMDP grants are available. The DEMD will try to fund worthy EMDP projects over multiple years, but there is no assurance EMDP grant funds will be available in future years, or that a multi-year project will be selected again in future years, given DEMD's awarding discretion.

9. Use of Existing Data

DEMD maintains extensive data and information on tribal energy and mineral resources, including digital land grids, geographic information system (GIS) data, and imagery data for many reservations. The DEMD can often help with common requests such as well and production data, geophysical data (including seismic data), geology and engineering data. Ask and you may find that DEMD already has, or can get, much of the data you need at its offices, thereby reducing the anticipated cost of your project.

Correspondingly, DEMD will not allow budget line items for securing data or products already available at DEMD. Check first if DEMD does not have a particular data set, then EMDP funds may be used to acquire such data.

There may also be other places an applicant can secure existing data, thereby avoiding some or all of the cost of securing new data. Before submitting a EMDP proposal that includes acquiring new data, applicants should search thoroughly for preexisting data. Even older data may still have considerable value. Modern data processing and interpretation techniques may allow for updating or improving older data. Applicants should look into this possibility with DEMD staff or with a reputable consultant.

10. Using Technical Services at DEMD

DEMD offers tribes many in-house technical capabilities and services at no charge Tribes can maximize the value of EMDP projects by fully using DEMD's services, or by using DEMD services in conjunction with reputable consultants. Services at DEMD include:

- Searching nearby reference materials for technical literature on previous investigations and work performed in and around reservations, such as the U.S. Geological Survey (USGS) library in Denver, Colorado, or the Colorado School of Mines library in Golden, Colorado;
- Well production history analysis, decline curve and economic analysis of data obtained through DEMD's in-house databases;
- Well log interpretation, including correlation of formation tops, identification of producing horizons, and generation of cross-sections;
- Technical mapping capabilities, using data from well log formation tops and seismic data;
- Contour mapping capabilities, including isopachs, calculated grids, color-fill plotting, and posting of surface features, wells, seismic lines and legal boundaries;
- Seismic data interpretation and data processing;
- Three dimensional modeling of mine plans;
- Economic analysis and modeling for energy and solid mineral projects; and
- Marketing studies.

11. What the Energy and Mineral Development Program Cannot Fund

These funds are specifically for energy and mineral development project work only. Examples of elements that cannot be funded include:

- Establishing or operating a tribal office, and/or purchase of office equipment;
- Salaries or fringe benefits for Tribal employees, except for clearly defined

technical project related tasks. Salary requests must comply with the detailed budget component as described under *Mandatory Component 3;*

- Indirect costs as defined by the Federal Acquisition Regulation (FAR), and overhead;
- Purchasing equipment such as computers, vehicles, field gear, anemometer (Met) towers, and the like, to perform pre-development activities. However, we do allow leasing these types of equipments for pre-development activities;
- Purchasing or leasing equipment to develop energy and mineral resources, such as well drilling rigs, backhoes, bulldozers, cranes, trucks, etc.;
- Drilling wells for the sale of hydrocarbons, geothermal resources, other fluid or solid minerals. Funds may be used for drilling exploration holes for testing, sampling, coring, or temperature surveys;
- Legal fees;
- Application fees associated with permitting;
- Academic research projects;
- Development of unproven technologies;
- Training;
- Contracted negotiation fees;
- Purchase of data available through DEMD;
- Environmental Impact Studies (EIS); and
- Any other activities not authorized by the tribal resolution or by the award letter.

12. Performance of EMDP Projects

At the applicant's discretion, EMDP projects can be performed a number of ways, including by—

- Qualified tribal personnel;
- A Federal government agency (such as DEMD, the U.S. Geological Survey, or the U.S. Department of Energy (DOE));
- A State government agency (such as a State geological survey);
- One or more qualified consultants; or
- A private company or firm.

We place no requirements or restrictions on how an applicant may contract with outside parties to perform EMDP functions, except that the applicant must adhere to its own contracting policies and procedures, such as applicable tribal laws. In addition, applicants should avoid EMDP projects that place inexperienced personnel in key positions or create or continue conflicts of interest, such as having a resource assessment performed by an outside company that is also competing for development rights in the resource being studied.

C. How To Prepare an Application for Energy and Mineral Development Funding

A complete EMDP grant proposal must contain each of the following mandatory components (described in detail below):

1. A current tribal resolution authorizing the proposed project;
2. A proposal describing the planned activities and deliverable products;
3. A detailed budget estimate; and
4. A designated project lead person, authorized to make decisions.

A funding request that does not contain all of these mandatory components will be considered incomplete and returned to the tribe with an explanation. An applicant whose proposal is returned for this reason will be allowed to address the incompletion and resubmit for consideration, provided all issues are addressed before the application deadline listed under **DATES**, above.

Further description of these mandatory components is as follows:

1. Mandatory Component 1: Tribal Resolution

(a) EMDP Energy Grants:

(i) Tribal application: If a tribe is applying, a tribal resolution must be current, signed, and on tribal letterhead.

(ii) Tribal Energy Resource Development Organization application: the organization must be comprised of two or more entities, at least one of which is an Indian Tribe, that has the written consent of the governing bodies of all Indian Tribes participating in the organization to apply for a grant or other assistance. The tribal resolution must specify the fiscal year for which the EMDP project and grant proposal are intended.

(b) EMDP Mineral Grants:

EMDP grants for mineral development under the Snyder Act means any tract, or interest therein, in which the mineral estate is owned by one or more Indian tribes in trust or restricted status. The tribe applying must submit a current tribal resolution, signed, and on tribal letterhead.

Tribal resolutions should not specify a starting date for the project to avoid complications in the event of funding delays or similar contingencies. Each tribal resolution must include:

- A description of the energy and mineral resource to be studied;
- A statement that the tribe is willing to consider developing any potential energy and mineral resource discovered; and
- A statement describing how the tribe wishes to have the EMDP project performed (i.e., by whom);

We also recommend including in the resolution, a statement to the effect that the tribe will consider public release of information obtained from the EMDP project. By this, we mean summary information suitable for publications, press releases, or presentation at government or private meetings and conferences. We do not mean providing copies of detailed proprietary data or reports to any individual, private company or government agency without the tribe's written permission.

Note: Any information in the possession of DEMD or submitted to DEMD throughout the EMDP process, including final work product, constitute as government records and may be subject to disclosure to third parties under the Freedom of Information Act (FOIA), 5 U.S.C. 552, and the Department of the Interior's FOIA regulations at 43 CFR part 2, unless a FOIA exemption or exception applies or other provisions of law protect the information. Applicants may, but are not required to, designate submitted information in connection with the EMDP as confidential commercially or financially sensitive information, as applicable. That may help DEMD shield such information from FOIA disclosure under the procedures described in 43 CFR part 2.

2. Mandatory Component 2: EMDP Proposal

EMDP grant proposals must be as brief and clear as possible, with a project proposal, statement of work, and description of deliverable products not to exceed 20 letter-sized pages. Visual materials, including charts, graphs, maps, photographs and other pictorial presentations are included in the 20-page limit.

While the EMDP grant proposal itself is limited to 20 pages, an applicant may use appendices for supplemental materials, such as:

- An overview of a tribe's history, location, government structure, population makeup, etc;
- Descriptions of previous work performed relating to the EMPD grant proposal, including work done under any previous EMDP grant award; and/or
- Further detail on technologies or methodologies in the proposal with which DEMD reviewers may be unfamiliar.

Tribes that do not have a staff geoscientist or private consultant available to prepare the technical part of an EMDP grant proposal may contact DEMD for guidance. Since DEMD will be reviewing EMDP grant proposals, there are limits to what DEMD staff can do to help in preparing a proposal. However, DEMD can assist in identifying outside companies or consultants to assist Tribes. If needed, contact DEMD as indicated in the

ADDRESSES section of this notice. Make requests as early as possible to give DEMD time to help well before the application deadline.

The EMDP proposal should include the following sections:

(a) *Overview and Technical Summary of the Project:* Prepare a brief overview of the proposal, no longer than one page. Include:

- Elements of the proposed project;
- Reasons for the project;
- Total funding requested; [and]
- EMDP project lead (authorized to make decisions) and an applicant contact (whether the same or different from the project lead).

(b) *Project Objective and Technical Description, Scope of Work:* To the extent possible—

- Identify the resource to be examined, such as particular oil or gas deposit, or the regional market for the use of wind power.
- If the energy and mineral resource is known to exist or is being produced nearby, discuss the possible extension or trend of the deposit onto the Indian lands identified in the proposal.
- Describe the location on Indian lands where the energy and mineral resource is located, and where the project is to be performed. Include relevant page size maps and graphs.
- Describe any existing energy and mineral resource information pertinent to the application and provide references. The proposal should not seek to create data or information already in existence.
- Describe whether the project is new or builds on previous work that is partially complete. Explain how the project is phased, how long it is expected to take through completion, and what element the current project is intended to satisfy. **Note:** EMDP grant funding is appropriated annually. There is no guarantee that funding for a multi-stage project will be available or awarded from one fiscal year to the next.
- Describe whether the project proposal involves work or resources located in an archeological, environmentally or culturally sensitive area. The applicant must cooperate with DEMD when considering and addressing any such concerns.
- Describe the tribe's motivation to develop the proposed energy and mineral resource, including any short and long term benefits to the tribe.
- Describe the project goals and objectives.
- Provide a detailed description of the scope of work and explain the selection of the proposed methodology. For example, if the project involves a geochemical sampling survey, explain how and why the applicant decided upon the quantity samples to be obtained, what type of sampling to target, the soil horizons to be tested, the general location of sampling, how the samples are to be analyzed, and why the applicant chose geochemistry as its exploration technique. Furnish similar explanations and details for geophysics, geologic mapping, core drilling, or any other type of assessment planned.

(c) *Deliverable Products:* Describe all deliverable products the proposed EMDP project is to generate, including all technical data to be obtained during the study. Describe any maps to be generated and how they will help define energy and mineral resource potential. Discuss the content of any planned status reports as well as the final EMDP project report.

(d) *Resumes of Key Personnel:* Provide the resumes of key personnel intended to perform EMDP project work and the nature of their involvement, including their relationship to the applicant as tribal staff, consultant, subcontractor, etc.

3. Mandatory Component 3: Detailed Budget Estimate

The EMDP budget must be sufficiently detailed for DEMD staff to gain a reasonable understanding of all elements of the project proposal, plus the relative emphasis placed on each element. Budget details should reflect all reasonably anticipated costs and contingencies, be internally consistent with the rest of the proposal, and allow the review panel to analyze the benefit of all project components. The budget breakdown and organization must indicate that the EMDP project proposal has been closely considered, and would neither waste funds nor fail to support important project elements.

If the EMDP proposal has distinct phases or elements handled by different persons at different times, or discrete categories of expense that can be helpful to break out, budget organization should present sub-budgets or summaries that emphasize those phases, elements or categories. For instance, contract and consulting fees, fieldwork, lab and testing fees, travel and similar categories of expense should be grouped in a budget summary, even if they would not occur sequentially as the project proceeds, so that reviewers can evaluate the overall reasonableness of these expenses against the value of the EMDP proposal as a whole.

In particular, a well-presented budget will clearly show the following:

(a) *Contracted Personnel Costs.* All contracted personnel and consultants must be identified in the budget, along with their respective positions and the hours allocated for their proposed function(s).

- The function and qualifications of any consultant or contracted personnel must be clearly identified in *Mandatory Component 2: EMDP Proposal.*
- If hired for a fixed fee, the contracted personnel's or consultant's expenses should be itemized as part of the project budget.
- If not hired for a fixed fee, provide the estimated cost of their activities and the basis of that estimate.

(b) *Travel Estimates.* Provide estimates for airfare, vehicle rental, lodging, and/or per diem, based on the current Federal government per diem schedule for the applicable region of the country and time of travel.

(c) *Data Collection and Analysis Costs.* Itemize these costs in sufficient detail for reviewers to evaluate the charges. For example, break down drilling and sampling costs in relation to mobilization costs, footage rates, testing and lab analysis costs per core sample.

(d) *Other Expenses.* Separately identify computer or equipment rental, report generation, drafting, advertising, and similar costs for the proposed project.

4. Mandatory Component 4: Representative Contact Information

The EMDP grant proposal must identify a representative to oversee the project work, make authorized decisions during the course of the project, and be responsible for submitting quarterly and final progress reports, plus financial status reports, as discussed later in this announcement.

Include the following contact information:

- Name of applicant representative;
- Mailing address;
- Telephone number;
- Fax number (if computer-based document transmission is unavailable, or simply as a back-up method of communication);
- Email address; and
- If different from the project's authorized representative, also provide similar information for a primary contact responsible for communications regarding the EMDP grant proposal.

D. Submission of Application in Digital Format

Submit the entire EMDP grant proposal, including the budget, in digital form. Unless specifically approved in advance by DEMD, applicants should break down the application submission into three

separate files: (1) EMDP Proposal (including the project's representative contact information); (2) Tribal Resolution; and (3) Budget.

Proposals not provided in digital form will be considered incomplete. An applicant who is unable to submit its proposal electronically may copy its files to a compact disc (CD or DVD) and mail it.

Acceptable formats are Adobe Acrobat PDF and Microsoft Word and Excel. The budget should be in table format, preferably Microsoft Excel. Files must have descriptive file names to help DEMD quickly locate specific components of the proposal, and use file name extensions that clearly indicate the software application used to prepare the documents (*e.g.,* doc, docx, .pdf). Documents that require an original signature, such as cover letters, tribal resolutions and other letters of tribal authorization can be scanned and submitted electronically.

E. Application Evaluation and Administrative Information

1. Administrative Review

Upon receiving an EMDP grant proposal, DEMD will perform a preliminary review to determine if it contains the four mandatory components, appears to have enough technical and scientific information to permit an evaluation, and does not duplicate or overlap previous or currently funded EMDP projects.

DEMD staff may return a proposal that it deems incomplete, or in appropriate circumstances it may retain the proposal and request additional information.

2. Ranking Criteria

A DEMD panel will review and rank each complete EMDP grant proposal using these six weighted criteria:

(a) *Resource Potential, Weight = 10%.* If DEMD determines the energy and mineral resource does not exist in meaningful quantities on the Indian lands indicated by the proposal, based on both information provided by the applicant and databases maintained by DEMD, the proposal will be rejected. Thus, in cases of doubt, it is critical to provide all pertinent information needed to help convince the panel that the identified energy resource actually does exist in meaningful quantities. DEMD understands that many tribes and tribal energy resource development organizations have little energy and mineral resource data on their Indian lands, and that in some cases resource data does not exist. Geologic and historical energy and mineral resource data exist throughout most of the continental U.S. on lands surrounding Indian lands, however, and can provide meaningful evidence of their likelihood in the applicant's region.

Many times a producing energy and mineral deposit exists outside but near a reservation's boundary. The geologic setting containing the resource may extend onto the reservation, regardless of the reservation's size. This would suggest the potential of finding similar resources on the reservation. In some cases, available data on non-reservation lands may allow for a scientifically acceptable projection of favorable trends for energy and mineral occurrences on adjacent Indian lands. Similar projections can be made for other kinds of energy resources as well, including renewable energy.

Assuming that the panel is convinced the resource is most likely available, it next must believe that there is enough of it to consider developing. It is on this point that the panel will rate the proposal from a low of 0% to a high of 10%. Consider that the DEMD ranking panel will be asking questions during its review such as: Does the proposal adequately identify or predict the existence of a meaningful level of the resource on or near the reservation, and provide enough supporting technical evidence?

(b) *Marketability of the Resource, Weight = 15%.* Reviewers will base their scoring on both the short- and long-term market conditions for developing the resource in question. Reviewers are aware that marketability of an energy resource or mineral commodity depends upon existing and emerging market conditions. Industrial minerals such as aggregates, sand/gravel, and gypsum are dependent on local and regional economic conditions.

Precious and base metal minerals such as gold, silver, lead, copper, and zinc are usually more dependent upon international market conditions. Natural gas and coal bed methane production depends upon having relatively close access to a transmission pipeline, for instance, just as does renewable energy depends in large part on access to an electric transmission grid.

Coal and crude oil production, on the other hand, carry built-in transportation costs, making those resources more dependent on current and projected energy commodity rates. At any time, some commodities may have a strong sustained market while others experience a weak market environment, or even a market surge that may be only temporary.

Reviewers understand the dangers of making long-term energy resource market forecasts, so a good EMDP grant proposal should directly and candidly address that sort of uncertainty. Also, short-term forecasts may indicate an oversupply from both national and internationally developed properties, thus impacting production strategy. Commodities such as electricity may be in high demand in some regional sectors, but the current state of transmission infrastructure may not allow for an additional supply of kilowatts, thereby hindering an otherwise promising market opportunity. These factors should be considered in a competitive EMDP grant proposal.

Conversely, some market indicators may suggest improving markets and opening opportunities. Price history, prices from the futures markets, oil and gas rig counts, supply shortages, foreign political unrest, technological innovation and the like, may suggest favorable circumstances that the applicant reasonably believes will work in their favor. Do not leave promising and reasonably predictable factors out of your EMDP grant application.

Consider that DEMD's ranking panel will be asking questions during its review such as: Does the application describe an existing or potential market for its energy and mineral resource? Is the product suitable for that area or region? Does the applicant have a realistic marketing plan?

(c) *Economic Benefits Produced by the Project, Weight = 25%.* This year we will emphasize funding projects with a positive impact on tribal jobs and income. To receive a high score for this ranking criterion, the proposal should clearly state how the project would benefit, not only the local tribal economy, but tribal employment rates and personal income too. There may be direct employment that developing the energy and mineral resource would foster; by all means mention that. But even if the project would only encourage more employment indirectly, for instance when oil and gas production royalties are used to create other spin-off tribal businesses, the applicant should indicate reasonable projections for that phenomenon in its proposal. Whatever the energy and mineral resource project may be, the ultimate goal is to collect useful data and information that allows the applicant to stimulate both energy and mineral and economic development on their lands.

Consider that DEMD's ranking panel will be asking questions during its review such as: Are the economic goals and objectives of the project fully explained? Does the proposal quantify the economic benefits (e.g., revenue,

royalty income, number of jobs, increased income levels, etc.) that would result from project completion?

(d) *Applicant's Willingness to Develop and Commitment to the Project, Weight = 20%.* The tribal applicant, or the tribes participating in a tribal energy and mineral resource development organization, must be willing to consider developing any potential resource identified in the EMDP grant proposal. Note that this is not a commitment to develop the resource, just an assertion that the applicant is committed to the goals of the EMDP and seriously willing to consider developing the resource. Another way to put this is that the applicant does not submit its EMDP grant proposal knowing, in advance, that it is unlikely for any number or reasons to ever develop its energy and mineral resource. The decision on when and whether to develop its energy and mineral resources will always lie with tribal government. At the same time, however, we want to make wise use of limited EMDP grant funds. The willingness-to-develop statement should sufficiently explain the applicant's attitude towards developing its energy and mineral resource and its commitment level. DEMD will also evaluate an applicant's willingness to develop based upon its willingness to release energy and mineral data to potential developers (assuming the applicant does not have sufficient in-house expertise to undertake development on its own).

Concerning the applicant's commitment to the project, it should explain how it will participate in the study, including the level of involvement and technical expertise of its authorized project representative and contact persons, whether the project will involve direct contact with the applicant's natural resource department and/or tribal council, etc.

If a tribal applicant or tribal energy and mineral resource development organization has a strategic development plan outlining objectives, goals, and methodology for creating sustainable tribal economic development, the applicant should discuss it in the EMDP grant proposal, along with how the proposal fits within that strategic plan. Similarly, if the applicant has some other overall plan of action into which the EMDP grant proposal fits (such as an existing energy and mineral task force/committee, pertinent tribal resolutions, an energy office, etc.), that too should be described.

Consider that DEMD's ranking panel will be asking questions during its review such as: Does the proposal explain how the applicant is committed to the project? Who has the applicant designated as its authorized representative for the project proposal, and what are that person's credentials? Does the applicant have an existing strategic development plan and/or plan of action that includes developing its energy and mineral resources? Is willingness to develop the energy and mineral resource clearly stated in the tribal resolution supporting the EMDP grant application (i.e., does the full council support development)? Does the proposal otherwise clearly demonstrate the tribe's willingness to develop? Is the tribe willing to release non-proprietary data to potential developers or partners? Is the tribe's current business environment conductive to development?

(e) *Budget Completeness, Cost Reasonableness, Cost Realism and Detail, Weight = 15%.* DEMD will review EMDP grant budget proposals for completeness, organization, and the reasonableness of identified costs, all in the context of achieving the project's stated goals and objectives.

Consider that DEMD's ranking panel will be asking questions during its review such as: Does the budget comply with Mandatory Component 3 (Detail Budget Estimate) from the solicitation guidelines? Is the budget detailed enough to explain how and when funds are to be spent? Are line item budget numbers appropriate and reasonable to complete the proposed tasks?

(f) *Appropriateness of the Technical Proposal and Statement of Work, Weight = 15%.* The EMDP grant proposal should address all the elements listed in Mandatory Component 2 in the guidelines from this **Federal Register** solicitation, and be clear to understand.

Consider that DEMD's ranking panel will be asking questions during its review such as: Does the proposal address all of elements listed as Mandatory Component 2 in the guidelines from the **Federal Register** solicitation? Is the technical proposal clear and well organized? Are specified techniques and methodologies reasonable and in conformance with best practices? Does the technical proposal adequately explain how the techniques and methods to be used in the project would meet the goals and objectives of the proposal?

3. Ranking of Proposals and Award Letters

The review committee will rank EMDP energy and mineral development proposals using the selection criteria outlined in this section. DEMD will then forward the rated requests to the Director of IEED for approval. Those applicants not receiving an award will also be notified promptly in writing.

F. When To Submit

We will accept applications at any time before the deadline stated in the **DATES** section of this notice, and will send a notification of receipt to the return address on the application package, along with a determination of whether or not the application is complete. EMDP grant proposals submitted electronically will receive a prompt reply indicating if the application was received and readable.

G. Where To Submit

Submit the energy and mineral development proposals to DEMD at the address listed in the **ADDRESSES** section of this notice. Applicants should also forward a copy of their proposal to their own BIA Agency and Regional offices.

BIA Regional or Agency-level offices receiving an EMDP grant proposal do not have to forward it to DEMD. It is meant to inform them of the applicant's intent to perform energy or mineral studies using EMDP funding. BIA Regional or Agency offices are free to comment on the applicant's proposal, or to ask DEMD for other information.

H. Funding and Transfer of Funds

Our obligation under this solicitation is contingent on receipt of congressionally appropriated funds. No liability on the part of the U.S. Government for any payment may arise until funds are made available to the Contracting Officer for this grant and until the recipient receives notice of such availability, to be confirmed in writing by the Contracting Officer.

All Payment under this agreement will be made by the U.S. Government by electronic funds transfer (through the Treasury Fedline Payment System (FEDLINE)). The recipient must submit an official invoice to the Bureau of Indian Affairs, Division of Fiscal Services, 12220 Sunrise Valley Drive, Reston, VA 20191. After the invoice is reviewed and approved, payment will be processed. Invoices should be based on progress and should not be submitted more than once a month. All payments will be deposited in accordance with the banking information designated for the applicant in the System for Award Management (SAM).

I. Reporting Requirements for Award Recipients

1. Quarterly Reporting Requirements

During the life of the EMDP project, deliverables will include quarterly

project/technical progress updates, with a final written report addressing components outlined in the scope of work. Quarterly written progress and financial status reports are to be submitted to the DEMD project monitor named in the award letter for the project. The quarterly reports are on a calendar basis with the first reporting quarter being that in which the project funds are transferred to the applicant. This date will be established by DEMD's project monitor once there has been an award.

The quarterly status report can be a one- to two-page summary of events, accomplishments, problems and results that took place during the quarter. The status report should also include a listing of the funds expended during the quarter, how the funds were spent, and the amount remaining. Quarterly reports are due two weeks after the end of a project's quarter.

Applicants should also forward a copy of their reports to their own BIA Agency and Regional offices.

2. Final Reporting Requirements

• *Delivery Schedules.* The applicant must deliver all products and data generated under the EMDP project to DEMD within two weeks after project completion.

• *Digital Format Requirement for Reports and Data.* DEMD maintains a repository of all energy and mineral data on Indian lands, much of it derived from these EMDP reports. As these projects produce large amounts of raw and processed data, analyses and assays (in addition to the summary report itself); DEMD requires that all deliverable products to be in digital format, along with printed hard copies.

Reports and data can be provided in either Microsoft Word or Adobe Acrobat PDF format. Spreadsheet data can be provided in Microsoft Excel, Microsoft Access, or Adobe PDF formats. All vector figures should be converted to PDF format. Raster images can be provided in PDF, JPEG, TIFF, or any of the Windows metafile formats.

• *Number of Copies.* The applicant's EMDP proposal should account for our requirement that all final products be delivered in the format described above, including six digital and six printed copies, distributed as follows:

(a) The applicant retains two printed and two digital copies of the EMDP report.

(b) DEMD requires four printed copies and four digital copies of the EMDP report. DEMD will transmit one of these copies to the tribe's BIA Regional Office, and one copy to the tribe's BIA Agency Office. Two printed and two digital copies will then reside with DEMD. All DEMD's copies should be forwarded to its office in Lakewood, Colorado, to the attention of the ''Energy and Mineral Development Program.''

All products generated by EMDP studies belong to the applicant and cannot be released to the public without the applicant's written approval. Products include all reports and technical data obtained during the study such as geophysical data, geochemical analyses, core data, lithologic logs, assay data of samples tested, results of special tests, maps and cross sections, status reports, and the final report.

J. Requests for Technical Assistance

DEMD staff can provide applicants with a good deal of technical help, such as working directly with tribal staff on a proposed project, providing support documentation and data, and suggesting ways a tribe may obtain other assistance, such as from a company or consultant with special expertise. The applicant or its consultant must design, organize, and write the EMDP grant proposal, however, including its proposed budget. DEMD staff cannot objectively help an applicant prepare an application when DEMD has primary responsibility for evaluating it.

If an applicant needs DEMD's assistance with some aspect of the EMDP grant application process, and DEMD's help would not create a conflict of interest, please ask in writing. Submit requests to DEMD's Division Chief well in advance of the proposal deadline established in the **DATES** section of this solicitation to allow DEMD staff time to provide the appropriate assistance. Applicants not seeking technical assistance should also submit their EMDP proposals as far as possible in advance of the application deadline, to allow DEMD staff time to provide feedback concerning any possible deficiencies, and allow for timely application revisions if necessary.

K. Paperwork Reduction Act Statement

The information collection requirements contained in this notice have been approved by the Office of Management and Budget (OMB) under 44 U.S.C. 3504(h). The OMB control number is 1076–0174. The authorization expires on June 30, 2016. An agency may not sponsor, and you are not required to respond to, any information collection that does not display a currently valid OMB Control Number.

The information collected is used to identify eligible recipients of EMDP grants and to obtain progress reports from selected EMDP grant recipients. The information is supplied by the respondents to obtain a benefit. The public reporting burden is estimated to be 40 hours per application and 1.5 hours per progress report per respondent. This includes the time needed to understand the requirements, gather the information, complete the application and progress report, and submit to the Department. Comments regarding the burden or other aspects of the information collection may be directed to the Information Collection Clearance Officer—Indian Affairs, 1849 C Street NW., MS–4141, Washington, DC 20240.

Dated: December 6, 2013.

Kevin K. Washburn,

Assistant Secretary—Indian Affairs.

[FR Doc. 2013–30282 Filed 12–19–13; 8:45 am]

BILLING CODE 4310–4M–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[134D0102DRDS5B800000DR. 5B811.IA000913DLB000000.000000]

Grant Program To Build Tribal Energy Development Capacity

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Solicitation of Proposals.

SUMMARY: The Secretary of the Interior (Secretary), through the Office of Indian Energy and Economic Development (IEED), is soliciting grant proposals from Indian tribes for projects to build tribal capacity for energy resource development under the Department of the Interior's (DOI) Tribal Energy Development Capacity (TEDC) grant program. Under the Energy Policy Act of 2005 (Act), Congress appropriates funds on a year-to-year basis to DOI for grants of funds to Indian tribes for use in assessing, developing, and obtaining the managerial and technical capacity needed to develop energy resources on Indian land and properly account for energy resource production and revenues. We will use a competitive evaluation process based on criteria stated in the Supplementary Information section of this notice to select projects for funding awards.

DATES: Submit grant proposals by February 18, 2014. Grant proposals must be postmarked by this date or they may not be considered.

ADDRESSES: Mail or hand-carry grant proposals to the Department of the Interior, Office of Indian Energy & Economic Development, Attention: Ashley Stockdale, 1951 Constitution Ave. NW., MS 20–SIB, Washington, DC

20245, or email to Ashley Stockdale at *Ashley.Stockdale@bia.gov*.

FOR FURTHER INFORMATION CONTACT: If you have questions about the TEDC program, or have technical questions about the tribal energy resource capacity you wish to develop, please contact David B. Johnson at the Office of Indian Energy and Economic Development, 1951 Constitution Avenue NW., MS 20–SIB, Washington, DC 20245, telephone 202–208–3026, fax 202–208–4564, email *DavidB.Johnson@bia.gov*.

SUPPLEMENTARY INFORMATION:

A. Background

IEED implements the Indian Energy Resource Development Program under Title V of the Energy Policy Act of 2005 to assist Indian tribes in the development of energy resources and further the goal of Indian self-determination. This includes the TEDC grant program for the benefit of Indian tribes that wish to build capacity to develop conventional or renewable energy resources on Indian lands. The TEDC grant program helps tribes in assessing, developing, or obtaining the managerial and technical capacity needed to develop energy resources on Indian land and to properly account for resulting energy production and revenues, as provided for in Title V, Section 503, of the Energy Policy Act.

Title V, Section 503 of the Act also amended Title XXVI (Indian Energy) of the Energy Policy Act of 1992 to provide for Tribal Energy Resource Agreements (TERAs). TERAs are agreements between federally-recognized Indian tribes and the Secretary of the Interior that allow the tribe, at its discretion, to enter into leases, business agreements, and rights-of-way for energy resource development on tribal lands without further review and approval by the Secretary. The Act and the implementing regulations provide that the Secretary must determine that a tribe has the capacity to regulate the development of its energy resource(s) before approving a TERA. TEDC grants are, therefore, particularly useful to tribes that may wish to pursue a TERA, since the funds are used to help fulfill one of the key requirements for TERA approval—demonstrating capacity to perform the administrative and technical functions included in a TERA. Tribes that are not considering entering into a TERA may also benefit from a TEDC grant for energy resource development on Indian land under other options available to tribes, such as Indian Mineral Development Agreements or self-determination contracts or compacts.

The information collection requirements contained in this notice have been reviewed and approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act, 44 U.S.C. 3504(h). The OMB control number is 1076–0177. The authorization expires on July 31, 2014.

General Requirements for TEDC Grant Proposals

1. TEDC grant proposals must be submitted to IEED in digital format and postmarked by the date in the DATES section.
2. Proposals should be presented succinctly, yet in enough detail to allow the TEDC grant evaluation team to quickly and thoroughly understand the purpose, scope and objectives of the proposal.
3. Projects proposed under the TEDC grant program must be capable of being completed within one year of a grant award.
4. TEDC grant projects may not duplicate previous or ongoing energy resource development capacity building projects.
5. TEDC grant projects may not include any activities that duplicate efforts of other projects for which federal funds have previously been awarded.
6. Tribes currently under Bureau of Indian Affairs sanction resulting from non-compliance with the Single Audit Act may be ineligible for consideration of a grant award.
7. TEDC grant proposals will be deemed incomplete, or, at a minimum, points will be deducted, if all mandatory components are not included.

B. Purposes of TEDC Grants

TEDC grants are intended to help Indian tribes and tribal energy resource development organizations meet the following goals as they relate to assessing, developing, or obtaining tribal energy resource development capacity for energy resource(s) they intend to or are developing on Indian land:

1. Determine the current level of the tribe's or tribal energy resource development organization's technical, administrative, or management capacity for identified energy resource development activities;
2. Determine which technical, administrative, or management capacities for tribal energy resource development need enhancement;
3. Determine what process(es) and/or procedure(s) may be used to eliminate capacity gaps or obtain the development of energy resource development capacity (including training and policy and code development);
4. Determine how the process(es) and/or procedure(s) identified in paragraph (c) will be implemented.

C. Definitions for Purpose of TEDC Grants

1. *Indian Tribe.* The term ''Indian tribe'' for purposes of this announcement means any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (85 Stat. 688) [43 U.S.C. 1601 *et seq.*], which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians;

2. *Tribal Energy Resource Development Organization.* The term ''tribal energy resource development organization'' for purposes of this announcement means an organization of two or more entities, at least one of which is an Indian tribe, that has the written consent of the governing bodies of all Indian tribes participating in the organization to apply for a grant, loan, or other assistance under 25 U.S.C. 3502.

3. *Indian land.* The term ''Indian land'' for the purposes of this announcement means:

(a) Any land located within the boundaries of an Indian reservation, pueblo, or rancheria;

(b) any land not located within the boundaries of an Indian reservation, pueblo, or rancheria, the title to which is held:

(i) In trust by the United States for the benefit of an Indian tribe or an individual Indian;

(ii) by an Indian tribe or an individual Indian, subject to restriction against alienation under laws of the United States; or

(iii) by a dependent Indian community; and

(c) land that is owned by an Indian tribe and was conveyed by the United States to a Native Corporation pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 *et seq.*), or that was conveyed by the United States to a Native Corporation in exchange for such land.

D. Activities Eligible for TEDC Grant Funding

Examples of activities eligible for TEDC grants include, but are not limited to, assessing or determining how to develop or obtain the tribe's or tribal

energy resources development organization's capacity for:

- Reviewing proposals for leases, business agreements, or rights-of-way;
- Negotiating and reviewing leases, business agreements, or rights-of-way;
- Evaluating the environmental effects of energy resource development projects the applicant may enter into, including those related to cultural resources;
- Monitoring the compliance of a third party with the terms and conditions of any leases, business agreements, and rights of-way the applicant may enter into;
- Establishing or managing energy development-related departments or administrative divisions within the tribe or tribal energy resource development organization;
- Providing for energy development-related technical, scientific, and/or engineering expertise within the tribe or tribal energy resource development organization;
- Developing or enhancing tribal policies, codes, regulations, or ordinances related to regulating energy resource development; and
- Accounting for energy resource production and revenues.

E. Activities Ineligible for TEDC Grant Funding

- Feasibility studies and energy resource assessments;
- Purchase of resource assessment data;
- Research and development of speculative or unproven technologies;
- Purchase or lease of equipment for the development of energy resources;
- Payment of fees or procurement of any services associated with energy assessment or exploration or development activity;
- Payment of tribal salaries for employees not directly involved in conducting the assessment project and payment of salaries beyond the one-year project;
- Establishment or operation of a tribal office or purchasing office equipment not specific to the capacity building project;
- Indirect costs and overhead as defined by the Federal Acquisition Regulations (FAR);
- Purchase or lease of project equipment such as computers, vehicles, field gear, etc;
- Legal fees;
- Contract negotiation fees; and
- Any other activities not authorized by the tribal resolution or by the approved proposal.

F. TEDC Grant Proposal Mandatory Components

Component 1—Tribal Resolution

Provide a current tribal resolution or other formal official action of the tribe's governing entity or tribal energy resource development organization. This document should be signed by a duly authorized tribal official representing the tribe's governing body or evidence of the authority of a tribal energy resource development organization to apply for grants.

Component 2—TEDC Grant Project Description

(a) Applicant point of contact, including name, title, mailing address, telephone and fax numbers, and email address;

(b) Name and title of responsible party(ies) for technical execution and administration of the project;

(c) Amount of funding requested for the project;

(d) Description of the identified energy resource(s);

(e) Scope of work describing the proposed project, including: Capacity areas related to the identified energy resource on which the proposal's assessment(s) will focus and the approach and justification of the approach to be used in assessing, developing, or sustaining the tribe's or tribal energy resource development organization's capacity to manage energy resource development activities and to determine next steps to be taken to eliminate any identified capacity gaps;

(f) Objectives of the proposal describing how the proposed project will contribute to the tribe's or tribal energy resource development organization's capacity (in assessing, developing or obtaining particular identified areas to be included in the project);

(g) Method of measurement of meeting stated objectives of the proposed project, including data collection and analysis;

(h) Description of deliverable products the proposed project will generate;

(i) Completion date for proposed project, date for interim progress report, and date for final report (see Section I—Post-Award Requirements below);

(j) Resumes of key personnel (tribal or tribal energy resource development organization's employees, consultants, subcontractors) who will work on the proposed project, including information on expertise; and

(k) Description of the tribe's or tribal energy resource development organization's current staff and/or tribal financial resources the applicant plans to apply to performance or completion of the objectives in its TEDC grant proposal.

Component 3—Existing and Prior Energy Resource Development Experience

(a) Description and examples of the tribe's or tribal energy resource development organization's experience with energy resource development activities, including any previous or current capacity assessment and energy resource assessment, feasibility studies, exploration for or development of specific energy resource(s);

(b) Description of the tribe's or tribal energy resource development organization's experience and level of existing capacity to manage and regulate energy resource development in areas including, but not limited to:

(1) Land and lease management (including evaluation, negotiation, and enforcement of terms);

(2) Technical, scientific, and engineering evaluation;

(3) Financial and revenue management;

(4) Production accounting;

(5) Environmental review, monitoring, compliance, and enforcement;

(6) Regulatory monitoring (federal, state, and tribal environmental and safety regulations); and

(7) Tribal environmental code, regulation, or ordinance development or enhancement.

(c) List of all previous or on-going energy resource development capacity building projects for which the tribe or tribal energy resource development organization has received Federal funds, the source or the funds (e.g., Department of Energy, U.S. Department of Agriculture, U.S. Environmental Protection Agency, or Department of the Interior), the year(s) for which funds were awarded, and whether such projects were completed and completion dates.

Component 4—Planned Energy Resource Development

(a) Description of the tribe's or tribal energy resource development organization's planned energy resource development activities including energy plan, capacity assessment, energy resource assessment, feasibility studies, exploration for or development of specific energy resource(s); and

(b) Description of the tribe's or tribal energy resource development organization's plans for managing energy resource development and growth (including plans to develop or

enhance tribal offices or independent tribal business entities related to energy resource development, if any).

Component 5—Detailed Budget Estimate

(1) Provide a detailed, line-by-line budget, including all projected and anticipated expenditures under the TEDC grant proposal, covering the amount of funding requested.

(2) Provide in the budget a breakdown for the proposal's line items that involve several components or contain numerous sub-functions to include, at a minimum:

(a) Itemized costs for all contracted personnel and consultants, their respective positions and time (staff hour) allocations for the proposed functions of the project or part(s) of the project;

(b) documentation of professional qualifications necessary to perform the work for tribal personnel to be funded and attach position descriptions;

(c) documentation that clearly identifies the qualifications and utilization of any proposed consultants;

(d) itemized consultant fees and include a line item breakdown of costs associated with each consultant activity. If a consultant is to be hired for a fixed fee, itemize the consultant's expenses as part of the project budget;

(e) itemized travel estimates by airfare, vehicle rental, training and conference fees (if any), and lodging and per diem, based on the current Federal Government per diem schedule;

(f) itemized data collection and analysis costs in sufficient detail for the IEED TEDC grant evaluation team to evaluate the proposed expenses; and

(g) other expenses such as computer and other equipment rental, report generation, drafting, and advertising costs for a proposal.

G. Evaluation and Ranking Criteria

The IEED TEDC grant evaluation team will review and evaluate grant proposals on a 100 point system based on the following factors (Mandatory Component 1, the Tribal Resolution will not be evaluated):

(1) Mandatory Component 2—TEDC Grant Project Description—30 points

The IEED TEDC grant evaluation team will use the grant project description objectives, measurement methods, deliverables, and commitment of Indian tribe or tribal energy resource development organization and/or resources to the project as part of its evaluation of the project proposal to determine how likely the project is to result in quantifiable results to the applicant in terms of capacity building to benefit its future energy resource development.

(2) Mandatory Component 3—Existing and Prior Energy Resource Development Experience—20 points

The IEED TEDC grant evaluation team will use the tribe's or tribal energy resource development organization's existing and prior energy resource development experience as part of its evaluation of the project proposal to determine the applicant's current level of capacity. Prior or current energy resource development will not, by itself, result in fewer or more assigned points. Please include an accurate description of the applicant's baseline capacity.

(3) Mandatory Component 4—Planned Energy Resource Development—25 points

The IEED TEDC grant evaluation team will use the tribe's or tribal energy resources development organization's planned energy resource development as part of its evaluation of the project proposal to determine the applicant's potential for proceeding with planned energy resource development, whether or not it has prior or current energy resource development experience.

(4) Mandatory Component 5—Detailed Budget Estimate—25 points

The IEED TEDC grant evaluation team will use the budget proposal as part of its evaluation of the project to determine whether the budget is reasonable and can produce the results outlined in the proposal under Mandatory Component 2. A TEDC grant proposal budget that includes sound budget projections directly related to the project objectives will receive a more favorable ranking than those proposals that fail to provide appropriate budget projections or that fail to reasonably relate budget projections to the project objectives.

H. Award Notification Process

1. The TEDC grant evaluation team will forward the ranked proposals to the Director of IEED for approval.

2. The Director will notify in writing tribes and tribal energy development organizations of selection or non-selection of proposals for awards.

I. Funding and Transfer of Funds

Our obligation under this solicitation is contingent on receipt of congressionally appropriated funds. No liability on the part of the U.S. Government for any payment may arise until funds are made available to the Contracting Officer for this grant and until the recipient receives notice of such availability, to be confirmed in writing by the Contracting Officer.

All Payments under this agreement will be made by the U.S. Government by electronic funds transfer (through the Treasury Fedline Payment System (FEDLINE)). The recipient must submit an official invoice to the Bureau of Indian Affairs, Division of Fiscal Services, 12220 Sunrise Valley Drive, Reston, VA 20191. After the invoice is reviewed and approved, payment will be processed. Invoices should be based on progress and should not be submitted more than once a month. All payments will be deposited in accordance with the banking information designated for the applicant in the System for Award Management (SAM).

J. Post-Award Requirements

Applicants awarded grants for TEDC projects must adhere to the following requirements:

1. Expend TEDC grant funds only on approved project functions. Tribes and tribal energy resource development organizations are subject to forfeiture of any remaining funds in the project year as well as sanctions against award of any future year TEDC grant funding for expenditures which are not approved;

2. Prepare and submit an interim report (which may consist of a summary of events, accomplishments, problems, and/or results) to the IEED project coordinator by the date the applicant states in its TEDC grant project description;

3. Complete the TEDC project within one year of the award date;

4. Prepare and submit a final report, including all deliverable products generated by the TEDC project within two weeks of completion of the TEDC project or the anniversary of the award date, whichever comes first; and

5. Provide all reports and deliverable products and data generated by the TEDC project to IEED by providing one digital form and two printed copies to IEED at: TEDC Project Coordinator, IEED, U.S. Department of the Interior, 1951 Constitution Avenue NW, South Interior Building—Room 20, Washington, DC 20245.

K. Submission of Proposal

Submit proposals in digital form to the following electronic address: *Ashley.Stockdale@bia.gov*. Save files with filenames that clearly identify the file being submitted. File extensions must clearly indicate the software application used for preparation of the documents, (i.e., wpd, doc, pdf). Documents requiring an original signature, such as cover letters, tribal resolutions, or other letters of tribal authorization, must also be submitted in paper form to: ATTN: Tribal Energy Development Capacity Proposal, TEDC

Project Coordinator, U.S. Department of the Interior, 1951 Constitution Avenue NW., South Interior Building—Room 20, Washington, DC 20245.

Dated: December 6, 2013.

Kevin K. Washburn,

Assistant Secretary—Indian Affairs.

[FR Doc. 2013–30281 Filed 12–19–13; 8:45 am]

BILLING CODE 4310–4M–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[LLUTG01100–14–L13100000–EJ0000]

Notice of Availability of a Draft Environmental Impact Statement for the Monument Butte Area Oil and Gas Development Project, Duchesne and Uintah Counties, UT

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: Under the National Environmental Policy Act (NEPA), the Mineral Leasing Act of 1920, as amended, and associated regulations, the Bureau of Land Management (BLM) has prepared a Draft Environmental Impact Statement (EIS) that evaluates, analyzes, and discloses to the public the direct, indirect, and cumulative environmental impacts of a proposal to develop oil and natural gas in Duchesne and Uintah Counties, Utah. This notice announces a 45-day public comment period to meet the requirements of NEPA and Section 106 of the National Historic Preservation Act.

DATES: The Draft EIS will be available for public review for 45 calendar days following the date that the Environmental Protection Agency publishes its Notice of Availability in the **Federal Register**. The BLM can best use comments and resource information submitted within this 45-day review period. Three public meetings will be held during the 45-day public comment period in Roosevelt, Salt Lake City, and Vernal, Utah. The dates, times, and places will be announced at least 15 days prior to the meeting dates through the local news media and the BLM Web site: *http://www.blm.gov/ut/st/en/info/newsroom.html.*

ADDRESSES: Comments on the Draft EIS may be submitted by any of the following methods:

- *Mail:* Bureau of Land Management, Attn: Stephanie Howard, Vernal Field Office, 170 South 500 East, Vernal, UT 84078.
- *Email: BLM_UT_Vernal_Comments@blm.gov.*
- *Fax:* 435–781–4410.

Please reference the ''Monument Butte EIS'' when submitting comments.

FOR FURTHER INFORMATION CONTACT: Stephanie Howard, Project Manager, BLM, Vernal Field Office, 170 South 500 East, Vernal, UT 84078. Ms. Howard may also be reached at 435–781–4400. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 to leave a message or question for the above individual. The FIRS is available 24 hours a day, seven days a week. Replies are provided during normal business hours.

SUPPLEMENTARY INFORMATION: The Draft EIS is located online at *http://www.blm.gov/ut/st/en/fo/vernal/planning/nepa_.html.* In response to a proposal submitted by Newfield Exploration Company (Newfield), the BLM published in the August 25, 2010, **Federal Register** a Notice of Intent to prepare an EIS (75 FR 52362). The Monument Butte Project Area (MBPA) encompasses approximately 119,743 acres in an existing oil and gas producing area located primarily on BLM-administered land south of Myton in Duchesne and Uintah Counties, Utah. Of the 119,743 acres within the MBPA, approximately 87 percent is on Federal lands administered by the BLM; 11 percent is owned by the State of Utah and administered by the Utah School and Institutional Trust Lands Administration; and 2 percent is privately owned.

The Draft EIS analyzes a proposal by Newfield to further develop Federal oil and natural gas resources on its leases. This proposal is located within a highly developed field that currently contains approximately 3,395 producing oil and gas wells. The Proposed Action includes drilling up to 5,750 new oil and gas wells over a 16-year period, and constructing and operating associated ancillary transportation, transmission, processing, and treatment facilities within the MBPA. The productive life of each well is estimated to be approximately 20–30 years. The wells would be drilled to productive formations, including but not limited to, the Green River, Wasatch, Mesaverde, Blackhawk/Mancos, and/or Frontier/Dakota formations. Target depths would range from approximately 4,500–18,000 feet. Infill drilling would be performed on 40-acre surface spacing throughout the MBPA, which is equivalent to a density of 16 two- to five-acre well pads per square mile. The Proposed Action and alternatives incorporate best management practices for oil and gas development and other measures necessary to adequately address impacts to transportation, public safety, cultural resources, recreational opportunities, wildlife, threatened and endangered species, visual resources, air quality, and other relevant issues.

The Draft EIS describes and analyzes the impacts of Newfield's Proposed Action and three alternatives, including the No Action Alternative. The following is a summary of the alternatives:

1. *Proposed Action*—Up to 5,750 new oil or gas wells would be drilled over a period of 16 years. Additionally, approximately 243 miles of new roads and pipelines would be constructed within the same corridor; 21 new compressor stations would be constructed; 3 existing compressor stations would be expanded; 1 gas processing plant would be constructed; 7 new water treatment and injection facilities would be built; 6 existing water treatment and injection facilities would be expanded; 12 gas and oil separation plants would be constructed; 1 freshwater collector well would be drilled; and 6 water pump stations would be built. Total new surface disturbance under the proposed action would be approximately 16,129 acres.

2. *No Action Alternative*—Drilling and completion of development wells and infrastructure would continue as previously analyzed in other NEPA decision documents and the proposed natural gas development on BLM lands as described in the Proposed Action would not be implemented. Based on the foregoing documents and a review of information from the Utah Division of Oil, Gas, and Mining, the BLM has estimated that, as of December 31, 2012, 788 wells remain to be drilled. Total new surface disturbance under the No Action Alternative would be 870 acres of new disturbance, including construction of roads, pipelines, and additional support facilities.

3. *Field-Wide Electrification Alternative*—This alternative is identical to the Proposed Action, in that it would allow the drilling of up to 5,750 new wells in addition to the existing producing wells, with associated facilities. However, this alternative also incorporates a phased field-wide electrification component which consists of construction of 34 miles of overhead cross-country 69kV transmission lines, 156 miles of distribution lines, and 11 substations. Total new surface disturbance under this alternative would be approximately 16,308 acres.

4. *Agency Preferred (Resource Protection) Alternative*—This alternative

is designed to avoid new surface disturbance within the Pariette Area of Critical Environmental Concern, adopt U.S. Fish and Wildlife Service management guidelines for two threatened *Sclerocactus* species and their core conservation areas, and maximize directional drilling throughout the rest of the project area. Up to 5,058 new wells would be drilled in addition to the existing producing wells. Additionally, approximately 73 miles of new roads and pipelines would be constructed within the same corridor; 17 new compressor stations would be constructed; 1 gas processing plant would be constructed; 5 new water treatment and injection facilities would be built; 5 existing water treatment and injection facilities would be expanded; 8 gas and oil separation plants would be constructed; 1 freshwater collector well would be drilled; and, 4 water pump stations would be built. Total new surface disturbance under the Agency Preferred Alternative would be approximately 9,805 acres.

The public is encouraged to comment on any of the alternatives. Comments and information submitted on the Draft EIS for the Monument Butte project, including names, email addresses, and street addresses of respondents, will be available for public review at the Vernal Field Office. The BLM will not accept anonymous comments. Before including an address, phone number, email address, or other personal identifying information in any comments, please be aware that the entire comment—including personal identifying information—may be made publicly available at any time. Requests to withhold personal identifying information from public review can be submitted, but the BLM cannot guarantee that it will be able to do so.

The BLM asks that those submitting comments make them as specific as possible with reference to chapters, page numbers, and paragraphs in the Draft EIS document. Comments that contain only opinions or preferences will not receive a formal response; however, they will be considered, and included, as part of the BLM decision-making process. The most useful comments will contain new technical or scientific information, identify data gaps in the impact analysis, or provide technical or scientific rationale for opinions or preferences.

Authority: Mineral Leasing Act of 1920, as amended, and 40 CFR 1506.6

Megan M. Crandall,

Acting State Director.

[FR Doc. 2013–30225 Filed 12–19–13; 8:45 am]

BILLING CODE 4310–DQ–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–860]

Certain Optoelectronic Devices for Fiber Optic Communications, Components Thereof, and Products Containing the Same; Notice of Request for Statements on the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the presiding administrative law judge has issued a Final Initial Determination and Recommended Determination on Remedy and Bonding in the above-captioned investigation. The Commission is soliciting comments on public interest issues raised by the recommended relief, specifically, remedial orders directed to products of respondents IPtronics A/S of Roskilde, Denmark; IPtronics Inc. of Menlo Park, California; FCI USA, LLC of Etters, Pennsylvania; FCI Deutschland GmbH of Berlin, Germany; FCI SA of Guyancourt, France; Mellanox Technologies, Inc. of Sunnyvale, California; and Mellanox Technologies Ltd. of Yokneam, Israel. This notice is soliciting public interest comments from the public only. Parties are to file public interest submissions pursuant to 19 CFR 210.50(a)(4).

FOR FURTHER INFORMATION CONTACT: Michael Liberman, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–3115. The public version of the complaint can be accessed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov,* and will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436, telephone (202) 205–2000.

General information concerning the Commission may also be obtained by accessing its Internet server (*http://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *http://edis.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: Section 337 of the Tariff Act of 1930 provides that if the Commission finds a violation it shall exclude the articles concerned from the United States:

> unless, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, it finds that such articles should not be excluded from entry.

19 U.S.C. 1337(d)(1). A similar provision applies to cease and desist orders. 19 U.S.C. 1337(f)(1).

The Commission is interested in further development of the record on the public interest in these investigations. Accordingly, members of the public are invited to file submissions of no more than five (5) pages, inclusive of attachments, concerning the public interest in light of the administrative law judge's Recommended Determination on Remedy and Bonding issued in this investigation on December 13, 2013. Comments should address whether issuance of a limited exclusion order and a cease and desist order in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) Explain how the articles potentially subject to the recommended orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the recommended orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the recommended exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the limited exclusion order would impact consumers in the United States.

Written submissions must be filed no later than by close of business on January 13, 2014.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above and submit 8 true paper copies to the Office of the Secretary by noon the next day pursuant to section

210.4(f) of the Commission's Rules of Practice and Procedure (19 CFR 210.4(f)). Submissions should refer to the investigation number (''Inv. No. 337–TA–860'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, *http://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf*). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. *See* 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. A redacted non-confidential version of the document must also be filed simultaneously with the any confidential filing. All non-confidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of sections 201.10 and 210.50 of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.50).

By order of the Commission.

Issued: December 16, 2013.

Lisa R. Barton,

Acting Secretary to the Commission.

[FR Doc. 2013–30250 Filed 12–19–13; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140–0090]

Agency Information Collection Activities; Proposed Collection; Comments Requested: National Firearms Act (NFA)—Special Occupation Taxes (SOT)

ACTION: 60-day notice.

The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit 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. Comments are encouraged and will be accepted for ''sixty days'' until February 18, 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 Amy Stely at *nfaombcomments@atf.gov,* or at National Firearms Act Branch, 244 Needy Road, Martinsburg, WV 25405.

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:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* National Firearms Act (NFA)—Special Occupation Taxes (SOT).

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: ATF F 5630.5R, ATF F 5630.5RC, and ATF F 5630.7. 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: Business or other for-profit. Other: None.

Need for Collection

ATF F 5630.7, NFA Special Tax Registration and Return National Firearms Act is completed and returned by businesses that are subject to Special Occupation Taxes under the National Firearms Act for either initial tax payment or business information changes. This form serves as both a return and a business registration. ATF F 5630.5R, NFA Special Tax Renewal Registration and Return and ATF F 5630.5RC, NFA Special Tax Location Registration Listing are preprinted forms sent to taxpayers who pay Special Occupational Taxes under the National Firearms Act. Taxpayers validate/correct the information and send the forms back with payment for the applicable tax year.

(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 6,000 taxpayers will complete forms ATF F 5630.5R and ATF F 5630.5RC in approximately 20 minutes (10 minutes for each form). It is also estimated that 350 new taxpayers will complete ATF F 5630.7 in its entirety in approximately 15 minutes. The total number of respondents for this information collection is 6,350.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total burden for ATF F 5630.5R and ATF F 5630.5RC is 2,000 hours. The total burden for ATF F 5630.7 is 88 hours. The estimated total public burden associated with this information collection is 2,088 hours.

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: December 16, 2013.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2013–30242 Filed 12–19–13; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Bureau of Alcohol, Tobacco, Firearms and Explosives

[OMB Number 1140–0097]

Agency Information Collection Activities; Proposed Collection; Comments Requested: Supplemental Information on Water Quality Considerations

ACTION: 60-day notice.

The Department of Justice (DOJ), Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), will submit 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. Comments are encouraged and will be accepted for ''sixty days'' until February 18, 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 Christopher Reeves, Federal Firearms Licensing Center, 244 Needy Road, Martinsburg, WV 25405, 877–283–3352.

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:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Supplemental Information on Water Quality Considerations.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: ATF F 5000.30. 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: Business or other for-profit. Other: None.

Need for Collection

ATF collects this data for the purpose of identifying waste product(s) generated as a result of explosives operations, the disposal of the products into navigable waters, and if there is any adverse impact on the environment. The information may be disclosed to other Federal, State, and local law enforcement and regulatory personnel to verify information on the form and to aid in the enforcement of environmental laws.

(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 680 respondents will complete a 30 minute form.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 340 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: December 16, 2013.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2013–30243 Filed 12–19–13; 8:45 am]

BILLING CODE 4410–FY–P

DEPARTMENT OF JUSTICE

Office of Justice Programs

[OJP (OJP) Docket No. 1643]

Meeting of the Office of Justice Programs' Science Advisory Board

AGENCY: Office of Justice Programs (OJP), Justice.

ACTION: Notice of meeting.

SUMMARY: This notice announces a forthcoming meeting of OJP's Science Advisory Board (''Board''). General Function of the Board: The Board is chartered to provide OJP, a component of the Department of Justice, with valuable advice in the areas of science and statistics for the purpose of enhancing the overall impact and performance of its programs and activities in criminal and juvenile justice. To this end, the Board has designated six (6) subcommittees: National Institute of Justice (NIJ); Bureau of Justice Statistics (BJS); Office of Juvenile Justice and Delinquency Prevention (OJJDP); Bureau of Justice Assistance (BJA); Quality and Protection of Science; and Evidence Translation/Integration.

DATES: The meeting will take place on Friday, January 10, 2014, from 8:30 a.m. to 4:00 p.m., ET, with a break for lunch at approximately noon.

ADDRESSES: The meeting will take place in the Main Conference Room on the third floor of the Office of Justice Programs, 810 7th Street Northwest, Washington, DC 20531.

FOR FURTHER INFORMATION CONTACT: Phelan Wyrick, Designated Federal Officer (DFO), Office of the Assistant Attorney General, Office of Justice Programs, 810 7th Street Northwest, Washington, DC 20531; Phone: (202) 353–9254 [Note: this is not a toll-free number]; Email: *phelan.wyrick@usdoj.gov.*

SUPPLEMENTARY INFORMATION: This meeting is being convened to brief the OJP Assistant Attorney General and the Board members on the progress of the subcommittees, discuss any recommendations they may have for consideration by the full SAB, and brief the Board on various OJP-related projects and activities. The final agenda is subject to adjustment, but it is anticipated that there will be a morning session and an afternoon session, with a break for lunch. These sessions will likely include briefings of the subcommittees' activities and discussion of future SAB actions and priorities.

This meeting is open to the public. Members of the public who wish to attend this meeting must register with Phelan Wyrick at the above address at least seven (7) days in advance of the meeting. Registrations will be accepted on a space available basis. Access to the meeting will not be allowed without registration. Persons interested in communicating with the Board should submit their written comments to the DFO, as the time available will not allow the public to directly address the Board at the meeting. Anyone requiring special accommodations should notify Mr. Wyrick at least seven (7) days in advance of the meeting.

Phelan Wyrick,

Science Policy Advisor and SAB DFO, Office of the Assistant Attorney General, Office of Justice Programs.

[FR Doc. 2013–30284 Filed 12–19–13; 8:45 am]

BILLING CODE 4410–18–P

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under Section 221(a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to Section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 30, 2013.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than December 30, 2013.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room N–5428, 200 Constitution Avenue NW., Washington, DC 20210.

Signed at Washington, DC, this 6th day of December 2013.

Michael W. Jaffe,

Certifying Officer, Office of Trade Adjustment Assistance.

APPENDIX

[13 TAA petitions instituted between 11/25/13 and 11/29/13]

TA–W	Subject firm (petitioners)	Location	Date of institution	Date of petition
83239	Fenton Gift Shops, Inc. (Company)	Williamstown, WV	11/25/13	11/22/13
83240	Pepperidge Farm Campbell Soup Company (State/One-Stop)	Norwalk, CT	11/25/13	11/22/13
83241	Caterpillar, Inc. (Workers)	Milwaukee, WI	11/25/13	11/20/13
83242	AT&T Services, Inc. (Workers)	Dallas, TX	11/25/13	11/22/13
83243	Littelfuse/Cole Hersee Co. (Company)	Boston, MA	11/26/13	11/25/13
83244	Inalfa Roof Systems Inc. (Union)	Holly, MI	11/26/13	11/25/13
83245	IBM Corporation (State/One-Stop)	Rochester, MN	11/26/13	11/25/13
83246	Computershare (Workers)	Edison, NJ	11/27/13	11/26/13
83247	AVX Corporation (Union)	Conway & Myrtle Beach, SC	11/27/13	11/20/13
83248	Castle China, LLC (Company)	New Castle, PA	11/27/13	03/13/13
83249	P&H Mining Equipment, Inc. (Workers)	West Milwaukee, WI	11/27/13	11/25/13
83250	Claymont Steel, A division of Evraz Inc. NA (Workers)	Claymont, DE	11/27/13	11/19/13
83251	AT&T (Workers)	Dallas, TX	11/29/13	11/27/13

[FR Doc. 2013–30328 Filed 12–19–13; 8:45 am]

BILLING CODE 4510–FN–P

DEPARTMENT OF LABOR

Office of Workers' Compensation Programs

Proposed Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506 (c) (2) (A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Office of Workers' Compensation (OWCP) is soliciting comments concerning the proposed collection: Certification of Funeral Expenses (LS–265). A copy of the proposed information collection request can be obtained by contacting the office listed below in the address section of this Notice.

DATES: Written comments must be submitted to the office listed in the addresses section below on or before February 18, 2014.

ADDRESSES: Ms. Yoon Ferguson, U.S. Department of Labor, 200 Constitution Ave. NW., Room S–3201, Washington, DC 20210, telephone (202) 693–0701, fax (202) 693–1449, Email *ferguson.yoon@dol.gov.* Please use only one method of transmission for comments (mail, fax, or Email).

SUPPLEMENTARY INFORMATION:

I. Background

The Office of Workers' Compensation Programs, (OWCP) administers the Longshore and Harbor Workers' Compensation Act. The Act provides benefits to workers injured in maritime employment on the navigable waters of the United States or in an adjoining area customarily used by an employer in loading, unloading, repairing, or building a vessel. The Act provides that reasonable funeral expenses not to exceed $3,000 shall be paid in all compensable death cases. The LS–265 has been provided for use in submitting the funeral expenses for payment. This information collection is currently approved for use through April 30, 2014.

II. Review Focus

The Department of Labor is particularly interested in comments which:

* 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 submissions of responses.

III. Current Actions

The Department of Labor seeks the extension of approval of this information collection in order to carry out its responsibility to certify the amount of funeral expenses incurred in the case.

Agency: Office of Workers' Compensation Programs.

Type of Review: Extension.

Title: Certification of Funeral Expenses.

OMB Number: 1240–0040.

Agency Number: LS–265.

Affected Public: Business or other for-profit.

Total Respondents: 75.

Total Annual Responses: 75.

Estimated Total Burden Hours: 18.75.

Estimated Time per Response: 15 minutes.

Frequency: On occasion.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $36.75.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: December 12, 2013.

Yoon Ferguson,

Agency Clearance Officer, Office of Workers' Compensation Programs, U.S. Department of Labor.

[FR Doc. 2013–30291 Filed 12–19–13; 8:45 am]

BILLING CODE 4510–CF–P

DEPARTMENT OF LABOR

Office of Workers' Compensation Programs

Division of Federal Employees' Compensation Proposed Extension of Existing Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Office of Workers' Compensation Programs is soliciting comments concerning the proposed collection: Request for Information on Earnings, Dual Benefits, Dependents and Third Party Settlement (CA–1032). A copy of the proposed information collection request can be obtained by contacting the office listed below in the addresses section of this Notice.

DATES: Written comments must be submitted to the office listed in the addresses section below on or before February 18, 2014.

ADDRESSES: Ms. Yoon Ferguson, U.S. Department of Labor, 200 Constitution Ave. NW., Room S–3201, Washington, DC 20210, telephone (202) 693–0701, fax (202) 693–1449, Email *Ferguson.yoon@dol.gov.* Please use only one method of transmission for comments (mail, fax, or Email).

SUPPLEMENTARY INFORMATION

I. Background

The collection of this information is necessary under provisions of the Federal Employees' Compensation Act (FECA) which states: (1) Compensation must be adjusted to reflect a claimant's earnings while in receipt of benefits (5 U.S.C. 8106); (2) compensation is payable at the augmented rate of 75 percent only if the claimant has one or more dependents as defined by the FECA (5 U.S.C. 8110); (3) compensation may not be paid concurrently with certain benefits from other Federal Agencies, such as the Office of Personnel Management, Social Security, and the Veterans Administration (5 U.S.C. 8116); (4) compensation must be adjusted to reflect any settlement from a third party responsible for the injury for which the claimant is being paid compensation (5 U.S.C. 8132); (5) an individual convicted of any violation related to fraud in the application for, or receipt of, any compensation benefit, forfeits (as of the date of such conviction) any entitlement to such benefits, for any injury occurring on or before the date of conviction (5. U.S.C. 8148 (a)); (6) no Federal compensation benefit can be paid to any individual for any period during which such individual is incarcerated for any felony offense (5 U.S.C. 8148 (b)(1)). The information collected through Form CA–1032 is used to ensure that compensation being paid on the periodic roll is correct. This information collection is currently approved for use through April 30, 2014.

II. Review Focus

The Department of Labor is particularly interested in comments which:

* 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 submissions of responses.

III. Current Actions

The Department of Labor seeks extension of approval to collect this information collection in order to ensure that compensation being paid on the periodic roll is correct.

Type of Review: Extension.

Agency: Office of Workers' Compensation Programs.

Title: Request for Information on Earnings, Dual Benefits, Dependents and Third Party Settlement.

OMB Number: 1240–0016.

Agency Number: CA–1032.

Affected Public: Individuals or household.

Total Respondents: 44,800.

Total Annual Responses: 44,800.

Average Time per Response: 20 minutes.

Estimated Total Burden Hours: 14,933.

Frequency: Annually.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $21,504.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: December 12, 2013.

Yoon Ferguson,

Agency Clearance Officer, Office of Workers' Compensation Programs, U.S. Department of Labor.

[FR Doc. 2013–30292 Filed 12–19–13; 8:45 am]

BILLING CODE 4510–CH–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–2014–011]

Proposed Disposal of George H.W. Bush and Clinton Administration Electronic Backup Tapes

AGENCY: Office of Presidential Libraries, National Archives and Records Administration (NARA).

ACTION: Presidential Records Act notice of proposed disposal of George H.W. Bush and Clinton Administration Disaster Recovery Backup Tapes; final agency action.

SUMMARY: The National Archives and Records Administration (NARA) is issuing this final notice to dispose of a collection of disaster recovery backup tapes from the George H.W. Bush and Clinton administrations under the provisions of 44 U.S.C. 2203(f)(3). The notice of proposed disposal of this collection of disaster recovery backup tapes was published in the **Federal Register** on June 28, 2013 (78 FR 125, p. 39016), and contains a detailed description of this issue. NARA received no comments on the proposed notice, and is therefore proceeding with this notice of final agency action.

DATES: This notice will be effective and the disposal will occur on or after February 18, 2014.

FOR FURTHER INFORMATION CONTACT: Director of Presidential Libraries Susan K. Donius; National Archives and Records Administration, Suite 2200; 8601 Adelphi Road; College Park, Maryland 20740–6001; by telephone at 301–837–3250; by fax to 301–837–3199; or by email to *beth.fidler@nara.gov.*

SUPPLEMENTARY INFORMATION: NARA published a ''Presidential Records Act notice of Proposed Disposal of George H.W. Bush and Clinton Administration Electronic Backup Tapes'' on June 28, 2013, in the **Federal Register** (78 FR 125) for a 45 day comment period. NARA received no written comments.

NARA has determined that further retention of these disaster recovery backup tapes is not warranted. The Presidential and Federal electronic mail with attachments, pager, and calendar records residing on these backup tapes were previously restored and NARA will permanently retain those Presidential and Federal records on a different set of electronic media. Because the backup tapes proposed for disposal were made for disaster recovery purposes and the restoration project was completed in 1996, NARA is following the normal disposal processes established in General Records Schedules 20 and 24 for Federal record backup tapes.

NARA will proceed to dispose of 22,907 All-In-One backup tapes created during the George H.W. Bush and Clinton Administrations by OA staff as specified in the February 18, 2014 of this notice, because NARA has determined that they lack sufficient administrative, historical, informational, or evidentiary value. This notice constitutes NARA's final agency action pursuant to 44 U.S.C. 2203(f)(3).

Dated: December 16, 2013.

David S. Ferriero,

Archivist of the United States.

[FR Doc. 2013–30371 Filed 12–19–13; 8:45 am]

BILLING CODE 7515–01–P

PENSION BENEFIT GUARANTY CORPORATION

Submission of Information Collection for OMB Review; Comment Request; Termination of Single-Employer Plans, Missing Participants

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of request for extension of OMB approval, with modifications.

SUMMARY: The Pension Benefit Guaranty Corporation (PBGC) is requesting that the Office of Management and Budget (OMB), under the Paperwork Reduction Act, extend approval, with modifications, of a collection of information in its regulations on Termination of Single Employer Plans and Missing Participants, and implementing forms and instructions (OMB control number 1212–0036, expires December 31, 2013). This notice informs the public of PBGC's request and solicits public comment on the collection of information.

DATES: Comments should be submitted by January 21, 2014.

ADDRESSES: Comments should be sent to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for Pension Benefit Guaranty Corporation, via electronic mail at *OIRA_DOCKET@omb.eop.gov* or by fax to (202) 395–6974.

A copy of the request (including the collection of information) is posted at *http://www.pbgc.gov/res/laws-andregulations/information-collections under-omb-review.html.* It may also be obtained without charge by writing to the Disclosure Division of the Office of the General Counsel of PBGC at the above address, visiting the Disclosure Division, faxing a request to 202–326–4042, or calling 202–326–4040 during normal business hours. (TTY and TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4040.) The Disclosure Division will email, fax, or mail the request to you, as you request.

FOR FURTHER INFORMATION CONTACT: Jo Amato Burns, Attorney (326–4400, ext. 3072) or Catherine B. Klion, Assistant General Counsel (326–4400, ext. 3041), Office of the General Counsel, Pension Benefit Guaranty Corporation, 1200 K Street NW., Washington, DC 20005, 202–326–4400 (TTY and TDD users may call the Federal relay service toll-free at 1–800–877–8339 and ask to be connected to 202–326–4400.)

SUPPLEMENTARY INFORMATION: Under section 4041 of the Employee Retirement Income Security Act of 1974, as amended (ERISA), a single-employer pension plan may terminate voluntarily only if it satisfies the requirements for either a standard or a distress termination. Pursuant to ERISA section 4041(b), for standard terminations, and section 4041(c), for distress terminations, and PBGC's termination regulation (29 CFR part 4041), a plan administrator wishing to terminate a plan is required to submit specified information to PBGC in support of the proposed termination and to provide specified information regarding the proposed termination to third parties (participants, beneficiaries, alternate payees, and employee organizations). In the case of a plan with participants or beneficiaries who cannot be located when their benefits are to be distributed, the plan administrator is subject to the requirements of ERISA section 4050 and PBGC's missing participants regulation (29 CFR part 4050). These regulations may be found on PBGC's Web site at *http://www.pbgc.gov/res/laws-and-regulations/code-of-federal-regulations.html.*

The collection of information under these regulations and the implementing forms and instructions has been

approved by OMB under control number 1212–0036 (expires December 31, 2013). PBGC is requesting that OMB extend its approval for three years, with modifications. 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 modifications include a new requirement that plan administrators of plans terminating in a standard termination attach copies of the Notice of Intent to Terminate and sample Notices of Plan Benefits to the Standard Termination Notice (Form 500) filed with PBGC. PBGC is reorganizing the distress termination forms and instructions, including removing information items that PBGC no longer needs or can gather in other ways, adding a few information items that PBGC typically has been requesting as additional information under 29 CFR 4041.45(c), and moving some information items from one form to another. PBGC is also making clarifying, simplifying, editorial, and other changes to the current standard termination, distress termination, and missing participants forms and instructions.

PBGC estimates that 1,430 plan administrators will be subject to the collection of information requirements in PBGC's regulations on termination and missing participants and implementing forms and instructions each year, and that the total annual burden of complying with these requirements is 1,667 hours and $2,761,200.

Issued in Washington, DC, this 16th day of December 2013.

Judith Starr,

General Counsel, Pension Benefit Guaranty Corporation.

[FR Doc. 2013–30341 Filed 12–19–13; 8:45 am]

BILLING CODE 7709–02–P

OFFICE OF PERSONNEL MANAGEMENT

National Council on Federal Labor-Management Relations Meeting

AGENCY: Office of Personnel Management.

ACTION: Notice of meeting.

SUMMARY: The National Council on Federal Labor-Management Relations plans to meet on the following dates—

Wednesday, January 15, 2014.
Wednesday, March 19, 2014.
Wednesday, May 21, 2014.
Wednesday, July 16, 2014.
Wednesday, September 17, 2014.
Wednesday, November 19, 2014.

The meetings will start at 10:00 a.m. Eastern Time and will be held in Room 1350, U.S. Office of Personnel Management, 1900 E Street NW., Washington, DC 20415. Interested parties should consult the Council Web site at *www.lmrcouncil.gov* for the latest information on Council activities, including changes in meeting dates.

The Council is an advisory body composed of representatives of Federal employee organizations, Federal management organizations, and senior Government officials. The Council was established by Executive Order 13522, entitled, ''Creating Labor-Management Forums to Improve Delivery of Government Services,'' which was signed by the President on December 9, 2009. Along with its other responsibilities, the Council assists in the implementation of labor-management forums throughout the Government and makes recommendations to the President on innovative ways to improve delivery of services and products to the public, while cutting costs and advancing employee interests. The Council is co-chaired by the Director of the Office of Personnel Management and the Deputy Director for Management of the Office of Management and Budget.

At its meetings, the Council will continue its work in promoting cooperative and productive relationships between labor and management in the executive branch by carrying out the responsibilities and functions listed in section 1(b) of the Executive Order. The meetings are open to the public. Please contact the Office of Personnel Management at the address shown below if you wish to present material to the Council at the meeting. The manner and time prescribed for presentations may be limited, depending upon the number of parties that express interest in presenting information.

FOR FURTHER INFORMATION CONTACT: Tim Curry, Deputy Associate Director for Partnership and Labor Relations, Office of Personnel Management, 1900 E Street NW., Room 7H28, Washington, DC 20415; phone at (202) 606–2930; or email at *PLR@opm.gov.*

For the National Council.

Katherine Archuleta,

Director.

[FR Doc. 2013–30417 Filed 12–19–13; 8:45 am]

BILLING CODE 6325–39–P

POSTAL REGULATORY COMMISSION

[Docket No. CP2014–13; Order No. 1907]

New Postal Product

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing concerning a contract with Canada for the delivery of inbound Expedited Parcels USA and Express Mail Services (EMS). This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* December 23, 2013.

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:

Table of Contents

I. Introduction
II. Contents of Filing
III. Commission Action
IV. Ordering Paragraphs

I. Introduction

On December 13, 2013, the Postal Service filed Notice, pursuant to 39 CFR 3015.5, that it has entered into a successor negotiated service agreement (Agreement) with Canada's foreign postal operator, Canada Post Corporation (Canada Post).[1]

The Postal Service seeks to have the inbound portion of the Agreement, which concerns delivery of inbound Expedited Parcels USA and Express Mail Services (EMS) in the United States, included within the Inbound Competitive Multi-Service Agreements with Foreign Postal Operators 1 (MC2010–34) product on the competitive product list. Notice at 1, 3.

II. Contents of Filing

The Postal Service's filing consists of the Notice, financial workpapers, and four attachments.[2] Attachment 1 is an

[1] Notice of United States Postal Service of Filing Functionally Equivalent Inbound Competitive Multi-Service Agreement with a Foreign Postal Operator, December 13, 2013 (Notice).

[2] The financial workpapers and Attachments 2 and 4 were filed in redacted and unredacted versions. Terms and conditions associated with

application for non-public treatment of material. Attachment 2 is a copy of the Agreement. Attachment 3 is the certified statement required by 39 CFR 3015.5(c)(2). Attachment 4 is a copy of Governors' Decision No. 10–3.

The Agreement's intended effective date is January 1, 2014. *Id.* at 3. The Agreement is set to expire two years after the effective date, subject to termination pursuant to contractual terms. *Id.*

The Postal Service states that the Agreement is the successor to the 2012 Canada Post Agreement approved in Order No. 1088.[3] It also identifies the 2012 Canada Post Agreement as the baseline agreement for purposes of determining functional equivalence. Notice at 2. It asserts that the Agreement fits within applicable Mail Classification Schedule language included in Governors' Decision No. 10–3. See *id.* at 3, Attachment 4. The Postal Service identifies differences between the Agreement and the 2012 Canada Post Agreement, such as revisions to existing articles and attachments, but asserts that these differences do not detract from a finding of functional equivalency.[4] Notice at 5–7. In addition, it states that both agreements incorporate the same cost attributes and methodology, thereby making the relevant cost and market characteristics the same. *Id.* at 6.

III. Commission Action

Notice of establishment of docket. The Commission establishes Docket No. CP2014–13 for consideration of matters raised by the Notice. The Commission appoints James F. Callow to serve as Public Representative in this docket.

Interested persons may submit comments on whether the Postal Service's filing in the above-captioned docket is consistent with the policies of 39 U.S.C. 3632, 3633, and 3642 and the requirements of 39 CFR parts 3015 and 3020. Comments are due no later than December 23, 2013. The public portions of this filing can be accessed via the Commission's Web site (*http://www.prc.gov*). Information on obtaining access to sealed material appears in 39 CFR part 3007.

IV. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. CP2014–13 for consideration of matters raised by the Postal Service's Notice.

2. Pursuant to 39 U.S.C. 505, James F. Callow is appointed to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.

3. Comments are due no later than December 23, 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. 2013–30335 Filed 12–19–13; 8:45 am]

BILLING CODE 7710–FW–P

International Business Return Service are not included in the Notice because return service to U.S. customers has not yet been launched. *Id.* at 3–4. The Postal Service states that it will file an appropriate amendment and corresponding notice prior to the launch of this product. *Id.* at 4.

[3] Notice at 2; Docket No. CP2012–4, Order Adding an Additional Bilateral Agreement to Inbound Competitive Multi-Service Agreements With Foreign Postal Operators 1 Product, December 30, 2011 (Order No. 1088).

[4] See, e.g., in Article 13, revisions to procedures related to filings in the regulatory process; in Attachment 5, inclusion of initiatives intended to improve quality of service; and in Attachment 7, inclusion of product development and collaborative initiatives. Notice, Attachment 2 at 4–5, 43–44, 48.

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549–0213.

Extension:

Rule 17a–13, SEC File No. 270–27, OMB Control No. 3235–0035.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information provided for in Rule 17a–13 (17 CFR 240.17a–13) under the Securities Exchange Act of 1934 (15 U.S.C. 78 *et seq.*) (''Exchange Act''). The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Rule 17a–13(b) (17 CFR 240.17a–13(b)) generally requires that at least once each calendar quarter, all registered brokers-dealers physically examine and count all securities held and account for all other securities not in their possession, but subject to the broker-dealer's control or direction. Any discrepancies between the broker-dealer's securities count and the firm's records must be noted and, within seven days, the unaccounted for difference must be recorded in the firm's records. Rule 17a–13(c) (17 CFR 240.17a–13(c)) provides that under specified conditions, the count, examination, and verification of the broker-dealer's entire list of securities may be conducted on a cyclical basis rather than on a certain date. Although Rule 17a–13 does not require broker-dealers to file a report with the Commission, discrepancies between a broker-dealer's records and the securities counts may be required to be reported, for example, as a loss on Form X–17a–5 (17 CFR 248.617), which must be filed with the Commission under Exchange Act Rule 17a–5 (17 CFR 240.17a–5). Rule 17a–13 exempts broker-dealers that limit their business to the sale and redemption of securities of registered investment companies and interests or participation in an insurance company separate account and those who solicit accounts for federally insured savings and loan associations, provided that such persons promptly transmit all funds and securities and hold no customer funds and securities. Rule 17a–13 also does not apply to certain broker-dealers required to register only because they effect transactions in securities futures products.

The information obtained from Rule 17a–13 is used as an inventory control device to monitor a broker-dealer's ability to account for all securities held in transfer, in transit, pledged, loaned, borrowed, deposited, or otherwise subject to the firm's control or direction. Discrepancies between the securities counts and the broker-dealer's records alert the Commission and applicable self-regulatory organizations (''SROs'') to those firms experiencing back-office operational issues.

Currently, there are approximately 4,462 broker-dealers registered with the Commission. However, given the variability in their businesses, it is difficult to quantify how many hours per year each broker-dealer spends complying with Rule 17a–13. As noted, Rule 17a–13 requires a respondent to account for all securities in its possession or subject to its control or direction. Many respondents hold few, if any, securities; while others hold large quantities. Therefore, the time burden of complying with Rule 17a–13 will depend on respondent-specific factors, including a broker-dealer's size, number of customers, and proprietary trading activity. The staff estimates that the average time spent per respondent is 100 hours per year on an ongoing basis to maintain the records required under Rule 17a–13. This estimate takes into account the fact that more than half of the 4,462 respondents—according to

financial reports filed with the Commission—may spend little or no time complying with the rule, given that they do not do a public securities business or do not hold inventories of securities. For these reasons, the staff estimates that the total compliance burden per year is 446,200 hours (4,462 respondents × 100 hours/respondent).

The records required to be made by Rule 17a–13 are available only to Commission examination staff, state securities authorities, and applicable SROs. Subject to the provisions of the Freedom of Information Act, 5 U.S.C. 522, and the Commission's rules thereunder (17 CFR 200.80(b)(4)(iii)), the Commission does not generally publish or make available information contained in any reports, summaries, analyses, letters, or memoranda arising out of, in anticipation of, or in connection with an examination or inspection of the books and records of any person or any other investigation.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information has practical utility; (b) the accuracy of the Commission's estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information 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 in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: Thomas Bayer, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549, or send an email to: *PRA_Mailbox@sec.gov.*

Dated: December 16, 2013.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–30274 Filed 12–19–13; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Proposed Collection; Comment Request

Upon Written Request Copies Available From: U.S. Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549–0213.

Extension:

Rule 15Ba2–6T; SEC File No. 270–618, OMB Control No. 3235–0659.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the existing collection of information provided for in Rule 15Ba2–6T—Temporary Registration as a Municipal Advisor; Required Amendments; and Withdrawal from Temporary Registration (17 CFR 240.15Ba2–6T) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) (''Exchange Act''). The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Paragraph (a) of Rule 15Ba2–6T requires municipal advisors, as defined in Section 15B(e)(4) of the Exchange Act (15 U.S.C. 78*o*–4(e)(4)), to electronically file with the Commission on the Commission's Web site at the following link, *Municipal Advisor Registration*, the information set forth in Form MA–T (17 CFR 249.1300T) to temporarily register or withdraw from temporary registration.

Paragraph (b)(1) of Rule 15Ba2–6T requires municipal advisors to promptly amend their temporary registration whenever information concerning Items 1 (Identifying Information) or 3 (Disciplinary Information) of Form MA–T becomes inaccurate in any way.

Paragraph (b)(2) of Rule 15Ba2–6T requires municipal advisors to promptly amend their temporary registration whenever they wish to withdraw from registration.

Paragraph (c) of Rule 15Ba2–6T provides that every initial registration, amendment to registration, or withdrawal from registration filed pursuant to this rule constitutes a ''report'' within the meaning of applicable provisions of the Exchange Act.

Paragraph (d) of Rule 15Ba2–6T provides that every Form MA–T, including every amendment to or withdrawal from registration, is considered filed with the Commission when the electronic form on the Commission's Web site is completed and the Commission has sent confirmation to the municipal advisor that the form was filed.

Paragraph (e) of Rule 15Ba2–6T provides that all temporary registrations of municipal advisors will expire on the earlier of: (1) The date that the municipal advisor's permanent registration, submitted pursuant to the Exchange Act and the rules thereunder, is approved or disapproved by the Commission; (2) the date on which the municipal advisor's temporary registration is rescinded by the Commission; (3) for a municipal advisor that has not applied for permanent registration with the Commission in accordance with the Exchange Act and the rules thereunder, forty-five days after the compliance date of such rules for the municipal advisor; or (4) December 31, 2014.

Paragraph (f) of Rule 15Ba2–6T provides that Rule 15Ba2–6T will expire on December 31, 2014.

The primary purpose of Rule 15Ba2–6T is to provide information about municipal advisors to investors and issuers, as well as the Commission pursuant to the Dodd-Frank Wall Street Reform and Consumer Protection Act.

Commission staff estimates that approximately 100 new municipal advisors will file Form MA–T during the period January 1, 2014 through December 31, 2014. Commission staff estimates that each of the approximately 100 new municipal advisors will spend an average of 2.5 hours preparing each Form MA–T. Therefore the estimated total reporting burden associated with completing Form MA–T is 250 hours. Additionally, Commission staff estimates that approximately 1,150 municipal advisors currently registered with the Commission and the estimated 100 new municipal advisors will amend (or withdraw) their Form MA–T once during the period from January 1, 2014 through December 31, 2014, and that it will take approximately 30 minutes to amend (or withdraw) their form, which means the total burden associated with amending Form MA–T is 625 hours. Therefore, the total annual burden associated with completing and amending Form MA–T is 875 hours.

The Commission believes that some municipal advisors will seek outside counsel to help them comply with the requirements of Rule 15Ba2–6T and Form MA–T, and assumes that 100 municipal advisors will consult outside counsel for one hour for this purpose. The Commission estimates the total cost for these 100 municipal advisors to hire outside counsel to review their compliance with the requirements of

Rule 15Ba2–6T and Form MA–T to be approximately $37,900.

Written comments are invited on: (a) 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; (b) the accuracy of the Commission's estimates of the burden 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. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: Thomas Bayer, Director/Chief Information Officer, Securities and Exchange Commission, c/o Remi Pavlik-Simon, 100 F Street NE., Washington, DC 20549, or send an email to: *PRA_Mailbox@sec.gov.*

Dated: December 16, 2013.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–30273 Filed 12–19–13; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 30832; 812–14101]

Catalyst Capital Advisors LLC and Mutual Fund Series Trust; Notice of Application

December 16, 2013.

ACTION: Notice of an application under section 6(c) of the Investment Company Act of 1940 (''Act'') for an exemption from section 15(a) of the Act and rule 18f–2 under the Act.

SUMMARY: *Summary of Application:* Applicants request an order that would permit them to enter into and materially amend subadvisory agreements without shareholder approval.

APPLICANTS: Catalyst Capital Advisors LLC (''CCA'' or the ''Adviser'') and Mutual Fund Series Trust (formerly Catalyst Funds) (the ''Trust'').

DATES: *Filing Dates:* The application was filed on December 7, 2012 and amended on June 20, 2013 and November 12, 2013.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on January 10, 2014, and should be accompanied by proof of service on the applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Elizabeth M. Murphy, Secretary, U.S. Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090. Applicants: Adviser, 22 High Street, Huntington, NY 11743 and the Trust, 4020 South 147th Street, Suite 2, Omaha, Nebraska 68137.

FOR FURTHER INFORMATION CONTACT: Jaea F. Hahn, Senior Counsel, at (202) 551–6970, or Mary Kay Frech, Branch Chief, at (202) 551–6821 (Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained via the Commission's Web site by searching for the file number, or an applicant using the Company name box, at *http://www.sec.gov/search/search.htm* or by calling (202) 551–8090.

Applicants' Representations

1. The Trust is organized as an Ohio business trust and is registered as an open-end management investment company with multiple series. Each series of the Trust has its own investment objective, policies and restrictions, and each is managed by the Adviser and may be managed by various subadvisers.[1]

2. CCA is a New York limited liability company registered as an investment adviser under the Investment Advisers Act of 1940 (''Advisers Act''). CCA provides investment management services to the Funds under an investment advisory agreement with the Trust (the ''Advisory Agreement'').[2] The terms of each Advisory Agreement comply or will comply with section 15(a) of the Act. Each Advisory Agreement was or will be approved by the board of trustees of the relevant Fund (the board of trustees of any Fund, a ''Board''), including by a majority of the trustees who are not ''interested persons'' (as defined in section 2(a)(19) of the Act) of the Trust or Adviser (the ''Independent Trustees''), and by the shareholders of the respective Fund in the manner required by sections 15(a) and (c) of the Act and rule 18f–2 thereunder.[3]

3. Under the terms of each Advisory Agreement, CCA is responsible for the overall management of the business affairs of the Funds' business affairs and selecting investments in accordance with the Funds' respective investment objectives, policies and restrictions. For the investment management services that it provides to the Funds, the Adviser receives the fee specified in the Advisory Agreements. In addition, pursuant to each Advisory Agreement, CCA may retain one or more subadvisers for the purpose of managing all or a portion of the assets of the Funds. Pursuant to this authority, the Adviser intends to enter into subadvisory agreements with certain unaffiliated subadvisers (''Subadvisers'', and such agreements, ''Subadvisory Agreements'') to provide investment advisory services to the Funds. Each Subadviser to a Fund will be an ''investment adviser'' as defined in section 2(a)(20)(B) of the Act and registered as an investment adviser under the Advisers Act or not subject to such registration.[4] The Adviser will supervise and monitor the Subadvisers, allocate Fund assets to the Subadvisers and periodically recommend to the

[1] Applicants request relief with respect to any existing or future series of the Trust and any other existing or future registered open-end management investment company or series thereof that (a) is advised by CCA, including any entity controlling, controlled by or under common control with CCA or its successors (included in the term ''Adviser''); (b) uses the manager-of-managers structure described in the application (''Manager of Managers Structure''); and (c) complies with the terms and conditions of the application (each a ''Fund'' and together, the ''Funds''). The only existing investment company that currently intends to rely on the requested order is named as an applicant. For purposes of the requested order, ''successor'' is limited to an entity that results from a reorganization into another jurisdiction or a change in the type of organization.

[2] CCA or another Adviser will enter into substantially similar investment advisory agreements to provide investment management services to each future Fund (each included in the term ''Advisory Agreement''). Each other Adviser will also be registered as an investment adviser under the Advisers Act.

[3] Applicants are not seeking any exemptions with respect to the Advisory Agreements.

[4] If the name of any Fund contains the name of a Subadviser, the name of the Adviser will precede the name of the Subadviser.

Board which Subadvisers should be retained or released. The Adviser will compensate the Subadvisers for a Fund out of the advisory fees that are paid to the Adviser under the applicable Advisory Agreement.

4. Applicants request an order to permit the Adviser, subject to Board approval, to select Subadvisers and enter into and materially amend Subadvisory Agreements without obtaining shareholder approval. The terms of the Subadvisory Agreements will comply fully with the requirements of section 15(a) of the Act and the Subadvisory Agreements will be approved by the Board, including a majority of the Independent Trustees as required under section 15(a) and section 15(c) of the Act. Each Fund's prospectus has contained or will contain, at all times following the approval of the Manager of Managers Structure, the disclosure required by condition 2 below.

5. The requested relief will not extend to any subadviser that is an affiliated person, as defined in section 2(a)(3) of the Act, of the Trust, a Fund or the Adviser (other than by reason of serving as a subadviser to one or more Funds) (''Affiliated Subadviser'').

6. The Funds will inform shareholders of the hiring of a new Subadviser pursuant to the following procedures (''Modified Notice and Access Procedures''): (a) Within 90 days after a new Subadviser is hired for any Fund, that Fund will send its shareholders either a Multi-manager Notice or a Multi-manager Notice and Multi-manager Information Statement; [5] and (b) the Fund will make the Multi-manager Information Statement available on the Web site identified in the Multi-manager Notice no later than when the Multi-manager Notice (or Multi-manager Notice and Multi-manager Information Statement) is first sent to shareholders, and will maintain it on that Web site for at least 90 days.

Applicants' Legal Analysis

1. Section 15(a) of the Act provides, in relevant part, that it is unlawful for any person to act as an investment adviser to a registered investment company except pursuant to a written contract that has been approved by the vote of a majority of the company's outstanding voting securities. Rule 18f–2 under the Act provides that each series or class of securities in a series investment company affected by a matter must approve that matter if the Act requires shareholder approval.

2. Section 6(c) of the Act provides that the Commission may exempt any person, security, or transaction or any class or classes of persons, securities, or transactions from any provisions of the Act, or from any rule thereunder, if such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants state that the requested relief meets this standard for the reasons discussed below.

3. Applicants assert that the shareholders are relying on the Adviser's experience to select one or more Subadvisers best suited to achieve a Fund's investment objectives. Applicants assert that, from the perspective of the investor, the role of the Subadvisers is comparable to that of the individual portfolio managers employed by the Adviser. Applicants state that requiring shareholder approval of each Subadvisory Agreement would impose costs and unnecessary delays on the Funds, and may preclude the Adviser from acting promptly in a manner considered advisable by the Board. Applicants note that the Advisory Agreements and any subadvisory agreement with an Affiliated Subadviser will remain subject to sections 15(a) and (c) of the Act and rule 18f–2 under the Act.

Applicants' Conditions

Applicants agree that any order granting the requested relief will be subject to the following conditions:

1. Before a Fund may rely on the requested order, the operation of the Fund in the manner described in the application will be approved by a majority of the Fund's outstanding voting securities, as defined in the Act, or in the case of a Fund whose public shareholders purchase shares on the basis of a prospectus containing the disclosure contemplated by condition 2 below, by the initial shareholder(s) before offering shares of that Fund to the public.

2. Each Fund relying on the requested order will disclose in its prospectus the existence, substance, and effect of any order granted pursuant to the application. Each Fund will hold itself out to the public as utilizing the Manager of Managers Structure. The prospectus will prominently disclose that the Adviser has ultimate responsibility (subject to oversight by the Board) to oversee the Subadvisers and recommend their hiring, termination, and replacement.

3. Funds will inform shareholders of the hiring of a new Subadviser within 90 days after the hiring of the new Subadviser pursuant to the Modified Notice and Access Procedures.

4. The Adviser will not enter into a subadvisory agreement with any Affiliated Subadviser without such agreement, including the compensation to be paid thereunder, being approved by the shareholders of the applicable Fund.

5. At all times, at least a majority of the Board will be Independent Trustees, and the nomination of new or additional Independent Trustees will be placed within the discretion of the then-existing Independent Trustees.

6. Whenever a subadviser change is proposed for a Fund with an Affiliated Subadviser, the Board, including a majority of the Independent Trustees, will make a separate finding, reflected in the Board minutes, that such change is in the best interests of the Fund and its shareholders, and does not involve a conflict of interest from which the Adviser or the Affiliated Subadviser derives an inappropriate advantage.

7. The Adviser will provide general management services to each Fund, including overall supervisory responsibility for the general management and investment of each Fund's assets and, subject to review and approval of the Board, will: (a) Set each Fund's overall investment strategies; (b) evaluate, select and recommend Subadvisers to manage all or a part of each Fund's assets; (c) allocate and, when appropriate, reallocate each Fund's assets among one or more Subadvisers; (d) monitor and evaluate the performance of Subadvisers; and (e) implement procedures reasonably designed to ensure that the Subadvisers comply with each Fund's investment objective, policies and restrictions.

8. No trustee or officer of the Trust or a Fund, or director, manager, or officer of the Adviser, will own, directly or indirectly (other than through a pooled investment vehicle that is not controlled by such person), any interest in a

[5] The ''Multi-manager Notice'' will be modeled on a Notice of Internet Availability as defined in rule 14a–16 under the Securities Exchange Act of 1934 (''Exchange Act''), and specifically will, among other things: (a) Summarize the relevant information regarding the new Subadviser; (b) inform shareholders that the Multi-manager Information Statement is available on a Web site; (c) provide the Web site address; (d) state the time period during which the Multi-manager Information Statement will remain available on that Web site; (e) provide instructions for accessing and printing the Multi-manager Information Statement; and (f) instruct the shareholder that a paper or email copy of the Multi manager Information Statement may be obtained, without charge, by contacting the Funds.

A ''Multi-manager Information Statement'' will meet the requirements of Regulation 14C, Schedule 14C and Item 22 of Schedule 14A under the Exchange Act for an information statement. Multi-manager Information Statements will be filed electronically with the Commission via the EDGAR system.

Subadviser, except for (a) ownership of interests in the Adviser or any entity that controls, is controlled by, or is under common control with the Adviser or (b) ownership of less than 1% of the outstanding securities of any class of equity or debt of any publicly traded company that is either a Subadviser or an entity that controls, is controlled by, or is under common control with a Subadviser.

9. In the event the Commission adopts a rule under the Act providing substantially similar relief to that in the order requested in the application, the requested order will expire on the effective date of that rule.

For the Commission, by the Division of Investment Management, under delegated authority.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–30272 Filed 12–19–13; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71082; File No. SR–BATS–2013–064]

Self-Regulatory Organizations; BATS Exchange, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Extend the Penny Pilot Program

December 16, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 12, 2013, BATS Exchange, Inc. (the ''Exchange'' or ''BATS'') filed with the Securities and Exchange Commission (the ''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. 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

The Exchange filed a proposal for the BATS Options Market (''BATS Options'') to extend through June 30, 2014, the Penny Pilot Program (''Penny Pilot'') in options classes in certain issues (''Pilot Program'') previously approved by the Commission.[3]

The text of the proposed rule change is available at the Exchange's Web site at *http://www.batstrading.com,* at the principal office of the Exchange, and at 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 self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change 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 Exchange 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 purpose of this filing is to extend the Penny Pilot, which was previously approved by the Commission, through June 30, 2014, and to provide a revised date for adding replacement issues to the Pilot Program. The Exchange proposes that any Pilot Program issues that have been delisted may be replaced on the second trading day following January 1, 2014. The replacement issues will be selected based on trading activity for the six month period beginning June 1, 2013, and ending November 30, 2013.

The Exchange represents that the Exchange has the necessary system capacity to continue to support operation of the Penny Pilot. The Exchange believes the benefits to public customers and other market participants who will be able to express their true prices to buy and sell options have been demonstrated to outweigh the increase in quote traffic.

2. Statutory Basis

The Exchange believes that its proposal 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.[4] In particular, the proposal is consistent with Section 6(b)(5) of the Act,[5] because it would 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. The Exchange believes that the Pilot Program promotes just and equitable principles of trade by enabling public customers and other market participants to express their true prices to buy and sell options. Accordingly, the Exchange believes that the proposal is consistent with the Act because it will allow the Exchange to extend the Pilot Program prior to its expiration on December 31, 2013. The Exchange notes that this proposal does not propose any new policies or provisions that are unique or unproven, but instead relates to the continuation of an existing program that operates on a pilot basis.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. In this regard, the Exchange notes that the rule change is being proposed in order to continue the Pilot Program, which is a competitive response to analogous programs offered by other options exchanges. The Exchange believes this proposed rule change is necessary to permit fair competition among the options exchanges.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

The Exchange has neither solicited nor received written comments on the proposed rule change.

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 [6] and Rule 19b–4(f)(6) thereunder.[7] 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

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The rules of BATS Options, including rules applicable to BATS Options' participation in the Penny Pilot, were approved on January 26, 2010. *See* Securities Exchange Act Release No. 61419 (January 26, 2010), 75 FR 5157 (February 1, 2010) (SR–BATS–2009–031). BATS Options commenced operations on February 26, 2010. The Penny Pilot was extended for BATS Options through December 31, 2013. *See* Securities Exchange Act Release No. 69788 (June 18, 2013), 78 FR 37862 (June 24, 2013) (SR–BATS–2013–030).

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(5).

[6] 15 U.S.C. 78s(b)(3)(A)(iii).

[7] 17 CFR 240.19b–4(f)(6).

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[8] and Rule 19b–4(f)(6)(iii) thereunder.

A proposed rule change filed under Rule 19b–4(f)(6) normally does not become operative prior to 30 days after the date of the filing.[9] However, pursuant to Rule 19b–4(f)(6)(iii),[10] 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 because doing so will allow the Pilot Program to continue without interruption in a manner that is consistent with the Commission's prior approval of the extension and expansion of the Pilot Program and will allow the Exchange and the Commission additional time to analyze the impact of the Pilot Program.[11] Accordingly, the Commission designates the proposed rule change as operative upon filing with the Commission.[12]

At any time within 60 days of the filing of the 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.

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.

[8] 15 U.S.C. 78s(b)(3)(A).

[9] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires the Exchange to give the Commission written notice of the Exchange's intent to file the proposed rule change along with a brief description and the 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 pre-filing requirement.

[10] 17 CFR 240.19b–4(f)(6)(iii).

[11] *See* Securities Exchange Act Release No. 61061 (November 24, 2009), 74 FR 62857 (December 1, 2009) (SR–NYSEArca–2009–44). *See also supra* note 3.

[12] For purposes only of waiving the operative delay for this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

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 Number SR–BATS–2013–064 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 Number SR–BATS–2013–064. 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 Internet 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 the 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 Number SR–BATS–2013–064 and should be submitted on or before January 10, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[13]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–30267 Filed 12–19–13; 8:45 am]

BILLING CODE 8011–01–P

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71081; File No. SR–ISE–2013–65]

Self-Regulatory Organizations; International Securities Exchange, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Schedule of Fees

December 16, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that, on December 2, 2013, the International Securities Exchange, LLC (the ''Exchange'' or the ''ISE'') filed with the Securities and Exchange Commission the proposed rule change, as described in Items I, II, and III 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

The ISE proposes to amend its Schedule of Fees to adjust complex order fees and rebates. The text of the proposed rule change is available on the Exchange's Web site (*http://www.ise.com*), at the principal office of the Exchange, and at 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 self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change 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 self-regulatory organization 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 Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing to amend its Schedule of Fees to adjust complex order fees and rebates, including rebates

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

provided to Priority Customer[3] complex orders, maker/taker fees, and fees for responses to complex crossing orders. The fee changes discussed apply to both Standard Options and Mini Options traded on the Exchange. The Exchange's Schedule of Fees has separate tables for fees applicable to Standard Options and Mini Options. The Exchange notes that while the discussion below relates to fees for Standard Options, the fees for Mini Options, which are not discussed below, are and shall continue to be 1/10th of the fees for Standard Options.

The Exchange currently provides volume-based tiered rebates for Priority Customer complex orders when these orders trade with non-Priority Customer orders in the complex order book.[4] These complex order rebates are provided to Members in six tiers based on the Member's average daily volume (''ADV'') in Priority Customer complex contracts. For Select Symbols (excluding SPY) this rebate is $0.33 per contract for Members with a Priority Customer Complex ADV of fewer than 40,000 contracts (*i.e.,* Tier 1), $0.35 per contract for Members with a Priority Customer Complex ADV of 40,000–74,999 contracts (*i.e.,* Tier 2), $0.37 per contract for Members with a Priority Customer Complex ADV of 75,000–124,999 contracts (*i.e.,* Tier 3), $0.39 per contract for Members with a Priority Customer Complex ADV of 125,000–224,999 contracts (*i.e.,* Tier 4), $0.40 per contract for Members with a Priority Customer Complex ADV of 225,000–299,999 contracts (*i.e.,* Tier 5), and $0.41 per contract for Members with a Priority Customer Complex ADV of 300,000 contracts or more (*i.e.,* Tier 6). For SPY the rebate is $0.36 per contract for Tier 1, $0.38 per contract for Tier 2, $0.39 per contract for Tier 3, $0.40 per contract for Tier 4, $0.41 per contract for Tier 5, and $0.42 for Tier 6. And for non-Select Symbols the rebate is $0.66 per contract for Tier 1, $0.72 per contract for Tier 2, $0.75 per contract for Tier 3, $0.77 per contract for Tier 4, $0.78 per contract for Tier 5, and $0.79 for Tier 6. The Exchange is now proposing to increase these rebates for Members that achieve Tier 2 or higher as shown in the table below.

PRIORITY CUSTOMER REBATE BY ADV

Priority customer complex ADV	Select symbols (excluding SPY)	Non-select symbols	SPY
Tier 1; 0–39,999	($0.33)	($0.66)	($0.36)
Tier 2; 40,000–74,999	($0.37)	($0.75)	($0.40)
Tier 3; 75,000–124,999	($0.39)	($0.78)	($0.41)
Tier 4; 125,000–224,999	($0.41)	($0.80)	($0.42)
Tier 5; 225,000–299,999	($0.43)	($0.83)	($0.44)
Tier 6; 300,000+	($0.44)	($0.84)	($0.45)

The Exchange also provides volume-based tiered rebates to Priority Customer Complex orders that trade with quotes and orders on the regular order book.[5] For all symbols (excluding SPY) this rebate is $0.06 per contract for Tier 1, $0.12 per contract for Tier 2, $0.13 per contract for Tier 3, $0.17 per contract for Tier 4, $0.18 per contract for Tier 5, and $0.19 per contract for Tier 6. For SPY the rebate is $0.07 per contract for Tier 1, $0.13 per contract for Tier 2, $0.14 per contract for Tier 3, $0.18 per contract for Tier 4, $0.19 per contract for Tier 5, and $0.20 per contract for Tier 6. Like the rebates discussed above for Priority Customer complex orders that trade with non-Priority Customer orders in the complex order book, the Exchange is also proposing to increase the rebate for Priority Customer Complex orders that trade with quotes and orders on the regular order book for Members that achieve Tier 2 or higher as shown in the table below.

PRIORITY CUSTOMER REBATE BY ADV

[For Orders that Trade with Quotes and Orders on the Regular Orderbook]

Priority customer complex ADV	All symbols (excluding SPY)	SPY
Tier 1; 0–39,999	($0.06)	($0.07)
Tier 2; 40,000–74,999	($0.14)	($0.15)
Tier 3; 75,000–124,999	($0.15)	($0.16)
Tier 4; 125,000–224,999	($0.19)	($0.20)
Tier 5; 225,000–299,999	($0.21)	($0.22)
Tier 6; 300,000+	($0.22)	($0.23)

The Exchange also charges fees for adding liquidity, *i.e.,* maker fees, to non-Priority Customers complex orders when trading against Priority Customer complex orders,[6] and fees for removing liquidity, *i.e.,* taker fees, regardless of the counterparty. In particular, the Exchange charges Market Maker[7] orders a fee of $0.39 per contract in Select Symbols (excluding SPY) and SPY, and a fee of $0.82 per contract in non-Select Symbols. For Non-ISE Market Maker,[8]

[3] A Priority Customer is defined in ISE Rule 100(a)(37A) as a person or entity that is not a broker/dealer in securities, and does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s).

[4] The Exchange offers a rebate in Standard and Mini Options for Priority Customer complex orders in (i) Select Symbols (excluding SPY), (ii) SPY, and (iii) Non-Select Symbols, when these orders trade with non-Priority Customer orders in the complex order book.

[5] The Exchange offers a rebate in Standard and Mini Options for Priority Customer complex orders that trade with quotes and orders on the regular order book in (i) SPY, and (ii) other symbols excluding SPY.

[6] The Exchange separately charges maker fees for non-Priority Customer complex orders that do not trade against Priority Customer complex orders. These fees are not discussed in this filing.

[7] The term ''Market Makers'' refers to ''Competitive Market Makers'' and ''Primary Market Makers'' collectively. *See* ISE Rule 100(a)(25).

[8] A Non-ISE Market Maker, or Far Away Market Maker (''FarMM''), is a market maker as defined in

Continued

Firm Proprietary/Broker Dealer,[9] and Professional Customer [10] orders the Exchange charges a fee of $0.40 per contract for Select Symbols (excluding SPY), $0.41 per contract for SPY, and $0.84 per contract in non-Select Symbols. The Exchange is now proposing to increase the fees for market participants that remove liquidity or provide liquidity to a Priority Customer complex order as follows. The Exchange is proposing to increase the fee for Market Maker orders to $0.42 per contract in Select Symbols (excluding SPY),[11] $0.43 per contract in SPY, and $0.85 per contract in non-Select Symbols. For Non-ISE Market Maker, Firm Proprietary/Broker Dealer, and Professional Customer orders the Exchange proposes to increase the fee to $0.44 per contract in Select Symbols (excluding SPY), $0.45 per contract in SPY, and $0.87 per contract in non-Select Symbols. The Exchange is not proposing to change the maker fees for market participants that do not trade against Priority Customer complex orders.

Finally, the Exchange charges a fee for responses to complex crossing orders, which are similar to the Exchange's taker rates described above. The Exchange is proposing to increase the fees for responses to complex crossing orders to keep them at levels generally in line with the proposed taker fees. In Select Symbols the fee for responses to complex crossing orders is $0.40 per contract for all market participants, including Priority Customers. The Exchange proposes to increase this fee to $0.44 per contract. In non-Select Symbols the fee for responses to complex crossing orders is $0.82 per contract for Market Maker orders, and $0.84 per contract for Non-ISE Market Maker, Firm Proprietary/Broker Dealer, and Professional Customer orders. The Exchange proposes to increase this fee to $0.87 per contract for all non-Priority Customer orders. The Exchange will continue to not charge a fee to Priority Customers for responses to complex crossing orders in non-Select Symbols.

Section 3(a)(38) of the Securities Exchange Act of 1934, as amended, registered in the same options class on another options exchange.

[9] A Firm Proprietary order is an order submitted by a Member for its own proprietary account. A Broker-Dealer order is an order submitted by a Member for a non-Member broker-dealer account.

[10] A Professional Customer is a person who is not a broker/dealer and is not a Priority Customer.

[11] The Exchange notes that complex order quoting is currently permitted in the following symbols: AA, ABX, EFA, GLD, MSFT, MU, NVDA, VXX, VZ, WFC, XLB and XOP (''Complex Quoting Symbols''). This proposed rate change also applies to Market Maker quotations in Complex Quoting Symbols when trading against Priority Customer complex orders.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[12] in general, and Section 6(b)(4) of the Act,[13] in particular, in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges among its members and other persons using its facilities. The complex order pricing employed by the Exchange has proven to be an effective pricing mechanism, and attractive to Members. The Exchange believes that this proposed rule change will continue to attract additional complex order business to the ISE.

The Exchange believes that it is reasonable, equitable, and not unfairly discriminatory to increase the rebate paid to Priority Customer complex orders that trade with non-Priority Customer orders in the complex order book, or trade with quotes and orders on the regular order book, because paying these increased rebates will continue to attract additional order flow to the ISE and create liquidity which will ultimately benefit all market participants who trade on the Exchange. The Exchange believes that providing higher rebates to Priority Customer complex orders, and in particular Priority Customer orders from Members that have achieved specified volume thresholds, will encourage Members to route additional Priority Customer complex orders to the Exchange in order to qualify for the new rebates, and thereby help the Exchange remain competitive with other options exchanges in attracting this order flow.

The Exchange further believes that it is reasonable, equitable, and not unfairly discriminatory to increase its maker/taker and response fees as the Exchange is seeking to recoup the cost associated with the proposed Priority Customer rebates. In order to maintain these fees at similar levels the Exchange is proposing to move the maker/taker and response fees in tandem. As stated above, the Exchange believes that the increased Priority Customer rebates being supported by these maker/taker and response fees will attract Priority Customer order flow to the Exchange to the benefit of all market participants. The Exchange notes that the proposed maker/taker and response fees are consistent with fee structures and price differentials that exist today at other options exchanges, and does not believe that it is unfairly discriminatory to continue to provide a rebate to Priority Customer orders while charging a fee to non-Priority Customer orders as discussed in this filing. A Priority Customer is by definition not a broker or dealer in securities, and does not place more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). This limitation does not apply to participants on the Exchange whose behavior is substantially similar to that of market professionals, including Professional Customers, who will generally submit a higher number of orders (many of which do not result in executions) than Priority Customers.

[12] 15 U.S.C. 78f.

[13] 15 U.S.C. 78f(b)(4).

The Exchange notes that it has determined to charge fees in Mini Options at a rate that is 1/10th the rate of fees the Exchange provides for trading in Standard Options. The Exchange believes it is reasonable and equitable and not unfairly discriminatory to assess lower fees to provide market participants an incentive to trade Mini Options on the Exchange. The Exchange believes the proposed fees are reasonable and equitable in light of the fact that Mini Options have a smaller exercise and assignment value, specifically 1/10th that of a standard option contract, and, as such, is providing fees that are 1/10th of those applicable to Standard Options.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[14] the Exchange does not believe that the proposed rule change will impose any burden on intermarket or intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, the Exchange believes that the proposed changes will promote competition as they are designed to allow the ISE to better compete for order flow and improve the Exchange's competitive position by offering higher rebates to Members that execute a large volume of Priority Customer complex orders. While the Exchange is increasing the maker/taker and response fees the Exchange does not believe that this will impose a burden on competition because the new fees are consistent with the Exchange's current fee structure and with the fee structures of other options exchanges. The Exchange operates in a highly competitive market in which market participants can readily direct their order flow to competing venues. In such an environment, the Exchange must continually review, and consider adjusting, its fees and rebates to remain competitive with other exchanges. For

[14] 15 U.S.C. 78f(b)(8).

the reasons described above, the Exchange believes that the proposed fee changes reflect this competitive environment.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has not solicited, and does not intend to solicit, comments on this proposed rule change. The Exchange has not received any unsolicited written comments from members or other interested parties.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act [15] and subparagraph (f)(2) of Rule 19b–4 thereunder,[16] because it establishes a due, fee, or other charge imposed by ISE.

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 to determine whether the proposed rule 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 Number SR–ISE–2013–65 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 Number SR–ISE–2013–65. 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 Internet 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 the 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 Number SR–ISE–2013–65 and should be submitted on or before January 10, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–30266 Filed 12–19–13; 8:45 am]

BILLING CODE 8011–01–P

[15] 15 U.S.C. 78s(b)(3)(A)(ii).

[16] 17 CFR 240.19b–4(f)(2).

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71083; File No. SR–OCC–2013–807]

Self-Regulatory Organizations; The Options Clearing Corporation; Advance Notice Concerning the Governance Committee Charter

December 16, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4(n)(1)(i),[2] notice is hereby given that on September 14, 2012, The Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''Commission'') the advance notice described in Items I and II below, which Items have been prepared by OCC. The Commission is publishing this notice to solicit comments on the advance notice from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Advance Notice

This advance notice concerns the charter of the Governance Committee (''GC Charter'') of OCC's Board of Directors (''Board'').

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Advance Notice

In its filing with the Commission, OCC included statements concerning the purpose of and basis for the advance notice and discussed any comments it received on the advance notice. The text of these statements may be examined at the places specified in Item IV below. OCC has prepared summaries, set forth in sections (A) and (B) below, of the most significant aspects of such statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Advance Notice

This advance notice concerns the GC Charter. The Board authorized formation of the Governance Committee (''GC'') at its May 21, 2013, meeting and approved the GC Charter at its September 24, 2013, meeting. As set forth in the GC Charter, the purpose of the GC is to review the overall corporate governance of OCC and recommend improvements to OCC's Board. The GC Charter describes the role the GC plays in assisting the Board in fulfilling its responsibilities, as described in OCC's By-Laws and Rules, as well as specifying the policies and procedures governing the membership and organization, scope of authority, and specific functions and responsibilities of the GC. In addition, the guidelines for the composition of the GC as well as the policies regarding its meeting schedule, quorum rules, minute-keeping and reporting requirements are set forth in the GC Charter and conform to applicable requirements specified in OCC's By-Laws and Rules.

The GC is composed of not fewer than five Directors with at least one Public Director, one Exchange Director and one Member Director. Management Directors will not be members of the GC. The Board will designate a GC Chair and if the Chair is not present at a meeting, the members who are present will designate a member to serve as the Acting Chair. The GC will meet at least four times a year and a majority of the GC members

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4(n)(1)(i).

constitutes a quorum. The GC is permitted to call executive sessions from which guests of the GC may be excluded, and GC members are permitted to participate in all meetings by conference telephone call or other means of communication that permit all meeting participants to hear each other. The GC Chair, or the Chair's designee, will report regularly to the Board on the GC's activities.

The GC Charter sets forth certain functions and responsibilities for the GC including, but not limited to, the following: Review the composition of the Board as a whole, including the Board's balance of participant and non-participant directors, business specialization, technical skills, diversity and other desired qualifications; review the Board's Charter for consistency with regulatory requirements, transparency of the governance process and other sound governance practice and recommend changes to the Board, where appropriate; review the committee structure of the Board, including the GC, and recommend changes to the Board, where appropriate; review OCC's policies and procedures for identifying and reviewing Board nominee candidates, including the criteria for Board nominees; develop and recommend to the Board a periodic process of self-evaluation of the role and performance of the Board, its committees and management in the governance of OCC; review OCC's policies on conflicts of interest of directors, including the OCC Directors Code of Conduct and recommend changes, where appropriate; and, review OCC's new director orientation program as well as OCC's training and education programs for Board members and recommend changes, where appropriate. In addition to the foregoing, the GC may undertake other and different activities, as appropriate, or as may be delegated to it by the Board. In discharging its role, the GC shall confer with management and other employees of OCC to the extent the GC deems it necessary to so to fulfill its duties.[3]

This advance notice is consistent with Section 806(e)(1)(A)[4] of the Clearing Supervision Act because the proposed change could be deemed to materially affect the nature or level of risks presented by OCC. The implementation of the GC may result in changes that will improve OCC's overall risk management process. In addition, the adoption of the GC Charter will reduce the amount of systemic risk OCC presents to the financial system because it will enhance the transparency of OCC's governance arrangements. The advance notice is not inconsistent with any existing OCC By-Laws or Rules.

(B) Clearing Agency's Statement on Comments on the Advance Notice Received From Members, Participants, or Others

Written comments on the advance notice were not and are not intended to be solicited with respect to the advance notice and none have been received.

III. Date of Effectiveness of the Advance Notice and Timing for Commission Action

The proposed changes contained in the advance notice may be implemented pursuant to Section 806(e)(1)(G) of Clearing Supervision Act[5] if the Commission does not object to the proposed changes within 60 days of the later of (i) the date that the advance notice was filed with the Commission or (ii) the date that any additional information requested by the Commission is received. The clearing agency shall not implement the proposed changes contained in the advance notice if the Commission objects to the proposed changes.

The Commission may extend the period for review by an additional 60 days if the proposed changes raise novel or complex issues, subject to the Commission providing the clearing agency with prompt written notice of the extension. Proposed changes may be implemented in fewer than 60 days from the date the advance notice is filed, or the date further information requested by the Commission is received, if the Commission notifies the clearing agency in writing that it does not object to the proposed changes and authorizes the clearing agency to implement the proposed changes on an earlier date, subject to any conditions imposed by the Commission.

OCC has also filed the advance notice as a proposed rule change pursuant to Section 19(b)(1) of the Act[6] and Rule 19b–4 thereunder.[7] Pursuant to those provisions, within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve or disapprove the proposed rule change or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

The clearing agency shall post notice on its Web site of proposed changes that are implemented.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. 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 Number SR–OCC–2013–807 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 Number SR–OCC–2013–807. 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 Internet Web site (*http://www.sec.gov/rules/sro.shtml).* Copies of the submission, all subsequent amendments, all written statements with respect to the advance notice that are filed with the Commission, and all written communications relating to the advance notice 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 filings also will be available for inspection and copying at the principal office of OCC and on OCC's Web site at *http://www.theocc.com/about/publications/bylaws.jsp*.

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

[3] The GC, subject to the approval of the Board, is permitted to hire specialists or rely on outside advisors or specialists to assist it in carrying out the GC's activities. The GC has the authority to approve the fees and retention terms of such advisors and specialists.

[4] 12 U.S.C. 5465(e)(1)(A).

[5] 12 U.S.C. 5465(e)(1)(G).

[6] 15 U.S.C. 78s(b)(1).

[7] 17 CFR 240.19b–4.

submissions should refer to File Number SR–OCC–2013–807 and should be submitted on or before January 10, 2014.

By the Commission.

Kevin O'Neill,

Deputy Secretary.

[FR Doc. 2013–30268 Filed 12–19–13; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71085; File No. SR–NYSEMKT–2013–99]

Self-Regulatory Organizations; NYSE MKT LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending Rules 104—Equities and 123C—Equities To Specify That Closings May Be Effectuated Manually or Electronically

December 16, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 3, 2013, NYSE MKT LLC (''NYSE MKT'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. 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

The Exchange proposes to amend Rules 104—Equities and 123C—Equities to specify that closings may be effectuated manually or electronically. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at 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 self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes amend Rules 104—Equities (''Rule 104'') and 123C—Equities (''Rule 123C'') to specify that closings may be effectuated manually or electronically.[3] Rule 104(a)(3) currently provides that designated market makers (''DMM'') have the responsibility, among other things, to facilitate the close of trading for each of the securities in which the DMM is registered as required by Exchange rules (including Rule 123C), which may include supplying liquidity as needed. Rule 104(b) further provides that DMM units shall have the ability to employ algorithms for quoting and trading consistent with Exchange and SEC regulations. As such, DMM units at the Exchange all use algorithms to engage in quoting and trading activity at the Exchange.

Rule 123D(1)—Equities specifies that openings may be effectuated manually or electronically. Accordingly, the Exchange currently provides DMM units with functionality to open a security, either on a trade or on a quote, algorithmically. The Exchange is in the process of making a technological change to enable DMM units to use algorithms to close a security as well, i.e., to effectuate a close electronically. The Exchange believes that such functionality would be consistent with current Rule 104(b) because the rule already permits algorithms to engage in quoting or trading activity. However, for the avoidance of doubt, the Exchange proposes to amend Rule 123C to add supplementary material that parallels the current Rule 123D(1)—Equities rule provision governing the manner by which openings are effectuated to similarly provide that closings may be effectuated manually or electronically.

To assure that certain non-displayed interest that is eligible to participate in manual transactions is included in the opening transaction, Rule 104(a)(2) currently provides that the DMM and DMM unit algorithms will have access to aggregate order information in order to comply with their requirement to facilitate the opening.[4] Because such non-displayed interest is also eligible to participate in the closing transaction, the Exchange would similarly provide aggregate order information to the DMM and DMM unit algorithm in order for the DMM algorithm to close the security electronically. Accordingly, the Exchange proposes to amend Rule 104(a)(3) to add that DMM and DMM unit algorithms will have access to aggregate order information in order to comply with their requirement to facilitate the close of trading as required by Exchange rules. The proposed additional rule text mirrors the current rule text in Rule 104(a)(2).

Rule 104(b)(iii) provides that the DMM unit's system employing algorithms will have access only to publicly-available information. However, as noted above, certain non-displayed interest must be included in the opening or closing transaction. Currently, in order to both include such interest in an opening that is effectuated electronically and meet the Rule 104(b)(iii) requirements, the Exchange delivers aggregate order information that includes such non-displayed interest to DMM unit algorithms in a format that is accessible only for the purpose of the opening transaction. Stated otherwise, such information is not made available to the DMM algorithms that engage in intraday quoting and trading activity. The Exchange proposes to use similar mechanisms to deliver aggregate order information necessary for DMM units to effectuate a closing transaction electronically so that it is similarly restricted in its use and availability. In order to provide additional transparency in Exchange rules, the Exchange proposes to amend Rule 104(b)(iii) to add a qualifying statement that except as provided for in Rule 104(a)(2) and proposed Rule 104(a)(3), which as described above are of limited purpose, the DMM unit's system employing algorithms will not have access to order

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Rule 104 is operating on a pilot basis as part of the Exchange's New Market Model pilot and is in effect until January 31, 2014. *See* Securities Exchange Act Release No. 69812 (June 20, 2013), 78 FR 38766 (June 27, 2013) (SR–NYSEMKT–2013–51).

[4] Minimum Display Reserve interest, which includes Minimum Display Reserve Orders pursuant to Rule 13—Equities and Floor broker interest designated as reserve interest pursuant to Rule 70—Equities, is eligible to participate in manual executions, which include the open and close. Exchange systems include all interest eligible to participate in the opening transaction in the aggregate order information available for execution at a price point when the DMM facilitates a manual transaction. *See* Securities Exchange Act Release No. 34–58184 (July 17, 2008), 73 FR 42853 at 42868 (July 23, 2008) (SR–NYSE–2008–45) (The Exchange's equity trading rules are based on the rules of the New York Stock Exchange LLC). *See also* Rule 115—Equities (providing that the aggregated interest of Minimum Display Reserve Orders may be included in the information a DMM may provide to an inquiry from a Floor broker conducting a market probe in the normal course of business).

information that is not publicly available.

The Exchange notes that Rules 104(b)(i) and (v) require all functions performed by a DMM unit's algorithm operate consistent with Exchange and SEC regulations and this proposed rule change maintains that requirement. For example, if there is interest represented in the trading crowd that must be included in the closing transaction pursuant to Rule 123C(7)(a)(iii), the DMM would need to use a manner of closing the security that assures that such interest is properly represented in the closing transaction.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act,[5] in general, and furthers the objectives of Section 6(b)(5) of the Act,[6] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system. The Exchange believes that the proposed rule change would remove impediments to and perfect the mechanism of a free and open market and a national market system because it provides clarity of under what circumstances a DMM unit may employ algorithms. The current rule already specifies that a DMM unit may use algorithms to engage in quoting and trading activity. Exchange rules also specify that such algorithms may be used to effectuate an opening electronically. The proposed rule change will provide transparency that DMM unit algorithms may also be used to effectuate a closing electronically. The Exchange further believes that the proposed rule changes to Rules 104(a)(3) and 104(b)(iii) provide further transparency regarding the manner by which information is made available to DMM units for the purpose of facilitating a closing transaction, which is consistent with current rules and practice regarding what information is made available to DMM units for the purpose of facilitating an opening transaction electronically. The Exchange believes that the proposed changes promote just and equitable principles of trade because the provision of such order information to DMM units assures that all electronically-entered interest that is eligible to participate in an opening or closing transaction would participate if such a transaction were to be effectuated electronically, while at the same time maintaining protections afforded to non-public order information.

The Exchange further notes that the proposed change removes impediments to and perfects the mechanism of a free and open market and a national market system because it provides greater flexibility for DMMs to operate remotely if the Exchange cannot open its lower Manhattan physical location. Currently, if the Exchange needs to close its physical location, as it did on October 29 and 30, 2012 during Superstorm Sandy, the Exchange cannot operate because the opening and closing transactions require manual intervention by a DMM located on the Trading Floor, even when opening a security electronically. The Exchange is currently in the process of developing technology for such functions to be performed remotely by DMM units. The Exchange believes that the proposed rule change, which provides DMM units with the authority to effectuate a closing transaction either manually or electronically, will enable the Exchange to proceed with its disaster recovery plans to enable full remote access operations of the Exchange.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not designed to address any competitive issues but rather is designed to specify in Exchange rules that a DMM unit may use algorithms to effectuate a closing transaction electronically. Because there are no other market participants on the Exchange with the responsibilities and duties specified in Rule 104 to facilitate a closing transaction, the manner by which such responsibility is discharged does not create a competitive issue with any other market participant. The Exchange further notes that the manner by which information would be provided to the DMM unit in order to facilitate a closing transaction electronically is consistent with current rules and practice regarding what information is made available to DMM units for the purpose of facilitating an opening transaction electronically, including that such information would be restricted in its use and availability for intraday trading by the DMM unit.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

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[7] and Rule 19b–4(f)(6) thereunder.[8] 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.

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)[9] 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 Number SR–NYSEMKT–2013–99 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary,

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

[7] 15 U.S.C. 78s(b)(3)(A)(iii).

[8] 17 CFR 240.19b–4(f)(6).

[9] 15 U.S.C. 78s(b)(2)(B).

Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File Number SR–NYSEMKT–2013–99. 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 Internet 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 publicly available. All submissions should refer to File Number SR–NYSEMKT–2013–99 and should be submitted on or before January 10, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–30270 Filed 12–19–13; 8:45 am]

BILLING CODE 8011–01–P

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71084; File No. SR–BOX–2013–58]

Self-Regulatory Organizations; BOX Options Exchange LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Remove References to the Nasdaq 100 Index

December 16, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 4, 2013, BOX Options Exchange LLC (the ''Exchange'') filed with the Securities and Exchange Commission (''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 from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of the Substance of the Proposed Rule Change

The Exchange proposes to amend interpretive material to Rule 6010 (Definitions), Rule 6040 (Position Limits for Broad-Based Index Options), and Rule 6090 (Terms of Index Options) to remove references to the Nasdaq 100 Index (NDX). The text of the proposed rule change is available from the principal office of the Exchange, at the Commission's Public Reference Room and also on the Exchange's Internet Web site at *http://boxexchange.com*.

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 self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change 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 self-regulatory organization 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 Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend Interpretive Material (''IM'') 6010–1 to Rule 6010 (Definitions), Rule 6040 (Position Limits for Broad-Based Index Options), and Rule 6090 (Terms of Index Options) to remove references to the Nasdaq 100 Index (NDX). Options on the Nasdaq 100 Index (NDX) are no longer listed or traded on BOX, and as such, the Exchange believes it is appropriate to remove all references to NDX in the BOX Rulebook. The Exchange proposes to remove the following references to NDX:

- IM–6010–1 identifies the designated reporting authority for each underlying index for options traded on BOX, including the Nasdaq Stock Market for NDX.
- Rule 6040 specifies position limits for certain broad-based index options, including NDX.
- Rule 6090 permits the Exchange to list up to seven expiration months at any one time for certain broad-based index options, including NDX. Additionally, Section 6090(a)(4) specifically references options on NDX as one of the European-style index options approved for trading on BOX, Section 6090(a)(5) references options on NDX as A.M.-settled index options approved for trading on BOX, and Section 6090(c) references NDX in its ''Procedures for Adding and Deleting Strike Prices.''

The Exchange represents that, if, in the future, options on NDX are again listed on BOX, it will file to add NDX references to the BOX Rulebook.

2. Statutory Basis

The Exchange believes that the proposal is consistent with the requirements of Section 6(b) of the Act,[3] in general, and Section 6(b)(5) of the Act,[4] in particular, in that it is designed to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism for a free and open market and a national market system and, in general, to protect investors and the public interest. In particular, this proposed change removes from the BOX Rules references to NDX that are no longer applicable because options on NDX have been delisted and are no longer traded on BOX. Accordingly, the Exchange believes removing all references to NDX from the BOX Rulebook will eliminate any potential investor confusion about the products listed and traded on BOX.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change imposes any burden on competition. The proposed change is not designed to address any competitive issue but rather would remove references to NDX that are no longer applicable because options on NDX have been delisted and are no longer traded on BOX.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78f(b).

[4] 15 U.S.C. 78f(b)(5).

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange has neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

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 for 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 [5] and Rule 19b–4(f)(6)(iii) thereunder.

A proposed rule change filed under Rule 19b–4(f)(6) normally does not become operative for 30 days after the date of filing.[6] However, Rule 19b–4(f)(6)(iii) permits the Commission to designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange requested that the Commission waive the 30-day operative delay, as specified in Rule 19b–4(f)(6)(iii),[7] which would make the rule change effective and operative upon filing.

The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because doing so will allow BOX to immediately delete an obsolete rule and update its rule book, which in turn will avoid potential confusion. Accordingly, the Commission designates the proposed rule change as operative upon filing with the Commission.[8]

At any time within 60 days of the filing of the 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.

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 Number SR–BOX–2013–58 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 Number SR–BOX–2013–58. 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 Internet 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 at 100 F Street NE., Washington, DC 20549–1090 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 offices 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 Number SR–BOX–2013–58, and should be submitted on or before January 10, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[9]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–30269 Filed 12–19–13; 8:45 am]

BILLING CODE 8011–01–P

[5] 15 U.S.C. 78s(b)(3)(A).

[6] 17 CFR 240.19b–4(f)(6)(iii). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the 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.

[7] 17 CFR 240.19b–4(f)(6)(iii).

[8] For purposes only of waiving the operative delay for this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71086; File No. SR–NYSE–2013–79]

Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Amending Rules 104 and 123C To Specify That Closings May Be Effectuated Manually or Electronically

December 16, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act'') [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on December 3, 2013, New York Stock Exchange LLC (''NYSE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. 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

The Exchange proposes to amend Rules 104 and 123C to specify that closings may be effectuated manually or electronically. The text of the proposed rule change is available on the Exchange's Web site at *www.nyse.com,* at the principal office of the Exchange, and at 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 self-regulatory organization included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of those statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below,

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

of the most significant parts of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Rules 104 and 123C to specify that closings may be effectuated manually or electronically.[3] Rule 104(a)(3) currently provides that designated market makers (''DMM'') have the responsibility, among other things, to facilitate the close of trading for each of the securities in which the DMM is registered as required by Exchange rules (including Rule 123C), which may include supplying liquidity as needed. Rule 104(b) further provides that DMM units shall have the ability to employ algorithms for quoting and trading consistent with NYSE and SEC regulations. As such, DMM units at the Exchange all use algorithms to engage in quoting and trading activity at the Exchange.

Rule 123D(1) specifies that openings may be effectuated manually or electronically. Accordingly, the Exchange currently provides DMM units with functionality to open a security, either on a trade or on a quote, algorithmically. The Exchange is in the process of making a technological change to enable DMM units to use algorithms to close a security as well, i.e., to effectuate a close electronically. The Exchange believes that such functionality would be consistent with current Rule 104(b) because the rule already permits algorithms to engage in quoting or trading activity. However, for the avoidance of doubt, the Exchange proposes to amend Rule 123C to add supplementary material that parallels the current Rule 123D(1) rule provision governing the manner by which openings are effectuated to similarly provide that closings may be effectuated manually or electronically.

To assure that certain non-displayed interest that is eligible to participate in manual transactions is included in the opening transaction, Rule 104(a)(2) currently provides that the DMM and DMM unit algorithms will have access to aggregate order information in order to comply with their requirement to facilitate the opening.[4] Because such non-displayed interest is also eligible to participate in the closing transaction, the Exchange would similarly provide aggregate order information to the DMM and DMM unit algorithm in order for the DMM algorithm to close the security electronically. Accordingly, the Exchange proposes to amend Rule 104(a)(3) to add that DMM and DMM unit algorithms will have access to aggregate order information in order to comply with their requirement to facilitate the close of trading as required by Exchange rules. The proposed additional rule text mirrors the current rule text in Rule 104(a)(2).

Rule 104(b)(iii) provides that the DMM unit's system employing algorithms will have access only to publicly-available information. However, as noted above, certain non-displayed interest must be included in the opening or closing transaction. Currently, in order to both include such interest in an opening that is effectuated electronically and meet the Rule 104(b)(iii) requirements, the Exchange delivers aggregate order information that includes such non-displayed interest to DMM unit algorithms in a format that is accessible only for the purpose of the opening transaction. Stated otherwise, such information is not made available to the DMM algorithms that engage in intraday quoting and trading activity. The Exchange proposes to use similar mechanisms to deliver aggregate order information necessary for DMM units to effectuate a closing transaction electronically so that it is similarly restricted in its use and availability. In order to provide additional transparency in Exchange rules, the Exchange proposes to amend Rule 104(b)(iii) to add a qualifying statement that except as provided for in Rule 104(a)(2) and proposed Rule 104(a)(3), which as described above are of limited purpose, the DMM unit's system employing algorithms will not have access to order information that is not publicly available.

The Exchange notes that Rules 104(b)(i) and (v) require all functions performed by a DMM unit's algorithm operate consistent with NYSE and SEC regulations and this proposed rule change maintains that requirement. For example, if there is interest represented in the trading crowd that must be included in the closing transaction pursuant to Rule 123C(7)(a)(iii), the DMM would need to use a manner of closing the security that assures that such interest is properly represented in the closing transaction.

2. Statutory Basis

The proposed rule change is consistent with Section 6(b) of the Act,[5] in general, and furthers the objectives of Section 6(b)(5) of the Act,[6] in particular, in that it is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, and to remove impediments to and perfect the mechanism of a free and open market and a national market system. The Exchange believes that the proposed rule change would remove impediments to and perfect the mechanism of a free and open market and a national market system because it provides clarity of under what circumstances a DMM unit may employ algorithms. The current rule already specifies that a DMM unit may use algorithms to engage in quoting and trading activity. Exchange rules also specify that such algorithms may be used to effectuate an opening electronically. The proposed rule change will provide transparency that DMM unit algorithms may also be used to effectuate a closing electronically. The Exchange further believes that the proposed rule changes to Rules 104(a)(3) and 104(b)(iii) provide further transparency regarding the manner by which information is made available to DMM units for the purpose of facilitating a closing transaction, which is consistent with current rules and practice regarding what information is made available to DMM units for the purpose of facilitating an opening transaction electronically. The Exchange believes that the proposed changes promote just and equitable principles of trade because the provision of such order information to DMM units assures that all electronically-entered interest that is eligible to participate in an opening or closing transaction would participate if such a transaction were to be effectuated electronically, while at the same time maintaining protections

[3] Rule 104 is operating on a pilot basis as part of the Exchange's New Market Model pilot and is in effect until January 31, 2014. *See* Securities Exchange Act Release No. 69813 (June 20, 2013), 78 FR 38753 (June 27, 2013) (SR–NYSE–2013–43).

[4] Minimum Display Reserve interest, which includes Minimum Display Reserve Orders pursuant to Rule 13 and Floor broker interest designated as reserve interest pursuant to Rule 70, is eligible to participate in manual executions, which include the open and close. Exchange systems include all interest eligible to participate in the opening transaction in the aggregate order information available for execution at a price point when the DMM facilitates a manual transaction. *See* Securities Exchange Act Release No. 34–58184 (July 17, 2008), 73 FR 42853 at 42868 (July 23, 2008) (SR–NYSE–2008–45). *See also* Rule 115 (providing that the aggregated interest of Minimum Display Reserve Orders may be included in the information a DMM may provide to an inquiry from a Floor broker conducting a market probe in the normal course of business).

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

afforded to non-public order information.

The Exchange further notes that the proposed change removes impediments to and perfects the mechanism of a free and open market and a national market system because it provides greater flexibility for DMMs to operate remotely if the Exchange cannot open its lower Manhattan physical location. Currently, if the Exchange needs to close its physical location, as it did on October 29 and 30, 2012 during Superstorm Sandy, the Exchange cannot operate because the opening and closing transactions require manual intervention by a DMM located on the Trading Floor, even when opening a security electronically. The Exchange is currently in the process of developing technology for such functions to be performed remotely by DMM units. The Exchange believes that the proposed rule change, which provides DMM units with the authority to effectuate a closing transaction either manually or electronically, will enable the Exchange to proceed with its disaster recovery plans to enable full remote access operations of the Exchange.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The proposed rule change is not designed to address any competitive issues but rather is designed to specify in Exchange rules that a DMM unit may use algorithms to effectuate a closing transaction electronically. Because there are no other market participants on the Exchange with the responsibilities and duties specified in Rule 104 to facilitate a closing transaction, the manner by which such responsibility is discharged does not create a competitive issue with any other market participant. The Exchange further notes that the manner by which information would be provided to the DMM unit in order to facilitate a closing transaction electronically is consistent with current rules and practice regarding what information is made available to DMM units for the purpose of facilitating an opening transaction electronically, including that such information would be restricted in its use and availability for intraday trading by the DMM unit.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were solicited or received with respect to the proposed rule change.

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 [7] and Rule 19b–4(f)(6) thereunder.[8] 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.

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) [9] 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 Number SR–NYSE–2013–79 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 Number SR–NYSE–2013–79. 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 Internet 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 publicly available. All submissions should refer to File Number SR–NYSE–2013–79 and should be submitted on or before January 10, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[10]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–30271 Filed 12–19–13; 8:45 am]

BILLING CODE 8011–01–P

[7] 15 U.S.C. 78s(b)(3)(A)(iii).

[8] 17 CFR 240.19b–4(f)(6).

[9] 15 U.S.C. 78s(b)(2)(B).

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71079; File No. SR–CBOE–2013–121]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to the Short Term Option Series Program

December 16, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the

''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that, on December 11, 2013, Chicago Board Options Exchange, Incorporated (the ''Exchange'' or ''CBOE'') 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 Exchange. 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

The Exchange proposes to amend Exchange Rules 5.5(d) and 24.9(a)(2)(A) to expand the Short Term Option Series Program. The text of the proposed rule change is available on the Exchange's Web site (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at 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 Exchange included statements concerning the purpose of and basis for the proposed rule change 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 Exchange 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 Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing to amend Exchange Rules 5.5(d) and 24.9(a)(2)(A) to allow the Exchange to list 50 classes of options in the Short Term Option Series Program (the ''Program'' or ''Weeklys Program'');[3] to list or add equity Weeklys within fifty percent (50%) above or below price of the underlying price of the security if the price of the underlying security is greater than $20, or within one hundred percent (100%) above or below the price of the underlying security if the price of the underlying security is less than or equal to $20; and to add the ability to list equity Weekly strike price interval of $2.50 or greater where the strike price is above $150. The Exchange believes the proposed expansion will benefit the marketplace given the increased market demand for this Program.

The Weeklys Program for equity options is codified in Exchange Rule 5.5(d).[4] This rule currently states that after an equity option class has been approved for listing and trading on the Exchange, the Exchange may open for trading on any Thursday or Friday that is a business day series of options on that class that expire at the close of business on each of the next five Fridays that are business days and are not Fridays in which monthly options series or Quarterly Options Series expire.[5] Weekly expirations may not expire on the same day on which a monthly option series or Quarterly Option series expires.[6] The Exchange may select up to 30 currently listed option classes to participate in the Program and the Exchange may also list Weeklys on classes selected by other exchanges under their respective Programs.[7] The Exchange may open up to 30 series per expiration comprised of up to 20 initial series and 10 additional series for expiration.[8] The same number of strike prices must be opened above and below the value of the underlying security at about the time that the Weeklys are initially opened for trading on the Exchange.[9] Strike prices being must currently be within thirty percent (30%) above or below the closing price of the underlying security from the preceding day.[10]

The Weeklys Program currently allows that the interval between strike prices may be (i) $0.50 or greater where the strike prices is less than $75, and $1 or greater where the strike price is between $75 and $150 for all classes that participate in the Weeklys Program.[11] In addition, during a market move such that no series are at least 10% above or below the current price of the underlying security and all existing series have open interest, the Exchange may also open additional series in excess of the 30 strike limitation that are between 10% and 30% of the price of the underlying security.[12] Finally, in the event that the underlying security has moved such that there are no series that are at least 10% above or below the current prices of the underlying security, the Exchange will delist any series with no open interest so as to list series that are at least 10% but not more than 30% above or below the current price of the underlying security.[13] The Exchange is now proposing to expand the Program as the Exchange believes an expansion will benefit the marketplace while aligning the Exchange with currently proposed expansions by another options exchange.[14]

First, the Exchange is proposing to increase the number of classes that participate in the Program. Currently, the Exchange may ''select up to thirty currently listed option classes on which Short Term Option Series may be opened on any Short Term Option Opening Date.''[15] The Exchange is now proposing to increase this number from thirty to fifty. The Exchange believes that this expansion will be well received by market participants because the Program is currently very popular and continues to grow.[16] In particular, the Exchange understands that there are several classes for which there is demand that they be added to the Program.

The Exchange is proposing to set forth this change in Rules 5.5(d)(1) and 24.9(a)(2)(A)(i). CBOE's rules governing the Program are written so that the number of classes that may participate are not apportioned between equity and index classes. In other words, the class

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Short Term Option Series (''Weeklys'') are series in an options class that are approved for listing and trading on the Exchange in which the series are opened for trading on any Thursday or Friday that is a business day and that expire at the close of business on Fridays. The Exchange may list Weeklys for the next five Fridays that are business days (and are not Fridays in which monthly options series or Quarterly Options Series expire). The specifics of the Program are discussed in more detail below.

[4] With the proposal, the Exchange is only proposing to amend the Weeklys Program for equity options. The amount of classes that may participate in the Program, however, is aggregated between equity options and index options and is not apportioned between equity and index options. Thus, as discussed more below, the Exchange is proposing to make a conforming change to the class limitation located in the Exchange's index Weeklys Program rules (Exchange Rule 24.9(a)(2)(A)) to align the limitation for both equity and index options.

[5] *See* Exchange Rules [sic] 5.5(d).

[6] *See* Exchange Rule 5.5(d)(2).

[7] *See* Exchange Rule 5.5(d)(1).

[8] *See* Exchange Rules 5.5(d)(1), (3) and (4).

[9] *Id.*

[10] *Id.*

[11] *See* Exchange Rule 5.5(d)(5).

[12] *See* Exchange Rule 5.5(d)(4).

[13] *See* Exchange Rule 5.5(d)(6).

[14] The NASDAQ OMX PHLX LLC (''Phlx'') has recently submitted a proposed rule change to expand its Weeklys Program. *See* Securities and Exchange Act Release No. 71004 (December 6, 2013 (order approving SR–Phlx–2013–101) (''Phlx Filing'').

[15] *See* Exchange Rules 5.5(d)(1). *See also* note 4 *supra.*

[16] The Exchange expressed support of the increase in the class number participating in the Weeklys Program in a comment letter to the Phlx Filing. *See* Letter dated November 12, 2013 from Megan R. Malone, Chicago Board Options Exchange, Incorporated.

limitation is aggregated between equity and index options. While the Exchange is not proposing to substantively amend the rule for the index options Weeklys Program, the Exchange is proposing to reflect the increase to the total number of classes that may participate in the Program by amending Rule 24.9(a)(2)(A)(i). The Exchange believes that this conforming change to the index options Weeklys Program is appropriate for consistency and is needed in order to eliminate any ambiguity that would result if this change were not made.

Second, the Exchange is proposing to indicate the criteria the Exchange must follow when opening initial and additional series under the Weeklys Program. More specifically, the Exchange is proposing to add language to Rules 5.5(d)(3) and 5.5(d)(4) for equity options to state that series listed (both initial and additional) shall be reasonably close to the price of the underlying equity security (which underlying security price shall be determined in accordance with subparagraph (a)(i) of Rule 5.5A) and within the following parameters: (i) If the price of the underlying security is less than or equal to $20, strike prices shall be not more than one hundred percent (100%) above or below the price of the underlying security; and (ii) if the price of the underlying security is greater than $20, strike prices shall be not more than fifty percent (50%) above or below the price of the underlying security. The Exchange is also proposing to add language stating that the Exchange may open additional strike prices of Short Term Option Series that are more than 50% above or below the current value of the underlying security (if the price is greater than $20); provided that demonstrated customer interest exists for such series, as expressed by institutional, corporate or individual customers or their brokers. Market-Makers trading for their own account shall not be considered when determining customer interest under this provision.[17]

This proposal is in line with process for adding new series of options found in subsection 3(g)(i) of the Options Listing Procedures Plan (''OLPP'').[18] The Exchange believes that is [sic] this proposal is a reasonable enhancement to the Weeklys Program and will also align the Exchange with other exchanges participating in the Weeklys Program.[19] The proposed added language to Rule 5.5(d)(4) with conform the criteria for additional series added to the proposed criteria for initial series additions.

Next, the Exchange is proposing to permit the Exchange to list strike price intervals at $2.50 or more for classes in the Weeklys Program where the strike price is above $150. This proposed change complements the current Weeklys strike price interval setting regime, which provides for $0.50 or greater strike prices where the strike price is less than $75 and $1.00 or greater strike prices where the strike prices is between $75 and $150 for all classes that participate in the Weeklys Program.[20] The proposed change would align the Exchange with another options exchange participating in the Weeklys Program[21] while permitting the listing of an additional strike interval for higher priced underlying securities that complements the current intervals.

Finally, the Exchange is proposing to delete language in its Delisting provisions of the Weeklys Program. More specifically, the Exchange is proposing to delete the current provision that states that the Exchange will delist any series with no open interest in both the call and put series as to ''list series that are at least 10% but not more than 30 above or below the current value of the underlying index.'' The Exchange believes this proposed change will conform the delisting provision for the Weeklys Program with the other proposed amendments and align the Exchange will another options exchange participating in the Program.[22]

The Exchange believes this proposed expansion will meet the current unmet market demand in the Weeklys Program which has proven to be a popular program. In addition, the proposed changes will make the Weeklys Program more effective, harmonize the provisions with the OLPP, and create more clarity in the Exchange's rules. Finally, the Exchange believes other options exchanges will adopt similar provisions as all options exchanges currently have similar rules. This expansion across all options exchanges will continue to promote competition amongst the exchanges.

The Exchange notes that the Weeklys Program has been very well-received by market participants, in particular by retail investors. The Exchange believes that the current proposed revision to the Weeklys Program will permit the Exchange to meet increased customer demand and provide market participants with the ability to hedge in a greater number of option classes and series.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[23] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[24] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[25] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Weeklys Program has been well-received by market participants and has seen increasing trading volume. The Exchange believes that the current proposed revisions to the Weeklys Program will permit the Exchange to meet customer demand for enhanced Weeklys Program use and efficiency, harmonization of the OLPP and Weeklys rules, and a reasonable expansion of strike price intervals in the Program to the benefit of investors, market participants, and the market in general.

With regard to the impact of this proposal on system capacity, the Exchange has [sic] represents that it and the Options Price Reporting Authority (''OPRA'') have the necessary systems capacity to handle any potential additional traffic associated with this current amendment to the Weeklys Program. The Exchange believes that its

[17] Rule 5.5A(b)(i) currently states that if the price of the underlying security is greater than $20, the Exchange shall not list new option series with an exercise price more than 50% above or below the price of the underlying security. Immediately before this language, the Exchange proposes to also add a carve-out that states ''Except as provided in Rule 5.5(d)(4) . . .''

[18] Rule 5.5A codifies select provisions of the OLPP.

[19] *See* note 14 *supra.*

[20] Strike price intervals may also be $0.50 for classes that trade in $1.00 increments in Related non-Short Term Options that participate in the Weeklys Program. *See* Exchange Rule 5.5(d)(5).

[21] *See* note 14 *supra.*

[22] *See* note 14 *supra.*

[23] 15 U.S.C. 78f(b).

[24] 15 U.S.C. 78f(b)(5).

[25] *Id.*

Trading Permit Holders will not have a capacity issue as a result of this proposal. The Exchange also represents that it does not believe this expansion will cause fragmentation to liquidity.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. Instead, CBOE believes that the proposed rule change will relieve any burden on, or otherwise promote, competition. The Exchange believes that the proposed rule change will result in additional investment options and opportunities to achieve the investment objectives of market participants seeking efficient trading and hedging vehicles, to the benefit of investors, market participants, and the marketplace in general.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change. The Exchange does note that the original Phlx proposal received one comment from the Exchange in support of the expansion of the Weeklys Program to 50 options classes.[26] The Phlx proposal did not receive any other comments.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

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 for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act[27] and Rule 19b–4(f)(6) thereunder.[28]

The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange stated that waiver of this requirement will promote fair competition among exchanges by allowing the Exchange to offer a more efficient Weeklys Program that is harmonized internally and externally with the OLPP, and to meet customer demand for a greater number of Weeklys classes and strike price intervals, in the same manner as other exchanges. For these reasons, the Commission believes that the proposed rule change presents no novel issues, and waiver will allow the Exchange to remain competitive with other exchanges. Therefore, the Commission designates the proposed rule change to be operative upon filing.[29]

At any time within 60 days of the filing of the 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 to determine whether the proposed rule 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 Number SR–CBOE–2013–121 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 Number SR–CBOE–2013–121. 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 Internet 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 the 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 Number SR–CBOE–2013–121 and should be submitted on or before January 10, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[30]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–30264 Filed 12–19–13; 8:45 am]

BILLING CODE 8011–01–P

[26] *See* note 16 *supra.*

[27] 15 U.S.C. 78s(b)(3)(A).

[28] 17 CFR 240.19b–4(f)(6). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the 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.

[29] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[30] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71080; File No. SR–CBOE–2013–125]

Self-Regulatory Organizations; Chicago Board Options Exchange, Incorporated; Notice of Filing and Immediate Effectiveness of a Proposed Rule Relating to the Quarterly Option Series Program

December 16, 2013.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that, on December 13, 2013, Chicago Board Options Exchange, Incorporated (the ''Exchange'' or ''CBOE'') filed with the Securities and Exchange Commission (''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

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

solicit comments on the proposed rule from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to modify the Quarterly Options Series (''QOS'') Program to eliminate the cap on the number of additional series that may be listed per expiration month for each QOS in exchange-traded fund (''ETF'') options. The text of the proposed rule change is available on the Exchange's Web site (*http://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx*), at the Exchange's Office of the Secretary, and at 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 Exchange included statements concerning the purpose of and basis for the proposed rule change 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 Exchange 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 Statutory Basis for, the Proposed Rule Change

1. Purpose

In an attempt to align Exchange Rules with other options exchanges,[3] the Exchange is proposing to amend Rule 5.5(e) related to the QOS Program to eliminate the cap on the number of additional series that may be listed per expiration month for each QOS in ETF options. As set out in Rule 5.5(e)(1), the Exchange may list QOS for up to five currently listed options classes that are either index options or options on ETFs. The Exchange may also list QOS on any option classes that are selected by other securities exchanges that employ a similar program under their respective rules. Currently, for each QOS in ETF options that has been initially listed on the Exchange, the Exchange may list up to 60 additional series per expiration month.

The Exchange is now proposing to amend Rule 5.5(e) to make the treatment of QOS in ETF options consistent with the treatment of QOS in stock index options[4] and other options exchanges.[5] For example, like the QOS Program in ETF options, the QOS Program in index options permits QOS in up to five currently listed options classes, requires the listing of series that expire at the end of the next (as of the listing date) consecutive four quarters, as well as the fourth quarter of the next calendar year; requires the strike price of each QOS to be fixed at a price per share; and establishes parameters for the number of strike prices above and below the underlying index.[6] The QOS Program in index options, however, does not place a cap on the number of additional series that the Exchange may list per expiration month for each QOS in index options. Elimination of the cap set out in Rule 5.5(e), therefore, would result in similar regulatory treatment of similar options products.

The Exchange believes that the proposed revision to the QOS Program would provide market participants with the ability to better tailor their trading to meet their investment objective, including hedging securities positions, by permitting the Exchange to list additional QOS in ETF options that meet such objectives. In addition, elimination of the cap would further allow the Exchange to react to moving markets as it gives the Exchange the ability to add more strike prices closer to the underlying security. Finally, the proposed changes will align the Exchange's QOS with other options exchanges.[7]

The Exchange also notes that it is not subject to the same series limitations for other programs including options series with weekly or monthly expirations.[8] In addition, the Exchange believes the elimination of the cap would also help market participants meet their investment objective by providing expanded opportunities to roll ETF options into later quarters. Because of the current cap, however, the Exchange may not be able to list the appropriate series to do so. Elimination of the cap, however, would allow the Exchange to meet the investment needs of market participants in such situation.

With regard to the impact of this proposal on system capacity, the Exchange has represents that it and the Options Price Reporting Authority (''OPRA'') have the necessary systems capacity to handle any potential additional traffic associated with this current amendment to the QOS Program. The Exchange believes that its Trading Permit Holders will not have a capacity issue as a result of this proposal. The Exchange also represents that it does not believe this expansion will cause fragmentation to liquidity.

To help ensure that only active options series are listed, the Exchange has in place procedures to delist inactive series. Rule 5.5(e)(7)(A) requires the Exchange to review, on a monthly basis, the QOS Program that are outside of a range of five (5) strikes above and five (5) strikes below the current price of the underlying ETF, and delist series with no open interest in both the put and the call series having a: (i) Strike higher than the highest strike price with open interest in the put and/or call series for a given expiration month; and (ii) strike lower than the lowest strike price with open interest in the put and/or call series for a given expiration month.[9] The Exchange believes this provision helps to maintain capacity to handle quote traffic.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[10] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[11] requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to

[3] *See* Securities and Exchange Act Release No. 70854 (November 13, 2013), 78 FR 69465 (November 19, 2103)(notice of filing and immediate effectiveness of SR–NYSEMKT–2013–90). *See also* Securities and Exchange Act Release No. 70855 (November 13, 2013), 78 FR 69493 (November 19, 2013)(notice of filing and immediate effectiveness of SR–NYSEArca–2013–120). (Collectively the ''NYSE Filings'').

[4] *See* Rule 24.9(a)(2)(B) which governs the QOS for index options.

[5] *See* note 3 *supra.*

[6] *See* note 4 *supra.*

[7] *See* note 3 *supra.*

[8] Rule 5.5(d), for example, governs the Exchange's Short Term Options Series Program (''Weeklys''). Rule 5.5(d)(4) sets a limitation to the number of strikes for each option class, but the Exchange is given authority to surpass this maximum number under certain circumstances. More specifically, Rule 5.5(d)(4) states that ''in the event that the underlying security has moved such that there are no series that are at least 10% above or below the current price of the underlying security and all existing series have open interest, the Exchange may list additional series, in excess of the thirty series per class limit set forth in Rule 5.5(d)(1).''

[9] *See* Exchange Rule 5.5(e)(7)(A).

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(5).

and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [12] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes that the proposed rule change is designed to remove impediments to and perfect the mechanism of a free and open market because it will expand the investment options available to investors and will allow for more efficient risk management. The Exchange believes that removing the cap on the number of QOS in ETF options permitted to be listed on the Exchange will result in a continuing benefit to investors by giving them more flexibility to closely tailor their investment and hedging decisions to their needs, and, therefore, the proposal is designed to protect investors and the public interest. In addition, the elimination of the cap will make the treatment of QOS in ETF options consistent with the treatment of QOS in index options, thus resulting in similar regulatory treatment for similar option products.

As the Exchange has already stated, with regard to the impact of this proposal on system capacity, the Exchange has represents that it and the Options Price Reporting Authority (''OPRA'') have the necessary systems capacity to handle any potential additional traffic associated with this current amendment to the QOS Program. The Exchange believes that its Trading Permit Holders will not have a capacity issue as a result of this proposal. The Exchange also represents that it does not believe this expansion will cause fragmentation to liquidity.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. In contrary, CBOE believes that the proposed rule change will relieve any burden on, or otherwise promote competition. The elimination of the cap on series in the QOS program will benefit investors by providing more flexibility to more closely tailor their investment and hedging decisions.

[12] *Id.*

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change. The Exchange notes that the original NYSE MKT filing also did not receive any comments.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

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 for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, the proposed rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [13] and Rule 19b–4(f)(6) thereunder.[14]

The Exchange has asked the Commission to waive the 30-day operative delay so that the proposal may become operative immediately upon filing. The Exchange stated that waiver of this requirement will allow the Exchange to compete with other options exchanges proposing similar changes without putting the Exchange at a competitive disadvantage. The Exchange also stated that the proposal would permit the Exchange to list additional QOS in ETF options that allow investors to meet their investment objectives, including hedging securities positions. For these reasons, the Commission believes that the proposed rule change presents no novel issues, and waiver will allow the Exchange to remain competitive with other exchanges. Therefore, the Commission designates the proposed rule change to be operative upon filing.[15]

At any time within 60 days of the filing of the 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 to determine whether the proposed rule should be approved or disapproved.

[13] 15 U.S.C. 78s(b)(3)(A).

[14] 17 CFR 240.19b–4(f)(6). As required under Rule 19b–4(f)(6)(iii), the Exchange provided the Commission with written notice of its intent to file the proposed rule change, along with a brief description and the 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.

[15] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

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 Number SR–CBOE–2013–125 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 Number SR–CBOE–2013–125. 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 Internet 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 the 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 Number SR–CBOE–

2013–125 and should be submitted on or before January 10, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[16]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2013–30265 Filed 12–19–13; 8:45 am]

BILLING CODE 8011–01–P

[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

In the Matter of the Enlightened Gourmet, Inc., Eternal Image, Inc., NMT Medical, Inc., and Wits Basin Precious Minerals, Inc.; Order of Suspension of Trading

December 18, 2013.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of The Enlightened Gourmet, Inc. because it has not filed any periodic reports since the period ended September 30, 2010.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Eternal Image, Inc. because it has not filed any periodic reports since the period ended September 30, 2010.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of NMT Medical, Inc. because it has not filed any periodic reports since the period ended September 30, 2010.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Wits Basin Precious Minerals, Inc. because it has not filed any periodic reports since the period ended September 30, 2010.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed companies.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of the above-listed companies is suspended for the period from 9:30 a.m. EST on December 18, 2013, through 11:59 p.m. EST on January 2, 2014.

By the Commission.

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2013–30474 Filed 12–18–13; 11:15 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[File No. 500–1]

Golden Elephant Glass Technology, Inc., and Pacific Alliance Corp.; Order of Suspension of Trading

December 18, 2013.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Golden Elephant Glass Technology, Inc. because it has not filed any periodic reports since the period ended September 30, 2010.

It appears to the Securities and Exchange Commission that there is a lack of current and accurate information concerning the securities of Pacific Alliance Corp. because it has not filed any periodic reports since the period ended September 30, 2010.

The Commission is of the opinion that the public interest and the protection of investors require a suspension of trading in the securities of the above-listed companies.

Therefore, it is ordered, pursuant to Section 12(k) of the Securities Exchange Act of 1934, that trading in the securities of the above-listed companies is suspended for the period from 9:30 a.m. EST on December 18, 2013, through 11:59 p.m. EST on January 2, 2014.

By the Commission.

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2013–30473 Filed 12–18–13; 11:15 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under OMB Review

AGENCY: Small Business Administration.

ACTION: Notice of 30 day reporting requirements submitted for OMB review.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit proposed reporting and recordkeeping requirements to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the agency has made such a submission.

DATES: Submit comments on or before January 21, 2014. If you intend to comment but cannot prepare comments promptly, please advise the OMB Reviewer and the Agency Clearance Officer before the deadline.

Copies: Request for clearance (OMB 83–1), supporting statement, and other documents submitted to OMB for review may be obtained from the Agency Clearance Officer.

ADDRESSES: Address all comments concerning this notice to: *Agency Clearance Officer,* Curtis Rich, Small Business Administration, 409 3rd Street SW., 5th Floor, Washington, DC 20416; and *OMB Reviewer,* Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Curtis Rich, Agency Clearance Officer, (202) 205–7030 *curtis.rich@sba.gov.*

Abstract

Small Business Administration collects this information from lenders who participate in the secondary market program. The information is used to facilitate and administer secondary market transactions in accordance with 15 U.S.C. 634(f)3 and to monitor the program for compliance with 15 U.S.C. 639(h).

SUPPLEMENTARY INFORMATION:

Title: Secondary Participation Guaranty Agreement.

Frequency: On Occasion.

SBA Form Number No's: 1086, 1506.

Description of Respondents: Investment Companies.

Responses: 625.

Annual Burden: 42,500.

Curtis Rich,

Management Analyst.

[FR Doc. 2013–30249 Filed 12–19–13; 8:45 am]

BILLING CODE P

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments

ACTION: 60-Day notice and request for comments.

SUMMARY: The Small Business Administration (SBA) intends to request approval, from the Office of Management and Budget (OMB) for the collection of information described below. The Paperwork Reduction Act (PRA) of 1995, 44 U.S.C. Chapter 35 requires federal agencies to publish a

notice in the **Federal Register** concerning each proposed collection of information before submission to OMB, and to allow 60 days for public comment in response to the notice. This notice complies with that requirement.

DATES: Submit comments on or before February 21, 2014.

ADDRESSES: Send all comments to Andrea Giles, Supervisory Financial Analyst, Office of Credit Risk Management, Small Business Administration, 409 3rd Street, 7th Floor, Washington, DC 20416.

FOR FURTHER INFORMATION CONTACT: Andrea Giles, Supervisory Financial Analyst, 202–205–6301, *andrea.giles@sba.gov*, or Curtis B. Rich, Management Analyst, 202–205–7030, *curtis.rich@sba.gov.*

SUPPLEMENTARY INFORMATION: Small Business Lending Companies (SBLCs) and Non-federally regulated lenders (NFRLs). NFRL's are non-depository lending institutions authorized by SBA primarily to make loans under section 7(a) of the Small Business Act. As sole regulator of these institutions, SBA requires them to submit audited financial statements annually as well as interim, quarterly financial statements and other reports to facilitate the Agency's oversight of these lenders.

Description of Respondents: Small Business Lending Companies (SBLCs) and Non-federally regulated lenders (NFRLs).

Total Estimated Annual Responses: 58.

Total Estimated Annual Hour Burden: 7,232.

Curtis Rich,

Management Analyst.

[FR Doc. 2013–30389 Filed 12–19–13; 8:45 am]

BILLING CODE 8025–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #13836 and #13837]

California Disaster #CA–00214

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of California (FEMA–4158–DR), dated 12/13/2013.

Incident: Rim Fire.

Incident Period: 08/17/2013 through 10/24/2013.

Effective Date: 12/13/2013.

Physical Loan Application Deadline Date: 02/11/2014.

Economic Injury (EIDL) Loan Application Deadline Date: 09/15/2014.

ADDRESSES: Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

FOR FURTHER INFORMATION CONTACT: A. Escobar, Office of Disaster Assistance, U.S. Small Business Administration, 409 3rd Street SW., Suite 6050, Washington, DC 20416

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on 12/13/2013, Private Non-Profit organizations that provide essential services of governmental nature may file disaster loan applications at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Tuolumne.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations With Credit Available Elsewhere ...	2.875
Non-Profit Organizations Without Credit Available Elsewhere	2.875
For Economic Injury:	
Non-Profit Organizations Without Credit Available Elsewhere	2.875

The number assigned to this disaster for physical damage is 138365 and for economic injury is 138375.

(Catalog of Federal Domestic Assistance Numbers 59002 and 59008)

James E. Rivera,

Associate Administrator for Disaster Assistance.

[FR Doc. 2013–30390 Filed 12–19–13; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF STATE

[Public Notice 8564]

Overseas Schools Advisory Council; Notice of Meeting

The Overseas Schools Advisory Council, Department of State, will hold its Executive Committee Meeting on Thursday, January 23, 2014, at 9:30 a.m. in Conference Room 1107, Department of State Building, 2201 C Street NW., Washington, DC. The meeting is open to the public and will last until approximately 12:00 p.m.

The Overseas Schools Advisory Council works closely with the U.S. business community in improving those American-sponsored schools overseas that are assisted by the Department of State and attended by dependents of U.S. Government employees, and the children of employees of U.S. corporations and foundations abroad.

This meeting will deal with issues related to the work and the support provided by the Overseas Schools Advisory Council to the American-sponsored overseas schools. There will be a report and discussion about the status of the Council-sponsored project to expand the World Virtual School. The Regional Education Officers in the Office of Overseas Schools will make a presentation on the activities and initiatives in the American-sponsored overseas schools.

Members of the public may attend the meeting and join in the discussion, subject to the instructions of the Chair. Admittance of public members will be limited to the seating available. Access to the State Department is controlled, and individual building passes are required for all attendees. Persons who plan to attend should advise the office of Dr. Keith D. Miller, Department of State, Office of Overseas Schools, telephone 202–261–8200, prior to January 13, 2014. Each visitor will be asked to provide his/her date of birth and either driver's license or passport number at the time of registration and attendance, and must carry a valid photo ID to the meeting.

Personal data is requested pursuant to Public Law 99–399 (Omnibus Diplomatic Security and Antiterrorism Act of 1986), as amended; Public Law 107–56 (USA PATRIOT Act); and Executive Order 13356. The purpose of the collection is to validate the identity of individuals who enter Department facilities. The data will be entered into the Visitor Access Control System (VACS–D) database. Please see the Security Records System of Records Notice (State-36) at *http://www.state.gov/documents/organization/103419.pdf* for additional information.

Any requests for reasonable accommodation should be made at the time of registration. All such requests will be considered, however, requests made after January 16 might not be possible to fill. All attendees must use the C Street entrance to the building.

Dated: November 13, 2013.

Keith D. Miller,

Executive Secretary, Overseas Schools Advisory Council.

[FR Doc. 2013–30358 Filed 12–19–13; 8:45 am]

BILLING CODE 4710–24–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Random Drug and Alcohol Testing Percentage Rates of Covered Aviation Employees for the Period of January 1, 2014, Through December 31, 2014

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: The FAA has determined that the minimum random drug and alcohol testing percentage rates for the period January 1, 2014, through December 31, 2014, will remain at 25 percent of safety-sensitive employees for random drug testing and 10 percent of safety-sensitive employees for random alcohol testing.

FOR FURTHER INFORMATION CONTACT: Ms. Vicky Dunne, Office of Aerospace Medicine, Drug Abatement Division, Program Policy Branch (AAM–820), Federal Aviation Administration, 800 Independence Avenue SW., Room 806, Washington, DC 20591; Telephone (202) 267–8442.

Discussion: Pursuant to 14 CFR 120.109(b), the FAA Administrator's decision on whether to change the minimum annual random drug testing rate is based on the reported random drug test positive rate for the entire aviation industry. If the reported random drug test positive rate is less than 1.00%, the Administrator may continue the minimum random drug testing rate at 25%. In 2012, the random drug test positive rate was 0.456%. Therefore, the minimum random drug testing rate will remain at 25% for calendar year 2014.

Similarly, 14 CFR § 120.217(c), requires the decision on the minimum annual random alcohol testing rate to be based on the random alcohol test violation rate. If the violation rate remains less than 0.50%, the Administrator may continue the minimum random alcohol testing rate at 10%. In 2012, the random alcohol test violation rate was 0.132%. Therefore, the minimum random alcohol testing rate will remain at 10% for calendar year 2014.

SUPPLEMENTARY INFORMATION: If you have questions about how the annual random testing percentage rates are determined please refer to the Code of Federal Regulations Title 14, section 120.109(b) (for drug testing), and 120.217(c) (for alcohol testing).

Issued in Washington, DC, on November 4, 2013.

Frederick E. Tilton,

Federal Air Surgeon.

[FR Doc. 2013–30332 Filed 12–19–13; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2013–0059]

Agency Information Collection Activities: Request for Comments for a New Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of request for extension of currently approved information collection.

SUMMARY: The FHWA has forwarded the information collection request described in this notice to the Office of Management and Budget (OMB) to renew an information collection. We published a **Federal Register** Notice with a 60-day public comment period on this information collection on August 1, 2013. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by January 21, 2014.

ADDRESSES: You may send comments within 30 days to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention DOT Desk Officer. You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burden; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. All comments should include the Docket number FHWA–2013–0059.

FOR FURTHER INFORMATION CONTACT: Jennifer Warren, 202–366–2157, *Jennifer.Warren @dot.gov;* Office of Safety, Federal Highway Administration, Department of Transportation, New Jersey Avenue SE., Washington, DC 20590–0001. Office hours are from 8 a.m. to 4 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Drug Offender's Drivers License Suspension Certification.

OMB Control #: 2125–0579.

Background: States are legally required to enact and enforce laws that revoke or suspend the drivers licenses of any individual convicted of a drug offense and to make annual certifications to the FHWA on their actions. The implementing regulations of the Department of Transportation and Related Agencies Appropriation Act, 1993 (Pub. L. 102–388, October 6, 1992) require annual certifications by the Governors. In this regard, the State must submit by January 1 of each year either a written certification, signed by the Governor, stating that the State is in compliance with 23 U.S.C. 159; or a written certification stating that the Governor is opposed to the enactment or enforcement, and that the State legislature has adopted a resolution expressing its opposition to 23 U.S.C. 159.

Beginning in Fiscal Year 1996, States' failure to comply by October 1 of each fiscal year resulted in a withholding penalty of 10 percent from major categories of Federal-aid funds (i.e., National Highway System, Surface Transportation Program and the Interstate Maintenance Program) from States' apportionments for the fiscal year. Any funds withheld in Fiscal Year 1996 and thereafter cannot be restored and will be redistributed.

Respondents: Each of the 50 SDOTs, the District of Columbia, and the Commonwealth of Puerto Rico.

Frequency: Annually.

Estimated Average Burden per Response: Annual average of 5 hours for each respondent.

Estimated Total Annual Burden Hours: 260 total annual burden hours.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued On: December 17, 2013.

Michael Howell,

Information Collection Officer.

[FR Doc. 2013–30333 Filed 12–19–13; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2013–0060]

Agency Information Collection Activities: Request for Comments for a New Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of request for extension of currently approved information collection.

SUMMARY: The FHWA has forwarded the information collection request described in this notice to the Office of Management and Budget (OMB) to renew an information collection. We published a **Federal Register** Notice with a 60-day public comment period on this information collection on August 1, 2013. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by January 21, 2014.

ADDRESSES: You may send comments within 30 days to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention DOT Desk Officer. You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burden; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. All comments should include the Docket number FHWA–2013–0060.

FOR FURTHER INFORMATION CONTACT: Henry Murdaugh, 703–235–0535, Office of Professional and Corporate Development, Federal Highway Administration, Department of Transportation, 4600 N. Fairfax Drive, Suite 800, Arlington, VA 22203, between 8:00 a.m. to 4:30 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Eisenhower Transportation Fellowship Program.

OMB Control #: 2125–0617.

Background: The Eisenhower Transportation Fellowship Program is comprised of two programs, the Eisenhower Transportation Fellowship and the National Highway Institute (NHI). The purpose of the Eisenhower Transportation Fellowship is to advance transportation education and research, and attract qualified students to the field of transportation. The Eisenhower Transportation Fellowship allows for the collection and analysis of vital program information from student transportation education programs, also serving as a management tool to measure program performance and evaluate effectiveness in meeting Federal intent and workforce development common goals and objectives. An application form is used to collect basic information from the student to determine eligibility and qualifications for fellowship.

The NHI calls for the development and delivery of courses for the transportation community and requires the involvement and satisfaction measurement of transportation partners. One vital component involved in reaching those goals is providing training pertaining to highway activities, making sure that professionals and members of the public have access to the best, most accurate information. Towards this goal, the NHI develops and implements applicable training programs. To manage this increasingly complex task and to make the training process more accessible and useful, NHI has automated an online training management tool—the NHI Web Portal. The training evaluation and registration forms collect basic participant data for record keeping and basic course and instructor evaluation information for customer feedback about what NHI is doing well and what we need to improve.

Respondents: Approximately 200 students submit applications for the Eisenhower Transportation Fellowship and approximately 20,000 students for the NHI.

Frequency: The Eisenhower Transportation Fellowship frequency is annually. The NHI is by learning session.

Estimated Average Burden per Response: The estimated burden to complete the application for the Eisenhower Transportation Fellowship is 3 hrs, 600 hrs annually. The estimated burden to complete each training evaluation and registration for the NHI form is 3 minutes, 1000 hrs annually.

Estimated Total Annual Burden Hours: Approximately 1,600 hours annually.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued On: December 17, 2013.

Michael Howell,

Information Collection Officer.

[FR Doc. 2013–30383 Filed 12–19–13; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2013–0061]

Agency Information Collection Activities: Notice of Request for Extension of Currently Approved Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of request for extension of currently approved information collection.

SUMMARY: The FHWA has forwarded the information collection request described in this notice to the Office of Management and Budget (OMB) to renew an information collection. We published a **Federal Register** Notice with a 60-day public comment period on this information collection on August 1, 2013. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by January 21, 2014.

ADDRESSES: You may send comments within 30 days to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street NW., Washington, DC 20503, Attention DOT Desk Officer. You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burden; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. All comments should include the Docket number FHWA–2013–0061.

FOR FURTHER INFORMATION CONTACT: Mary Jane Daluge, 202–366–2035, *Maryjane.Daluge@dot.gov;* Office of Real Estate Services, Federal Highway Administration, Department of Transportation, New Jersey Avenue SE., Washington, DC 20590–0001. Office hours are from 7:45 a.m. to 4:15 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Fixed Residential Moving Cost Schedule.

OMB Control #: 2125–0616.

Background: Relocation assistance payments to owners and tenants who move personal property for a Federal or federally-assisted program or project is governed by the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (Uniform Act). 49 Code of Federal Regulations (CFR), Part 24, is the implementing regulation for the Uniform Act. 49 CFR 24.301 addresses payments for actual and reasonable moving and related expenses. The fixed residential moving cost schedule is an administrative alternative to reimbursement of actual moving costs.

This option provides flexibility for the agency and affected property owners and tenants. The FHWA requests the State Departments of Transportation (State DOTs) to analyze moving cost data periodically to assure that the fixed residential moving cost schedules accurately reflect reasonable moving and related expenses. The regulation allows State DOTs flexibility in determining how to collect the cost data in order to reduce the burden of government regulation. Updated State fixed residential moving costs are submitted to the FHWA electronically.

Respondents: State Departments of Transportation (52, including the District of Columbia and Puerto Rico).

Frequency: Once every 3 years.

Estimated Average Burden per Response: 24 hours per respondent.

Estimated Total Annual Burden Hours: 24 hours for each of the 52 State Departments of Transportation. The total is 1,248 burden hours, once every 3 years, or 416 hours annually.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued On: December 17, 2013.

Michael Howell,

Information Collection Officer.

[FR Doc. 2013–30392 Filed 12–19–13; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2013–0062]

Agency Information Collection Activities: Request for Comments for a New Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice and request for comments.

SUMMARY: The FHWA invites public comments about our intention to request the Office of Management and Budget's (OMB) approval for a new information collection, which is summarized below under **SUPPLEMENTARY INFORMATION**. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by February 18, 2014.

ADDRESSES: You may submit comments identified by DOT Docket ID Number 2013–0062 by any of the following methods:

Web site: For access to the docket to read background documents or comments received go to the Federal eRulemaking Portal: Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.

Fax: 1–202–493–2251.

Mail: Docket Management Facility, U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590–0001.

Hand Delivery or Courier: U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Joe Bloise, 225–757–7603, Federal Highway Administration, 5304 Flanders Drive, Suite A, Baton Rouge, Louisiana 70808. Office hours are from 8 a.m. to 5 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Title: Utilization of the Private Sector for Surveying and Mapping Services.

Background: Section 1517 of MAP–21, the Moving Ahead for Progress in the 21st Century Act (Pub. L. 112–141), requires the Secretary of Transportation to conduct a survey of all States to determine the percentage of projects carried out under title 23, United States Code, in each State that utilize private sector sources for surveying and mapping services. Additionally, Section 306 of Title 23, United States Code, requires the Secretary of Transportation to issue guidance to encourage States to utilize, to the maximum extent practicable, private sector sources for surveying and mapping services for projects under title 23 of the United States Code; and, to develop a process for the oversight and regular monitoring of each State's use of the private sector to provide these services.

The FHWA, via a survey, will be requesting information from the State Transportation Agencies to determine the percent of projects in each state for which private sector sources were utilized for surveying and mapping services. Included in the survey will be the request for information from the State transportation agencies, on the extent to which they use the private sector for surveying and mapping activities. Information obtained from the survey will be used to issue revised guidance recommending appropriate roles for government and private sector surveying activities and in continuing to encourage States to use private sector sources to provide these services. The survey results will also be used to develop a process for the oversight and regular monitoring of each State's use of the private sector to provide these services.

Respondents: State Transportation Agencies (52, including the District of Columbia and Puerto Rico) in the first year, with follow-up surveys every two years after the initial survey.

Frequency: Every two years after the initial survey.

Estimated Average Burden per Response: 24 hours per participant State and 1.5 hours in the follow-up years.

Estimated Total Annual Burden Hours: Approximately 1,248 hours in the first year and 78 hours in the follow-up years.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burdens; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.48.

Issued On: December 17, 2013.

Michael Howell,

Information Collection Officer.

[FR Doc. 2013–30379 Filed 12–19–13; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Notice of Final Federal Agency Actions on Proposed Highway in California

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of limitation on claims for judicial review of actions by the FHWA.

SUMMARY: This notice announces actions taken by the FHWA that are final within the meaning of 23 U.S.C. 139(*l*)(1). These actions relate to a proposed highway project known as the Marin-Sonoma Narrows High Occupancy Vehicle (HOV) Widening Project on US101 in Marin and Sonoma Counties, California. Those actions grant licenses, permits, and approvals for the 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 project will be barred unless the claim is filed on or before May 19, 2014. If this date falls on a Saturday, Sunday, or legal holiday, parties are advised to file their claim no later than the business day preceding this date. If the Federal law that authorizes judicial review of a claim provides a time period of less than 150 days for filing such a claim, then that shorter time period still applies.

FOR FURTHER INFORMATION CONTACT: Lanh Phan, Senior Transportation Engineer, Federal Highway Administration, 650 Capitol Mall, Suite 4–100, Sacramento, CA 95814, weekdays between 8:30 a.m. and 5:00 p.m., telephone 916–498–5046, *lanh.phan@dot.gov.* For California Department of Transportation: Yolanda Rivas, District Branch Chief, Caltrans Environmental Analysis, P.O. Box 23660, Oakland, CA 94623–0660, weekdays between *mailto:Cesar.Perez@fhwa.dot.dot.gov* 8:30 a.m. and 5:15 p.m., 510–286–6216, *yolanda.rivas@dot.ca.gov.*

SUPPLEMENTARY INFORMATION: Notice is hereby given that the FHWA has taken final agency actions subject to 23 U.S.C. 139(*l*)(1) by issuing licenses, permits, and approvals for the following highway project in the State of California: The Marin-Sonoma Narrows HOV Widening Project in Marin and Sonoma Counties. The project consists of the addition of continuous northbound and southbound HOV lanes from south of the Route 37 Interchange in the City of Novato, Marin County, to north of the Corona Road Overcrossing in the City of Petaluma, Sonoma County, State of California. As the principal route in the coastal northwest region between the San Francisco Bay Area and Oregon, US 101 provides a continuous north/south route through Marin and Sonoma Counties for long distance, inter-city, and intra-city traffic. The project is needed to reduce recurring traffic congestion and improve mobility, and address physical and operational deficiencies of the roadway. The continuous northbound and southbound HOV lanes would be accomplished within the existing median of the US 101 facility, with minor outside widening in the southern and northern segments of the project. However, the middle segment containing a four-lane expressway with open medians and direct-access driveways, would be replaced with a six-lane, access-controlled freeway to standardize horizontal and vertical curves, lane widths, and one new interchange.

The actions by FHWA, and the laws under which such actions were taken, are described in the re-evaluation for the project, approved on December 6, 2013. The re-evaluation, as well as the Final Environmental Impact Statement (FEIS) for the project, approved on July 21, 2009, and the Record of Decision (ROD), issued on October 29, 2009, are available by contacting Caltrans at the address provided above. The FHWA FEIS and ROD can be viewed and downloaded from the Caltrans project Web site at *http://www.dot.ca.gov/Dist4/msn* and the ROD can be viewed and downloaded from the project Web site at *http://www.dot.ca.gov/dist4/msn/documents/FHWA_Record_of_Decision_on_MSN_Project.pdf.*

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 by 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).
2. Air: Clean Air Act, 42 U.S.C. 7401–7671 (q) (Transportation Conformity).
3. Land: Section 4(f) of the Department of Transportation Act of 1966 [49 U.S.C. 303].
4. Paleontology: Antiquities Act of 1906 (12 U.S.C. 431–433); Federal-Aid Highway Act of 1935 (200 U.S.C. 78).
5. Wildlife: Endangered Species Act (16 U.S.C. 1531–1544 and Section 1536), Marine Mammal Protection Act [16 U.S.C. 1361], Fish and Wildlife Coordination Act (16 U.S.C. 661–667(d)), Migratory Bird Treaty Act (16 U.S.C. 703–712), Magnuson-Stevens Fishery Conservation and Management Act of 1976, as mended (16 U.S.C. 1801 *et seq.*).
6. Historic and Cultural Resources: Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470(f) et seq.); Archeological Resources Protection Act of 1977 (16 U.S.C. 470(aa)–11); Archeological and Historic Preservation Act (16 U.S.C. 469–469(c); Native American Grave Protection and Repatriation Act (NAGPRA) (25 U.S.C. 3001–3013).
7. Social and Economic: Civil Rights Act of 1964 (42 U.S.C. 2000(d)–2000(d)(1); American Indian Religious Freedom Act (42 U.S.C. 1996); Farmland Protection Policy Act (FPPA) (7 U.S.C. 4201–4209); Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970, as amended.
8. Wetlands and Water Resources: Clean Water Act, 33 U.S.C. 1251–1377 (Section 404, Section 401, Section 319); Flood Disaster Protection Act, 42 U.S.C. 4001–4128; Rivers and Harbors Act of 1899, 33 U.S.C. 401–406.
9. Hazardous Materials: Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), 42 U.S.C. 9601–9675; Superfund Amendments and Reauthorization Act of 1986 (SARA); Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6901–6992(k).
10. 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. 13175 Consultation and Coordination with Indian Tribal Governments; E.O. 11514 Protection and Enhancement of Environmental Quality; E.O. 13112 Invasive Species; E.O. 12088 Federal Compliance with Pollution Control.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to his program.)

Authority: 23 U.S.C. 139(*l*)(1), as amended by the Moving Ahead for Progress in the 21st Century Act (MAP–21), Pub. L. 112–141, § 1308, 126 Stat. 405 (2012).

Issued on December 9, 2013.

Vincent P. Mammano,

Division Administrator, Federal Highway Administration, Sacramento, California.

[FR Doc. 2013–30188 Filed 12–19–13; 8:45 am]

BILLING CODE 4910–RY–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2013–0155]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel FIDELITY; 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 January 21, 2014.

ADDRESSES: Comments should refer to docket number MARAD–2013–0155. 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 FIDELITY is:

Intended Commercial Use of Vessel: ''Charter and sailing school.''

Geographic Region: ''Puerto Rico.''

The complete application is given in DOT docket MARAD–2013–0155 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).

By Order of the Maritime Administrator.

Dated: December 17, 2013.

Julie P. Agarwal,

Secretary, Maritime Administration.

[FR Doc. 2013–30381 Filed 12–19–13; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2013–0152]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel BLUE; 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 January 21, 2014.

ADDRESSES: Comments should refer to docket number MARAD–2013–0152. 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 is:

Intended Commercial Use Of Vessel: ''Occasional 3–7 day crewed charter to allow customers to understand the operation of this particular vessel manufacturer, type, configuration, and operation. Crew is U.S. (Florida) based.''

Geographic Region: ''Florida, Georgia, South Carolina, North Carolina, Virginia, Maryland, Washington DC.''

The complete application is given in DOT docket MARAD–2013–0152 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).

By Order of the Maritime Administrator.

Dated: December 17, 2013.

Julie P. Agarwal,

Secretary, Maritime Administration.

[FR Doc. 2013–30376 Filed 12–19–13; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2013–0151]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel AFFAIR; 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 January 21, 2014.

ADDRESSES: Comments should refer to docket number MARAD–2013–0151. 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 AFFAIR is:

Intended Commercial Use of Vessel: ''Charter Fishing (sport) & sightseeing tours.''

Geographic Region: ''Oregon, Washington, California.''

The complete application is given in DOT docket MARAD–2013–0151 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).

By Order of the Maritime Administrator.

Dated: December 17, 2013.

Julie P. Agarwal,

Secretary, Maritime Administration.

[FR Doc. 2013–30378 Filed 12–19–13; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2013–0154]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel MICJAY; 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 January 21, 2014.

ADDRESSES: Comments should refer to docket number MARAD–2013–0154. 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 MICJAY is:

INTENDED COMMERCIAL USE OF VESSEL: ''We intend to offer day charters; sailing lessons; overnight sailing charters and wedding venue services to less than 12 passengers per voyage.''

GEOGRAPHIC REGION: ''Michigan, Illinois, Indiana, Wisconsin, Minnesota, Ohio, Pennsylvania, New York, Connecticut, Delaware, Maryland, Massachusetts, Virginia, South Carolina, North Carolina, Georgia, Florida''

The complete application is given in DOT docket MARAD–2013–0154 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).

By Order of the Maritime Administrator.

Dated: December 17, 2013.

Julie P. Agarwal,

Secretary, Maritime Administration.

[FR Doc. 2013–30368 Filed 12–19–13; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2013–0150]

Requested Administrative Waiver of the Coastwise Trade Laws: Vessel IRIEMYSTIC; 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 January 21, 2014.

ADDRESSES: Comments should refer to docket number MARAD–2013–0150. 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 IRIEMYSTIC is:

Intended Commercial Use of Vessel: ''Day Charters of Recreational Paying Passengers for Sightseeing and Recreation.''

Geographic Region: ''Florida.''

The complete application is given in DOT docket MARAD–2013–0150 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).

By Order of the Maritime Administrator.

Dated: December 17, 2013.

Julie P. Agarwal,

Secretary, Maritime Administration.

[FR Doc. 2013–30384 Filed 12–19–13; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. DOT MARAD–2013–0148]

Request for Comments of a Previously Approved Information Collection

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below is being forwarded to the Office of Management and Budget (OMB) for review and comments. A **Federal Register** Notice with a 60-day comment period soliciting comments on the following information collection was published on September 11, 2013 [55774, Vol. 78, No. 17] and comments were due by November 12, 2013. No comments were received.

DATES: Comments must be submitted on or before January 21, 2014.

FOR FURTHER INFORMATION CONTACT: Lauren Brand, Director, Office of Marine Highways and Passenger Services, MAR–520, Maritime Administration, Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590. Telephone: 202–366–7057; or email *lauren.brand@dot.gov.* Copies of this collection also can be obtained from that office.

SUPPLEMENTARY INFORMATION:

Title: America's Marine Highway Program.

OMB Control Number: 2133–0541.

Type of Request: Renewal of a Previously Approved Information Collection.

Abstract: This collection of information will be used to evaluate applications submitted for project designation under the America's Marine Highway Program.

Affected Public: State, Local, or Tribal Government and Business or other for profit.

Estimated Number of Respondents: 20.

Estimated Number of Responses: 20.

Annual Estimated Total Annual Burden Hours: 200/10 hours per respondent.

Frequency of Collection: Annually.

ADDRESSES: Send comments regarding the burden estimate, including suggestions for reducing the burden, to the Office of Management and Budget, Attention: Desk Officer for the Office of the Secretary of Transportation, 725 17th Street NW., Washington, DC 20503.

Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.93.

Dated: December 12, 2013.

Julie P. Agarwal,

Secretary, Maritime Administration.

[FR Doc. 2013–30360 Filed 12–19–13; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

[Docket No. DOT MARAD–2013–0149]

Agency Requests for Renewal of a Previously Approved Information Collection(s): War Risk Insurance, Applications and Related Information

AGENCY: Maritime Administration, DOT.

ACTION: Notice and request for comments.

SUMMARY: The Department of Transportation (DOT) invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The information to be collected is necessary to determine the eligibility of the applicant and the vessel(s) for participation in the war risk insurance program. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995, Public Law 104–13.

DATES: Written comments should be submitted by February 18, 2014.

ADDRESSES: You may submit comments [identified by Docket No. DOT–OST–2013–0149] through one of the following methods:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Fax:* 1–202–493–2251.
- *Mail or Hand Delivery:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

FOR FURTHER INFORMATION CONTACT: Michael Yarrington, 202–366–1915, Division of Marine Insurance, Maritime Administration, U.S. Department of Transportation, 1200 New Jersey Avenue SE., Washington, DC 20590, Email: *Michael.Yarrington@dot.gov.* Copies of this collection also can be obtained from that office.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 2133–0011.

Title: War Risk Insurance, Applications and Related Information.

Form Numbers: MA–355; MA–528; MA–742; MA–828, and MA–942.

Type of Review: Renewal of previously approved information collection.

Background: As authorized by Chapter 539 of 46 U.S.C., the Secretary of the U.S. Department of Transportation may provide war risk insurance adequate for the needs of the waterborne commerce of the United States if such insurance cannot be obtained on reasonable terms from qualified insurance companies operating in the United States. This collection is required for the program. The collection consists of forms MA–355, MA–528, MA–742, MA–828, and MA–942.

Respondents: Vessel owners or charterers interested in participating in MARAD's war risk insurance program.

Number of Respondents: 20.

Frequency: Once annually.

Estimated Average Burden per Response: 12.8 hours.

Total Annual Burden: 256.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for the Department's performance; (b) the accuracy of the estimated burden; (c) ways for the Department to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

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) or you may visit *http://www.regulations.gov.*

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. Chapter 35, as amended; and 49 CFR 1.93.

Dated: December 12, 2013.

Julie P. Agarwal,

Secretary, Maritime Administration.

[FR Doc. 2013–30361 Filed 12–19–13; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Actions Taken Pursuant to Executive Order 13382

AGENCY: Office of Foreign Assets Control, Treasury Department.

ACTION: Notice.

SUMMARY: The Treasury Department's Office of Foreign Assets Control (''OFAC'') is publishing on OFAC's list of Specially Designated Nationals and Blocked Persons (''SDN List'') the names of four entities and three individuals, whose property and interests in property are blocked pursuant to Executive Order 13382 of June 28, 2005, ''Blocking Property of Weapons of Mass Destruction Proliferators and Their Supporters.'' The designations by the Director of OFAC, pursuant to Executive Order 13382, were effective on December 12, 2013.

DATES: The designations by the Director of OFAC, pursuant to Executive Order 13382, were effective on December 12, 2013.

FOR FURTHER INFORMATION CONTACT: Assistant Director, Compliance Outreach & Implementation, Office of Foreign Assets Control, Department of the Treasury, Washington, DC 20220, Tel.: 202–622–2490.

SUPPLEMENTARY INFORMATION:

Electronic and Facsimile Availability

This document and additional information concerning OFAC are available from OFAC's Web site (*www.treasury.gov/ofac*) or via facsimile through a 24-hour fax-on-demand service, Tel.: 202/622–0077.

Background

On June 28, 2005, the President, invoking the authority, *inter alia,* of the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) (''IEEPA''), issued Executive Order 13382 (70 FR 38567, July 1, 2005) (the ''Order''), effective at 12:01 a.m. eastern daylight time on June 29, 2005. In the Order, the President took additional steps with respect to the national emergency described and declared in Executive Order 12938 of November 14, 1994, regarding the proliferation of weapons of mass destruction and the means of delivering them. Section 1 of the Order blocks, with certain exceptions, all property and interests in property that are in the United States, or that hereafter come within the United States or that are or hereafter come within the possession or control of United States persons, of: (1) The persons listed in the Annex to the Order; (2) any foreign person determined by the Secretary of State, in consultation with the Secretary of the Treasury, the Attorney General, and other relevant agencies, to have engaged, or attempted to engage, in activities or transactions that have materially contributed to, or pose a risk of materially contributing to, the

proliferation of weapons of mass destruction or their means of delivery (including missiles capable of delivering such weapons), including any efforts to manufacture, acquire, possess, develop, transport, transfer or use such items, by any person or foreign country of proliferation concern; (3) any person determined by the Secretary of the Treasury, in consultation with the Secretary of State, the Attorney General, and other relevant agencies, to have provided, or attempted to provide, financial, material, technological or other support for, or goods or services in support of, any activity or transaction described in clause (2) above or any person whose property and interests in property are blocked pursuant to the Order; and (4) any person determined by the Secretary of the Treasury, in consultation with the Secretary of State, the Attorney General, and other relevant agencies, to be owned or controlled by, or acting or purporting to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to the Order.

On December 12, 2013, the Director of OFAC, in consultation with the Departments of State, Justice, and other relevant agencies, designated four entities and three individuals whose property and interests in property are blocked pursuant to Executive Order 13382.

The list of additional designees is as follows:

1. QODS AVIATION INDUSTRIES (a.k.a. GHODS AVIATION INDUSTRIES; a.k.a. QODS RESEARCH CENTER), P.O. Box 15875–1834, Km 5 Karaj Special Road, Tehran, Iran; Unit (or Suite) 207, Saleh Blvd., Tehran, Iran; Unit 207, Tarajit Maydane Taymori (or Teimori) Square, Basiri Building, Tarasht, Tehran, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [NPWMD] [IFSR].
2. IRAN AVIATION INDUSTRIES ORGANIZATION (a.k.a. SAZMANE SANAYE HAVAI), Karaj Special Road, Mehrabad Airport, Tehran, Iran; Sepahbod Gharani 36, Tehran, Iran; 3th km Karaj Special Road, Aviation Industries Boulevard, Tehran, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [NPWMD] [IFSR].
3. AMIDI, Reza; DOB 30 Sep 1962; POB Tehran, Iran; Additional Sanctions Information—Subject to Secondary Sanctions (individual) [NPWMD] [IFSR].
4. FAN PARDAZAN, P.O. Box 15875–1834, Km 5 Karaj Special Road, Tehran, Iran; Unit (or Suite) 207, Saleh Blvd., Tehran, Iran; Unit 207, Tarajit Maydane Taymori (or Teimori) Square, Basin Building, Tarasht, Tehran, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [NPWMD] [IFSR].
5. ERTEBAT GOSTAR NOVIN, Unit 207, No. 20 Salehi Boulevard, Tarasht, Tehran, Iran; Additional Sanctions Information—Subject to Secondary Sanctions [NPWMD] [IFSR].
6. DAYENI, Mahmoud Mohammadi; Subject to Secondary Sanctions IFCA; Passport J16661804 (Iran) (individual) [NPWMD] [IFSR] (Linked To: NEKA NOVIN).
7. KAHVARIN, Iradj Mohammadi; Subject to Secondary Sanctions IFCA; Passport X15232608 (Iran) (individual) [NPWMD] [IFSR] (Linked To: NEKA NOVIN).

In addition, on December 12, 2013, the Director of OFAC amended the designation record for NEKA NOVIN to include four new aliases. The updated entry on the SDN List is as follows:

Entity

NEKA NOVIN (a.k.a. KIA NIROU, BLOCK NIROU SUN CO, BNSA CO., NEKU NIROU TAVAN CO.), Unit 7, No. 12, 13th Street, Mir-Emad St., Motahary Avenue, Tehran 15875–6653, Iran; No. 2, 3rd Floor, Simorgh St., Dr. Shariati Avenue, Tehran, Iran [NPWMD].

Dated: December 12, 2013.

Barbara C. Hammerle,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2013–30299 Filed 12–19–13; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–NEW]

Proposed Information Collection (VA National Veterans Sports Programs and Special Event Surveys Data Collection) Activity: Comment Request

AGENCY: Office of Public & Intergovernmental Affairs, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Office of Public Affairs (OPA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each new collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on the information needed to evaluate the National Veterans Sports Programs and Special Event Surveys Data Collection is designed to allow program improvement and measure the tangible, quantifiable benefits of the events, using event applications. Information collected is used for the planning, distribution and utilization of resources and to allocate clinical and administrative support to patient treatment services. Data will allow the program office to ensure that the target audience is being reached, effective therapeutic treatments are being offered, and tangible, quantitative results are being measured and tracked for continual improvement.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before February 18, 2014.

ADDRESSES: Submit written comments on the collection of information through Federal Docket Management System (FDMS) at *www.Regulations.gov;* or to Crystal Rennie, Office of Information & Technology (005R1B), Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420; or email: *crystal.rennie@va.gov.* Please refer to ''OMB Control No. 2900–NEW (VA National Veterans Sports Programs and Special Event Surveys)'' in any correspondence. During the comment period, comments may be viewed online through the FDMS.

FOR FURTHER INFORMATION CONTACT: Crystal Rennie at (202) 632–7492.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Pub. L. 104–13; 44 U.S.C. 3501–3521), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA'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 respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Titles: VA National Veterans Sports Programs and Special Event Surveys.

OMB Control Number: 2900–NEW (VA National Veterans Sports Programs and Special Event Surveys).

Type of Review: New collection.

Abstract: The Department of Veterans Affairs (VA) administers National Rehabilitation Special Events for Veterans who are receiving care at VA medical facilities. Each event promotes

the healing of body and spirit by motivating Veterans to reach their full potential, improve their independence, and achieve a healthier lifestyle and higher quality of life. Surveys are designed to allow program improvement and measure the tangible, quantifiable benefits of the events using event applications. Information collection is used for the planning, distribution and utilization of resources and to allocate clinical and administrative support to patient treatment services.

Affected Public: Individuals or households.

Estimated Annual Burden: 2782 burden hours.

Estimated Average Burden per Respondent: 2.552 minutes.

(a) National Disabled Veterans Winter Sports Clinic, VA Form 10107 (2.5 min.)

(b) National Veterans Creative Arts Festival, VA Form 10108 (2.25 min.)

(c) National Veterans Golden Age Games, VA Form 10109 (2.5 min.)

(d) National Veterans Summer Sports Clinic, VA Form 10110 (2.25 min.)

(e) National Veterans TEE Tournament, VA Form 10111 (2.75 min.)

(f) National Veterans Wheelchair Games, VA Form 10112 (2.75 min.)

Frequency of Response: 28.75 (annual).

Estimated Number of Respondents: 2275.

Dated: December 17, 2013.

By direction of the Secretary.

Crystal Rennie,

VA Clearance Officer, Department of Veterans Affairs.

[FR Doc. 2013–30306 Filed 12–19–13; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Research Advisory Committee on Gulf War Veterans' Illnesses; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under Public Law 92–463 (Federal Advisory Committee Act) that the Research Advisory Committee on Gulf War Veterans' Illnesses will meet on January 7–8, 2014. The meeting will be held in room 230, 810 Vermont Avenue, Washington, DC, at the Department of Veterans Affairs. The meeting will start at 8:00 a.m. each day and will adjourn at 5:30 p.m. on January 7 and at 12:30 p.m. on January 8. All sessions will be open to the public.

The purpose of the Committee is to provide advice and make recommendations to the Secretary of Veterans Affairs on proposed research studies, research plans, and research strategies relating to the health consequences of military service in the Southwest Asia theater of operations during the Gulf War.

The Committee will review VA program activities related to Gulf War Veterans' illnesses and updates on relevant scientific research published since the last Committee meeting. The research presentations on January 7 will involve gender differences related to Gulf War Veterans' illnesses and treatments guided by systems biology. There will also be Committee training and updates on the Department of Defense and VA Gulf War research initiatives. A Committee report and other Committee business will be discussed on both days.

The meeting will include time reserved for public comments on both days. A sign-up sheet for 5-minute comments will be available at the meeting. Individuals who speak are invited to submit a 1–2 page summary of their comments at the time of the meeting for inclusion in the official meeting record. Members of the public may also submit written statements for the Committee's review to Dr. Roberta White at *rwhite@bu.edu.*

Because the meeting is being held in a government building, a photo I.D. must be presented at the Guard's Desk as part of the clearance process. Therefore, any person intending to attend should allow an additional 15 minutes before the meeting begins. Any member of the public seeking additional information should contact Dr. Roberta White, Scientific Director, at (617) 638–4620 or Dr. Victor Kalasinsky, Designated Federal Officer, at (202) 443–5682.

Dated: December 17, 2013.

Jeffrey M. Martin,

Office Manager, Regulation Policy and Management, Office of the General Counsel.

[FR Doc. 2013–30342 Filed 12–19–13; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Privacy Act of 1974; Amendment of System of Records

AGENCY: Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Privacy Act of 1974, at 5 United States Code (U.S.C.) 552a(e)(4), requires that all agencies publish in the **Federal Register** a notice of the existence and character of their records. The Department of Veterans Affairs (VA) gives notice that it is amending the system of records entitled ''Accreditation Records–VA'' (01VA022) as set forth in the **Federal Register**, 40 FR 38095, August 26, 1975; and amended in 47 FR 1460, January 13, 1982, 54 FR 30969, July 25, 1989, 59 FR 47377, September 15, 1994, 67 FR 54529, August 22, 2002, and 74 FR 23247, May 18, 2009. VA is amending the system notice by adding new routine uses 15, 16, and 17.

DATES: Comments on the proposed amendments to this system of records must be received no later than January 21, 2014. If no public comments are received by this date, the amendments will become effective on January 21, 2014.

ADDRESSES: Written comments may be submitted through *http://www.Regulations.gov;* by mail or hand-delivery to the Director, Regulation Policy and Management (02REG), Department of Veterans Affairs, 810 Vermont Ave. NW., Room 1068, Washington, DC 20420; or by fax to (202) 273–9026. Copies of comments received will be available for public inspection in the Office of Regulation Policy and Management, Room 1063B, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays). Please call (202) 461–4902 for an appointment. In addition, during the comment period, comments may be viewed online through the Federal Docket Management System (FDMS).

FOR FURTHER INFORMATION CONTACT: Ken Lee (022D), Deputy Assistant General Counsel, Professional Staff Group II, Office of the General Counsel, Department of Veterans Affairs, 810 Vermont Avenue NW., Washington, DC 20420, (202) 461–7699.

SUPPLEMENTARY INFORMATION: By statute, VA is required to ensure that, in presenting their claims, VA claimants have access to competent representation by individuals of good character and reputation. 38 U.S.C. 5904(a). Therefore, individuals wishing to represent claimants before VA must be authorized to do so. 38 CFR 14.626. This authorization is known as accreditation. The System of Records ''Accreditation Records–VA'' (01VA022) contains VA's accreditation records.

I. Applicants for VA Accreditation

VA accredits claims agents, attorneys, and representatives of recognized veterans service organizations to ensure that claimants for VA benefits have responsible, qualified representation before the Department. 38 CFR 14.626. An individual seeking VA accreditation as an attorney or claims agent is required to establish his or her fitness to

practice before VA, which means that ''he or she is of good character and reputation, is qualified to render valuable assistance to claimants, and is otherwise competent to advise and assist claimants in the preparation, presentation, and prosecution of their claim(s) before [VA].'' 38 CFR 14.629(b)(2). With this in mind, VA requires that an applicant for accreditation as an attorney or claims agent provide VA with information regarding his or her background, including prior criminal acts, pending criminal charges, and instances of professional misconduct. 38 CFR 14.629(b).

VA acknowledges that an applicant for VA accreditation may choose not to be entirely forthcoming and truthful regarding matters that may call into question his or her fitness to practice before VA. Therefore, it may be necessary for VA to independently verify or obtain certain background information. Such verification often takes the form of a criminal background check or other similar inquiry to a third party.

In order to comply with the Privacy Act of 1974, rather than securing background checks from law enforcement agencies or other third party sources directly, VA's current practice is to request that the applicant provide copies of background checks from Federal and state law enforcement authorities. Having to make such requests delays the processing of applications for accreditation, while not having the information at all impedes VA's efforts to ensure that claimants receive appropriate representation. In order to facilitate the use of third parties or entities to conduct background checks, VA requires the ability to release information from its accreditation system of records to these third parties and entities.

II. Accredited and Non-Accredited Individuals

The requirement of demonstrating fitness to practice before VA is ongoing and an individual's accreditation, once granted, is subject to suspension or cancellation if the VA General Counsel determines, by clear and convincing evidence, that an accredited individual is involved in any unlawful, unprofessional, or unethical practice that adversely affects the individual's fitness to practice before VA. 38 CFR 14.633(c). Moreover, an individual who is not accredited by VA cannot lawfully assist claimants with their claims for VA benefits.

Under current law, ''upon [VA's] receipt of credible written information from any source indicating improper conduct, or incompetence [of an accredited individual], the Assistant General Counsel of jurisdiction shall inform the subject of the allegations about the specific law, regulation, or policy alleged to have been violated or the nature of the alleged incompetence and the source of the complaint, and shall provide the subject with the opportunity to respond.'' 38 CFR 14.633(e). If the accredited individual responds to the allegations contained in the complaint, VA may provide to the complainant information in the accredited individual's response to facilitate resolution of the issues. VA often uses similar procedures with regard to complaints concerning the legality of representation provided to a VA claimant by an individual, acting alone or as part of an organization, who is not accredited by VA.

In order to comply with the Privacy Act of 1974, upon receipt of a response from the subject of the allegation, VA must send a release form to that individual and wait for it to be completed and returned before VA can inform the complainant of information contained in the response and proceed with resolution of the complaint. If the individual chooses not to complete the release form, VA may be precluded from disclosing the individual's response to the complainant for reply. Therefore, individuals who are the subject of a complaint would lack incentive to complete the release form and return it to VA, which hinders VA's ability to obtain all information necessary in deciding whether to initiate proceedings to suspend or cancel an individual's accreditation pursuant to 38 CFR 14.633 or to determine whether to refer a matter involving a possible violation of the law to a Federal, state, local, tribal, or foreign agency charged with the responsibility of investigating or prosecuting such violation.

Additional Routine Uses

Accordingly, to ensure that VA claimants receive responsible, quality representation before the Department, VA is adding routine uses 15,16, and 17 to allow the disclosure of information in this system (1) to third parties for the purpose of conducting background checks or obtaining other relevant information regarding the qualifications of applicants for accreditation; (2) to individuals who submit a credible written complaint about an accredited individual's fitness to represent VA claimants; or (3) to individuals who submit a credible written complaint about the legality of representation provided to a VA claimant by a non-accredited individual.

Release of information from these records, pursuant to routine uses, will be made only in accordance with the provisions of the Privacy Act of 1974. The Privacy Act of 1974 permits agencies to disclose information about individuals, without their consent, for a routine use when the information will be used for a purpose for which the information was collected. VA has determined that the disclosure of information for the above purposes in the proposed amendment to routine uses is a proper and necessary use of the information collected by the system ''Accreditation Records–VA.'' The report of intent to amend the system of records and an advance copy of the system notice have been sent to the appropriate Congressional committees and to the Director of the Office of Management and Budget (OMB) as required by 5 U.S.C. 552a(r) (Privacy Act) and guidelines issued by OMB (65 FR 77677, December 12, 2000).

Approved: November 26, 2013.

Jose D. Riojas,

Chief of Staff, Department of Veterans Affairs.

01VA022

SYSTEM NAME:

Accreditation Records—VA.

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

* * * * *

15. VA may disclose the name, address, date of birth, and any other identifying information of any prospective, present, or former accredited representative, claims agent, attorney, or individual providing representation on a particular claim to a third-party individual or entity for the purpose of conducting a background check or to obtain information about the individual's present or past conduct, activities, licenses, or other information that may have a bearing on a determination of the individual's fitness to represent or to continue representing claimants before VA.

16. VA may disclose the name and address of any prospective, present, or former accredited representative, claims agent, attorney, or individual providing representation on a particular claim who is the subject of correspondence, an investigation, or a proceeding relating to his or her fitness to represent claimants for VA benefits, and any information concerning such individual that relates to unlawful, unprofessional, or unethical actions by that individual or to VA's possible denial, cancellation,

suspension, or termination of the individual's VA accreditation, or to both, where applicable, to an individual or entity from whom VA has received a credible written complaint about the accredited individual's fitness to represent VA claimants.

17. VA may disclose the name and address of any individual (acting alone or as part of an organization) not accredited by VA who is the subject of correspondence, an investigation, or proceeding relating to the legality of representation provided by such individual to claimants for VA benefits, and any information concerning such individual that relates to unlawful, unprofessional, or unethical actions by that individual to an individual or entity from whom VA has received a credible written complaint about the legality of representation provided by the non-accredited individual.

[FR Doc. 2013–30227 Filed 12–19–13; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 78 Friday,

No. 245 December 20, 2013

Part II

Federal Communications Commission

47 CFR Part 79

Accessibility of User Interfaces, and Video Programming Guides and Menus; Final Rule

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 79

[MB Docket Nos. 12–108, 12–107; FCC 13–138]

Accessibility of User Interfaces, and Video Programming Guides and Menus

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: Pursuant to the Twenty-First Century Communications and Video Accessibility Act of 2010 (''CVAA''), the Federal Communications Commission (Commission) adopts rules requiring the accessibility of user interfaces on digital apparatus and video programming guides and menus on navigation devices for individuals with disabilities. These rules will enable individuals who are blind or visually impaired to more easily access video programming on a range of video devices, and will enable consumers who are deaf or hard of hearing to more easily activate closed captioning on video devices.

DATES: Effective January 21, 2014, except for §§ 79.107(c), 79.108(a)(5), 79.108(c)–(e), and 79.110, which contain information collection requirements that are not effective until approved by the Office of Management and Budget. The Commission will publish a document in the **Federal Register** announcing the effective date for those sections.

FOR FURTHER INFORMATION CONTACT: Adam *Copeland, Adam.Copeland@fcc.gov*, or Maria Mullarkey, *Maria.Mullarkey@fcc.gov*, of the Policy Division, Media Bureau, (202) 418–2120. For additional information concerning the Paperwork Reduction Act information collection requirements contained in this document, contact Cathy Williams at (202) 418–2918 or send an email to *PRA@fcc.gov*.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Report and Order,* FCC 13–138, adopted on October 29, 2013 and released on October 31, 2013. The full text of this document is available for public inspection and copying during regular business hours in the FCC Reference Center, Federal Communications Commission, 445 12th Street SW., Room CY–A257, Washington, DC 20554. This document will also be available via ECFS at *http://fjallfoss.fcc.gov/ecfs/*. Documents will be available electronically in ASCII, Microsoft Word, and/or Adobe Acrobat. The complete text may be purchased from the Commission's copy contractor, 445 12th Street SW., Room CY–B402, Washington, DC 20554. Alternative formats are available for people with disabilities (Braille, large print, electronic files, audio format), by sending an email to *fcc504@fcc.gov* or calling the Commission's Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

Paperwork Reduction Act of 1995 Analysis

This document contains new or modified information collection requirements. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public to comment on the information collection requirements contained in this *Report and Order* as required by the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, the Commission notes that pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4), we previously sought specific comment on how the Commission might further reduce the information collection burden for small business concerns with fewer than 25 employees. We did not receive any comments specifically addressing this issue. In the present document, we have assessed the effects of the new requirements on small businesses, including those with fewer than 25 employees, in the Final Regulatory Flexibility Analysis (''FRFA'') below.

Summary of the Report and Order

I. Introduction

1. Pursuant to the Twenty-First Century Communications and Video Accessibility Act of 2010 (''CVAA''), the *Report and Order* (R&O) adopts rules requiring the accessibility of user interfaces on digital apparatus and navigation devices used to view video programming. The rules we adopt here will effectuate Congress's goals in enacting Sections 204 and 205 of the CVAA by: (1) Enabling individuals who are blind or visually impaired to more easily access video programming on a range of video devices; and (2) enabling consumers who are deaf or hard of hearing to more easily activate closed captioning on video devices.

2. As discussed in Section III below, we delineate the types of devices that are covered under Sections 204 and 205 and discuss the responsible entities under each section. Specifically, we:

- Conclude that Section 205 of the CVAA applies to ''navigation devices'' as defined by § 76.1200 of the Commission's rules—that is, devices and other equipment used by consumers to access multichannel video programming and other services offered over multichannel video programming systems.
- Find that under current marketplace and technological conditions, consumers generally only access multichannel video programming and other services offered over multichannel video programming systems through the use of devices that have built-in capability to use a conditional access mechanism, and therefore, Section 205 only applies to devices manufactured with a CableCARD slot or other conditional access technology; this includes devices such as set-top boxes, digital cable ready televisions, devices with pre-installed MVPD applications, and cable modems.
- Conclude that Section 204 of the CVAA applies to all other ''digital apparatus designed to receive or play back video programming transmitted in digital format simultaneously with sound.'' Interpret this phrase the same as a comparable phrase in Section 203 was interpreted in the *IP Closed Captioning Order,* but excluding navigation devices. Thus, this class of devices includes televisions and computers without conditional access capability, mobile devices (such as tablets and smartphones) that do not have pre-installed MVPD applications, and removable media players.
- Conclude, consistent with the Commission's approach in implementing Section 203 in the *IP Closed Captioning Order,* that Section 204 applies to the video players and user interfaces of video applications, such as Netflix, Hulu, and Amazon, when such applications are pre-installed on digital apparatus by the manufacturer.
- Find that professional and commercial equipment and public safety and enterprise equipment are outside the scope of Sections 204 and 205.
- Defer the compliance deadline by an additional five years for display-only monitors and video projectors and devices, such as digital cameras, that are subject to the waiver granted in the *IP Closed Captioning Reconsideration Order.*
- Determine that under Section 204, the entities responsible for compliance are digital apparatus manufacturers.
- Determine that under Section 205, the entities responsible for compliance are MVPDs leasing or selling navigation devices, equipment manufacturers of navigation devices that place devices into the chain of commerce for sale to

consumers, and other manufacturers of navigation device hardware and software.

• Find that MVPDs and other manufacturers of software installed on devices by a device manufacturer that provides on-screen text menus and guides for the display or selection of multichannel video programming, such as applications offered by MVPDs to view multichannel video programming, are responsible for compliance with Section 205, including both audible guide and menu accessibility and ensuring the software's closed captioning capability can be activated through a mechanism reasonably comparable to a button, key, or icon.

3. As discussed in Section IV below, we specify the accessibility obligations of devices covered under Sections 204 and 205. Specifically, we:

• Under Section 204, require apparatus designed to receive or play back video programming transmitted simultaneously with sound to make ''appropriate'' built-in functions (*i.e.,* those used for the reception, play back, or display of video programming) accessible to individuals who are blind or visually impaired.

○ Conclude that, at this time, the 11 essential functions identified by the VPAAC are the ''appropriate'' built-in functions under Section 204.

○ Conclude that, if the ''appropriate'' built-in functions are accessed through on-screen text menus or other visual indicators built in to the apparatus, such functions must be accompanied by audio output.

• Under Section 205, require navigation devices to make on-screen text menus and guides for the display or selection of multichannel video programming audibly accessible.

○ Conclude that nine of the 11 essential functions identified by the VPAAC are used for the display or selection of video programming and must be made audibly accessible on navigation devices under Section 205 to the extent they are accessed through on-screen text menus and guides.

○ Conclude that the remaining two VPAAC functions—power on/off and volume adjust/mute—must be made accessible (but not necessarily *audibly* accessible) to individuals who are blind or visually impaired on navigation devices under Section 205 because they are controls necessary to access covered functions.

• Recognize that a covered apparatus or navigation device may not include all of the functions required to be accessible and is not required to add any of these functions, but to the extent the apparatus or navigation device *does include* any of these functions, they must be made accessible in accordance with our rules.

• Do not adopt technical standards or other technical requirements for compliance with the accessibility mandates in Sections 204 and 205, but apply the definition of ''accessible'' in § 6.3(a) of the Commission's rules for guidance on how to make functions generally accessible.

• Implement the same rules as in other CVAA contexts for determining whether compliance with Section 204 and 205 accessibility requirements is ''achievable.''

• Require apparatus covered by Section 204 to provide access to closed captioning and video description through a mechanism for each that is reasonably comparable to a button, key, or icon.

• Require navigation devices covered by Section 205 to provide access to closed captioning (but not, at this time, video description) through a mechanism reasonably comparable to a button, key, or icon.

4. As discussed in Section V below, we set forth the compliance obligations of entities subject to Section 205 of the CVAA (''covered entities'') to provide accessibility ''upon request.'' Specifically, we:

• Require a covered entity to provide accessible navigation devices to requesting blind or visually impaired individuals ''within a reasonable time,'' defined as a time period comparable to the time that it takes such entity to provide navigation devices generally to other consumers;

• Conclude that a covered entity must permit blind or visually impaired consumers to request compliant devices through any means that it generally makes available to other consumers that request navigation devices;

• Conclude that a manufacturer that provides navigation devices at retail to requesting blind or visually impaired consumers must make a good faith effort to have retailers make available compliant navigation devices to the same extent they make available navigation devices to other consumers generally; and

• Conclude that any means that a covered entity employs to accept requests for accessible devices may not be more burdensome to blind or visually impaired individuals than the means the entity employs to provide navigation devices generally to other consumers, *e.g.,* if a covered entity establishes a Web site through which blind or visually impaired consumers can request accessible devices, such Web site must be screen-readable.

• With respect to a covered entity that relies on separate equipment or software (''separate solution'') to achieve accessibility under Section 205(b)(4) of the CVAA, we:

○ Conclude that a covered entity that relies on a separate solution to achieve accessibility is responsible for providing such solution to a requesting blind or visually impaired individual;

○ Require that if a non-compliant navigation device has any functions that are required to be made accessible pursuant to the rules we adopt in the R&O, any separate solution relied upon to achieve accessibility must make all of those functions accessible or enable the accessibility of those functions;

○ Require that a separate solution be provided in a manner that is not more burdensome to requesting blind or visually impaired individuals than the manner in which other consumers generally obtain navigation devices;

○ Require that a covered entity relying on a separate solution must make available such solution ''within a reasonable time,'' defined as a period of time comparable to the time in which it generally provides navigation devices to consumers who are not blind or visually impaired;

○ Conclude that a covered entity that provides separate equipment or software may not impose on a requesting blind or visually impaired consumer any charges beyond those it has imposed for the non-compliant navigation device. In cases where an entity provides accessibility functionality in only select devices, this constitutes an ''other solution'' under Section 205(b)(4)(B) for which an entity can impose no additional charge. For example, if a covered entity's only solution is to provide a sophisticated navigation device (one with enhanced features and functions) to a consumer that requests a less sophisticated device, it cannot charge the consumer more than the price of the less sophisticated device; and

○ Conclude that if a covered entity's chosen manner of compliance involves a software solution that must be operated on a third-party device (*e.g.,* a laptop, tablet, smart phone) or if additional services are required to make use of the device, this manner of compliance constitutes an ''other solution'' under Section 205(b)(4)(B); thus, the covered entity must provide that solution—*i.e.,* the software, third-party device, and any service needed to use the accessibility features—to the requesting individual at no additional charge.

• Require a covered entity to ensure that activation mechanisms comparable

to a button, key, or icon for built-in closed captioning are provided on all its navigation devices (*i.e.,* such mechanisms are not subject to the statutory ''upon request'' language in Section 205).

5. As discussed in Section VI below, we address a number of other issues related to our implementation of Sections 204 and 205. Specifically, we:

- Conclude that MVPDs must clearly and conspicuously inform consumers about the availability of accessible navigation devices when providing information about equipment options in response to a consumer inquiry about service, accessibility, or other issues, and also must provide such notice on their official Web sites.
- Allow covered entities to require verification of eligibility (as an individual who is blind or visually impaired) to the extent the covered entity chooses to rely on an accessibility solution that involves providing the consumer with sophisticated equipment and/or services at a price that is lower than that offered to the general public.
- Permit Section 204 covered entities to comply with the new requirements by alternate means, as provided in the CVAA.
- Adopt procedures for consumer complaints alleging a violation of the new requirements.
- Set a three-year compliance deadline by which covered entities must generally comply with the requirements of Sections 204 and 205.
- Set a five-year compliance deadline by which certain mid-sized and smaller MVPD operators (400,000 or fewer subscribers) and small MVPD systems (20,000 or fewer subscribers that are not affiliated with an operator serving more than 10 percent of all MVPD subscribers) must comply with the requirements of Section 205.
- Decline at this time to adopt a permanent exemption for small cable systems of 20,000 or fewer subscribers, as permitted by Section 205(b)(2).

6. In addition, as discussed in Section VII, we eliminate the analog closed captioning label requirement in our rules and we reorganize Part 79 of our rules to assist readers in browsing and locating our accessibility rules.

II. Background

7. Section 204 of the CVAA, entitled ''User Interfaces on Digital Apparatus,'' portions of which were codified as Section 303(aa) of the Communications Act of 1934 (''the Act''), directs the Commission to require ''if achievable (as defined in section 716) that digital apparatus designed to receive or play back video programming transmitted in digital format simultaneously with sound'' be built in a way so that ''control of appropriate built-in apparatus functions are accessible to and usable by individuals who are blind or visually impaired.'' 47 U.S.C. 303(aa)(1). Section 204 states that the Commission ''may not specify the technical standards, protocols, procedures, and other technical requirements for meeting this requirement.'' *Id.* Section 204 also specifies that if ''on-screen text menus or other visual indicators built in to the digital apparatus are used to access the functions of the apparatus . . . such functions shall be accompanied by audio output that is either integrated or peripheral to the apparatus'' so that they are accessible to and usable by individuals with visual disabilities in real-time. *Id.* 303(aa)(2). Further, Section 204 directs the Commission to require covered digital apparatus to ''buil[d] in access to those closed captioning and video description features through a mechanism that is reasonably comparable to a button, key, or icon designated for activating the closed captioning or accessibility features.'' *Id.* 303(aa)(3). Section 204 states that ''in applying this subsection the term 'apparatus' does not include a navigation device, as such term is defined in section 76.1200 of the Commission's rules.'' [1] *Id.* 303(aa)(4).

8. Section 205 of the CVAA, entitled ''Access to Video Programming Guides and Menus Provided on Navigation Devices,'' portions of which were codified as Section 303(bb) of the Act, imposes requirements relating to ''navigation devices.'' It directs the Commission to require, ''if achievable (as defined in section 716), that the on-screen text menus and guides [2] provided by navigation devices (as such term is defined in section 76.1200 of title 47, Code of Federal Regulations) for the display or selection of multichannel video programming are audibly accessible in real-time upon request by individuals who are blind or visually impaired.'' 47 U.S.C. 303(bb)(1). Section 205 states that the Commission ''may not specify the technical standards, protocols, procedures, and other technical requirements for meeting this requirement.'' *Id.* Section 205 also directs the Commission to require, ''for navigation devices with built-in closed captioning capability, that access to that capability through a mechanism is reasonably comparable to a button, key, or icon designated for activating the closed captioning, or accessibility features.'' *Id.* 303(bb)(2).

9. The CVAA directed the Chairman of the Commission to establish an advisory committee known as the Video Programming Accessibility Advisory Committee (''VPAAC''), with representatives from the industry and consumer groups. The VPAAC was directed to develop a report recommending standards, protocols, and procedures to enable user interfaces and video programming guides and menus to be accessible to individuals who are blind or visually impaired.[3] The VPAAC submitted its statutorily mandated report addressing user interfaces and video programming guides and menus to the Commission on April 9, 2012.[4] The *VPAAC Second Report: User Interfaces* defined the functional requirements needed to implement Sections 204 and 205 of the CVAA, including a list of 11 functions that the VPAAC determined are essential for making digital apparatus and navigation devices accessible to individuals with disabilities. In April 2012, the Media Bureau and the Consumer and Governmental Affairs Bureau issued a Public Notice seeking comment on the *VPAAC Second Report: User Interfaces,* and the comments and reply comments received in response to the Public Notice helped inform the *NPRM.*[5] The Commission released the

[1] Section 76.1200 of the Commission's rules defines ''navigation devices'' to include ''[d]evices such as converter boxes, interactive communications equipment, and other equipment used by consumers to access multichannel video programming and other services offered over multichannel video programming systems.'' 47 CFR 76.1200(c).

[2] In this context, we interpret the term ''guides'' to mean ''video programming guides,'' which is the complete phrase used in the title of Section 205. Public Law 111–260, 205.

[3] Section 201(e)(2) also required the report to include information related to the provision of emergency information and video description, which is part of a separate Commission rulemaking proceeding that addresses Sections 202 and 203 of the CVAA. *See Accessible Emergency Information, and Apparatus Requirements for Emergency Information and Video Description: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010; Video Description: Implementation of the Twenty-First Century Communications and Video Accessibility Act of 2010,* MB Docket Nos. 12–107, 11–43, Report and Order and Further Notice of Proposed Rulemaking, 78 FR 31770 (2013) (''*Emergency Information/Video Description Order*'').

[4] Second Report of the Video Programming Accessibility Advisory Committee on the Twenty-First Century Communications and Video Accessibility Act of 2010: User Interfaces, and Video Programming and Menus, Apr. 9, 2012, *available at http://apps.fcc.gov/ecfs/document/view?id=7021913531* (''*VPAAC Second Report: User Interfaces*'').

[5] Public Notice, *Media Bureau and Consumer and Governmental Affairs Bureau Seek Comment on Second VPAAC Report: User Interfaces, and Video Programming Guides and Menus,* MB Docket No. 12–108, 27 FCC Rcd 4191 (2012).

NPRM on May 30, 2013.[6] Sections 204(b) and 205(b) of the CVAA provide that ''[w]ithin 18 months after the submission to the Commission of the [*VPAAC Second Report: User Interfaces*], the Commission shall prescribe such regulations as are necessary to implement'' Sections 204 and 205.[7]

10. To fulfill these statutory mandates, we adopt the rules discussed below. By imposing new requirements with regard to the accessibility of user interfaces and video programming guides and menus, the regulations adopted herein further the purpose of the CVAA to ''update the communications laws to help ensure that individuals with disabilities are able to fully utilize communications services and equipment and better access video programming.''

III. Scope of Sections 204 and 205 of the CVAA

A. Categories of Devices Covered Under Sections 204 and 205

11. We conclude, consistent with the text of Sections 204 and 205, and the definition of ''navigation devices'' set out in § 76.1200 of our rules, 47 CFR 76.1200(c), that ''devices such as converter boxes, interactive communications equipment, and other equipment used by consumers to access multichannel video programming and other services offered over multichannel video programming systems'' are subject to the requirements of Section 205. As we discuss below, based on current marketplace and technological conditions, we interpret the term ''navigation devices'' to encompass devices that have built-in capability to use a conditional access mechanism in order to access MVPD video programming and other services. All other ''digital apparatus designed to receive or play back video programming transmitted in digital format simultaneously with sound'' that are not navigation devices as defined by § 76.1200 of our rules are subject to the requirements of Section 204. We also conclude that an individual device can be subject to the requirements of Section 204 or Section 205 depending on its classification as a digital apparatus or navigation device, but cannot be subject to the requirements of both sections.

12. The *NPRM* set out two general approaches for how the Commission might categorize the devices subject to Sections 204 and 205. Under one approach, the Commission would apply Section 205 only to the navigation devices provided by MVPDs to their subscribers or, in a variation on this approach, to MVPD-provided devices and ''to retail set-top boxes such as TiVos,'' while applying Section 204 to all other navigation devices and digital apparatus. Under the second approach, the Commission would apply Section 205 to the full range of devices that qualify as ''navigation devices'' as that term is defined in § 76.1200 of our rules, and Section 204 only to the digital apparatus that are not navigation devices.

13. Several commenters support the MVPD-provided devices approach. For example, the American Foundation for the Blind (''AFB''), the National Association of the Deaf in conjunction with several consumer groups (''NAD/Consumer Groups''), and dozens of individuals with visual disabilities express the view that Section 205's provisions should apply only to MVPD-provided equipment. These commenters contend that such an approach would better effectuate Congress's intent in enacting the CVAA by making more devices subject to Section 204's requirements, which require accessibility without requiring consumers to request an accessible solution. In contrast, other commenters assert that the statute gives the Commission no discretion to limit the definition of ''navigation device'' to only those devices provided by MVPDs and requires that any device that meets the definition of navigation device under § 76.1200 be covered by Section 205.

14. Manufacturers and MVPDs have taken the position that the term ''navigation devices'' is not as wide-ranging as we presumed in the *NPRM.* According to these commenters, the term ''navigation devices'' includes all devices that are designed to be used by consumers to access multichannel video programming and other services offered over multichannel video programming systems using conditional access technology; thus, they assert, Section 205 should apply to both MVPD-provided devices and those retail devices that use conditional access to reach MVPD services, consistent with congressional intent.[8] The Consumer Electronics Association (''CEA''), after initially supporting a broader interpretation of the term ''navigation devices'' as used in § 76.1200, now supports a reading of that term to include only ''devices that are *actually configured* to operate as navigation devices comparable to MVPD-furnished devices.''[9] Verizon takes a similar position, arguing that Section 205 should be applied only to ''traditional'' navigation devices, which Verizon defines as ''set-top boxes and related equipment used in the home by consumers to access MVPD services'' that are either MVPD-provided or purchased at retail. Verizon submits that such an approach is consistent with the language of the *VPAAC Second Report: User Interfaces* and Congressional intent in enacting the CVAA. Panasonic Corporation of North America (''Panasonic'') suggests, along the same lines as CEA and Verizon, that Section 205 should apply only to MVPD-provided or retail equipment employing CableCARDs that ''enable a consumer to control the display or selection of multichannel video programming.'' Panasonic argues that, without the use of a CableCARD, a device cannot provide the ''on screen text menus and guides'' which must be made accessible under Section 205. Several other commenters take no position as to whether Section 205 should apply to devices other than set-top boxes, but do argue that Section 205 should apply not just to MVPD-provided equipment but also to comparable equipment sold at retail. The National Cable & Telecommunications Association (''NCTA'') also initially took no position as to the scope of devices subject to Section 205, but later argued that, ''[i]nterpreting 'navigation device' so broadly as to cover equipment that does not perform the functions of a traditional set-top box but simply contains an Internet connection (by which any mobile device or any other equipment theoretically could access cable broadband service) would stray

[6] *See Accessibility of User Interfaces, and Video Programming Guides and Menus,* MB Docket No. 12–108, Notice of Proposed Rulemaking, 78 FR 36478 (2013) (''*NPRM*'').

[7] As noted, the VPAAC submitted its report to the Commission on April 9, 2012. We note that the deadline set forth by statute for prescribing regulations, October 9, 2013, fell during a shutdown of the Federal government due to a lapse in appropriations, during which time the Commission could not conduct normal business operations.

[8] We note that while AFB and the American Council of the Blind (''ACB'') do not agree that Section 205 should apply to set-top boxes sold at retail that use conditional access mechanisms to allow consumers to access MVPD programming and other services, such as TiVo boxes, the approach that we adopt is otherwise consistent with AFB and ACB's position in that consumer electronics equipment sold at retail that does not use conditional access mechanisms to access MVPD programming and other services will be subject to Section 204.

[9] CEA states that this position is consistent with an agreement that it reached with AFB and ACB, in which CEA stated that it ''would be agreeable to the Commission proceeding to apply section 205 of the CVAA only to MVPD-provided equipment, as well as to equipment that is similar in kind to MVPD-provided equipment (i.e., set-top boxes) made available to consumers via retail outlets.''

beyond Congress' intent in the CVAA.'' [10]

15. Based on our review of the statutory language and the record, we conclude that the soundest approach is to follow one of the paths suggested in the *NPRM* by applying Section 205 to all devices that qualify as ''navigation devices'' as that term is defined in § 76.1200 of our rules, and Section 204 only to digital apparatus that are not navigation devices. In Sections 204 and 205, the term ''navigation devices'' is repeatedly modified by the phrase ''as such term is defined in [s]ection 76.1200 of the Commission's rules.'' [11] As the *NPRM* discussed, some elements of Section 205 could be read to suggest that Congress meant for Section 205 to apply only to MVPD-provided equipment, but we find that there is nothing in the statute or legislative history expressly indicating that Section 205 should be applied only to a particular subset of navigation devices. Although the *NPRM* observed that certain statutory phrases ''appear to presume a preexisting relationship between the individual requesting or using the device, menu and/or guide and the entity providing it,'' [12] as described in more detail below, we conclude that these statutory phrases can also be applied to situations involving no preexisting relationship, such as when an individual purchases an accessible device at retail.[13] Had Congress intended for Section 205 to apply only to MVPD-provided equipment, as some commenters suggest, we believe that Congress would have used different terminology in Sections 204 and 205 than the phrase ''navigation device'' with a direct citation to § 76.1200 of our rules. Accordingly, consistent with Congress's repeated citations, in multiple sections of the CVAA, to our definition of navigation device in § 76.1200, we interpret the term in accordance with the definition contained in our rules.[14]

16. Therefore, consistent with a literal interpretation of the statute and in accordance with the Commission's definition of navigation device, Section 205 will apply to any device that can be ''used by consumers to access multichannel video programming and other services offered over multichannel video programming systems.'' We recognize that this definition uses broad language to describe what constitutes ''navigation devices,'' and that in the *NPRM* we proposed to interpret this phrase to cover a broad array of devices. The *NPRM* also sought comment on the correct reading of the term ''navigation devices'' as defined under Commission rules.

17. We have closely examined the arguments made in the record of this proceeding and met with representatives of consumer groups and all sectors of the industry, and have been persuaded that our understanding of the term ''navigation devices'' must be clarified in light of intervening marketplace and technological changes. We do not believe that the Commission intended the term to encompass every device with the ability to access the Internet; nor do we believe that under current marketplace and technological conditions such a broad definition of navigation devices is reasonable. We also believe that Congress, in drafting the CVAA, understood the Commission's definition of navigation devices to be narrower, because otherwise the exemption in Section 204 for ''navigation devices'' would have largely nullified that section.[15] This is the first time it has been necessary for us to delineate more precisely the outer boundaries of the term ''navigation devices.'' [16] After consideration of the record on this issue, we thus clarify the meaning of the term ''navigation devices,'' taking into consideration current marketplace and technological conditions, and in a manner that will give meaning and effect to each section of the CVAA.

18. As noted, § 76.1200 defines navigation devices as ''devices such as converter boxes, interactive communications equipment, and other equipment used by consumers to access multichannel video programming and other services offered over multichannel video programming systems.'' The Commission derived this definition from the text of Section 629 of the Act, added by the Telecommunications Act of 1996, which directed the Commission to adopt rules ''to assure the commercial availability'' of such devices ''from manufacturers, retailers, and other vendors not affiliated with any'' MVPD. When the Commission adopted § 76.1200 in 1998, consumers used a wide variety of equipment to access multichannel video programming and other services. For example, at that time many consumers could connect analog ''plug and play'' televisions, video cassette recorders (''VCRs''), and personal computers directly to the cable and access cable programming without the need for a cable set-top box.[17] Thus, at that time, the Commission contemplated that some devices that lack the ability to perform conditional access—such as these analog ''plug and play'' televisions—were navigation devices. We no longer believe that to be the case, given the current state of technology. Nearly all MVPD services are encrypted today, and devices that do not perform conditional access can access at most a *de minimis* amount of MVPD programming, and that amount is decreasing rapidly, as discussed below. Accordingly, we construe the phrase ''used by consumers to access'' in the definition of ''navigation devices'' to refer to the access that MVPDs control when using conditional access technology as a prerequisite to receive MVPD-offered multichannel video programming and other services. Indeed, in 2010, the Commission recognized that conditional access is an essential part of ''access.''

[10] NCTA recognized that AFB and CEA could not come to agreement on whether non-MVPD provided retail set-top boxes should be covered under Section 205, which NCTA presumably still supports.

[11] The legislative history provides no additional insight into Congress's selection of the term ''navigation devices.''

[12] In addition, as NCTA points out, some devices that are sold at retail, such as a TiVo, include subscriptions and create a relationship between the customer and the device manufacturer.

[13] The *NPRM* also discussed how the phrase ''placing in service'' in Section 205(b)(6) might suggest that the provision was directed at MVPD-provided equipment. We agree with NCTA that the Commission's rules use similar phrasing in other areas ''wholly unrelated to MVPD-provided service.'' The *NPRM* also pointed to the fact that Section 205(b)(2) authorizes us to create an exemption for cable systems with fewer than 20,000 subscribers as evidence that Section 205 applied to MVPDs. While such a statement does suggest that Section 205 applies to MVPDs, it does not foreclose the Commission from also applying Section 205 to other covered entities, such as manufacturers of navigation devices placed into the chain of commerce for sale and other navigation device hardware and software manufacturers.

[14] AFB suggests that the Commission could, through the use of a Further Notice of Proposed Rulemaking, revise the definition of navigation device ''for the limited purpose of sorting out the application of sections 204 and 205.'' We find no compelling reason to do so, and therefore decline this request.

[15] Moreover, as noted in the *NPRM,* interpreting ''navigation devices'' to apply to ''every device with Internet connectivity'' would have ''render[ed] meaningless Section 204's statement that digital apparatus include 'apparatus designed to receive or display video programming transmitted in digital format using Internet protocol' . . . .''

[16] The Commission in 2010 sought comment on the various types of devices covered under the term ''navigation devices,'' but has not had the occasion to address the issue since then.

[17] That is, subscribers could simply plug the cable into the back of their TV sets or other devices; conditional access was performed by means of traps installed outside the home. When the cable operator granted access to its programming, through the removal of a trap, both cable operator-provided set-top boxes and retail devices could access the programming. Today, cable operators rely on encryption rather than traps to protect themselves from theft of service, and encryption requires hardware inside the consumer's home to perform the decryption functions.

19. The Commission has recognized that, in the past, most cable signals were transmitted in the clear and that subscribers with analog ''plug and play'' television sets would not need cable set-top boxes to view subscribed-to programming. Beginning in the mid-1990's, however, cable operators began to upgrade their systems to offer digital cable service in addition to analog cable service (hybrid cable service). Even more recently, many cable operators have transitioned to more efficient all-digital service, freeing up cable spectrum to offer new or improved products and services. At each stage of the transition from all-analog to all-digital cable service, cable operators have increasingly used conditional access to protect more types and tiers of programming from unauthorized access. Nearly all MVPD services today use some form of conditional access to prevent unauthorized access, and encryption of the program signal has proven to be an indispensable aspect of controlling access to MVPD services as it ensures that no signal can be viewed without digital permissions individually issued by the MVPD. The Commission recognized as much in its recent *Encryption Order,* when it observed that ''relaxing the encryption prohibition for all-digital systems will have minimal impact on consumers because most subscribers do not rely on the clear-QAM tuners in their devices to access basic tier signals.'' As of October 2012, when the Commission released the *Encryption Order* permitting cable operators to encrypt the basic service tier under certain conditions, few subscribers were accessing cable programming without the use of a set-top box. Further, subscribers to direct broadcast satellite (''DBS'') and Internet protocol television (''IPTV'') operators have never been able to use televisions to access service; rather, they must use a set-top box. The Commission concluded that allowing all-digital cable operators to encrypt the basic service tier served the public interest because it would have a *de minimis* impact on subscribers to these systems,[18] while having significant additional benefits.[19]

20. Therefore, the phrase ''other equipment used by consumers to access multichannel video programming and other services offered over multichannel video programming systems,'' in today's MVPD market, means more than mere passive display made possible through the use of an intermediary device. For a consumer to ''use'' a device to ''access'' MVPD services, the device must employ some kind of access control to ''unlock'' the services and make them available for the consumer's use. For example, a television set with a CableCARD supports ''conditional access'' such that an MVPD can control which channels or services a device receives. In contrast, a television without a CableCARD cannot access encrypted cable channels without an intermediary device—*e.g.,* a set-top box—that controls access to the content; the television can merely display the content that the set-top box sends to it. In the latter example, the set-top box is a navigation device but the television is not because the consumer could not use it to ''access'' cable service. As Panasonic states, ''absent the use of a CableCARD, the Commission's rules do not ensure the availability of the channel information necessary for independent manufacturers to design 'navigation devices.' ''

21. Cable operators also control access to their broadband services through an authentication scheme similar to that used for video services, reinforcing our view that ''navigation devices'' require the use of conditional access. The navigation device definition includes devices consumers use to access ''other services offered over multichannel video programming systems,'' which would include broadband data services. Cable modems must be ''initialized''—a process involving authentication and registration—before the cable operator grants the modem access to the broadband network.[20] Although an Internet Protocol (''IP'')-enabled device may use Internet services by connecting through a cable modem, consumers do not use the IP-enabled device itself to access the broadband service. Rather, the device uses the cable modem to access the Internet. In this example, the cable modem is a navigation device, but the IP-enabled device is not.

22. Given the widespread and routine practice of cable operators controlling access to all of their programming and other services, and the fact that DBS operators universally use encryption to control access to their programming, we expect that shortly virtually all MVPDs will control access to their programming and services through some sort of conditional access technology.[21] Thus, we interpret the term ''navigation devices'' as encompassing only devices that support conditional access to control consumer access to programming and services. Based on our interpretation, we find that navigation devices subject to Section 205 are those devices manufactured with a CableCARD slot, CableCARD's successor technology, or other conditional access capabilities.[22] Thus, the following are navigation devices: digital cable ready televisions (*i.e.,* televisions with CableCARD slots), set-top boxes (including those provided by MVPDs as well as consumer-owned CableCARD-ready devices), computers with CableCARD slots, and cable modems. The Commission has consistently recognized that these are navigation devices throughout the past 15 years since adoption of our navigation device rules. Third-party devices with MVPD applications that are installed by the device manufacturer are also navigation devices because the MVPD application performs conditional access functions in a software-based manner that allows consumers to access multichannel video

[18] This is because all-digital cable operators indicate that all of their subscribers have at least one set-top box or retail CableCARD device in their homes.

[19] We note that since the advent of encryption of the basic tier on all-digital cable systems, the Commission has received only one complaint from an aggrieved consumer.

[20] For instance, the DOCSIS specifications define a procedure for initializing a cable modem that involves authentication and registration.

[21] It is conceivable that some cable systems will still exist three years from now, at the time of our compliance deadline, that do not use any encryption; thus, in some cases consumers may still be able to plug televisions directly into the cable to receive service. As explained, however, we expect such systems to be rare, and the subscribers who choose to use such devices without a set-top box to be rarer still. Moreover, these systems are likely to be very small systems subject to the extended Section 205 compliance date that we adopt herein. They are also likely to be analog systems. Because television broadcast receivers will no longer be required to include analog tuners after September 1, 2015 due to the low power television transition to digital television, we believe it is likely that many manufacturers will cease including analog reception capability in devices sold after that date. Thus, it is unlikely that subscribers to all-analog cable systems will use devices manufactured after the effective date of these rules to access analog cable service. We do not believe it would be reasonable to subject retail devices—which are manufactured for nationwide distribution—to a set of rules designed for these corner cases. Nor would it be appropriate to expect manufacturers to spend their resources designing their products based on a technology that we expect to be essentially outdated by the time of our compliance deadline. Rather, to give manufacturers certainty as to their compliance obligations we will uniformly subject only devices using conditional access to regulation under Section 205 based on our predictive judgment about how the marketplace is developing.

[22] We note that in *EchoStar Satellite L.L.C.* v. *FCC,* 704 F.3d 992 (D.C. Cir. 2013) (''*EchoStar*''), the DC Circuit vacated the Commission's *CableCARD Order,* 68 FR 66728 (2003), which effectively vacated the rules adopted in the *CableCARD Order,* including the technical standards for CableCARD (47 CFR 76.602 and 76.640). Although the rule requiring reliance on the specific CableCARD standard was vacated in *EchoStar,* given that nearly all cable operators use CableCARDs as their means to comply with the integration ban, we believe that CableCARD use will continue for the foreseeable future.

programming.[23] Devices that do not contain support for conditional access functionality at the time of manufacture will be classified as ''digital apparatus'' and covered by Section 204.

23. Our task in implementing Sections 204 and 205 of the CVAA requires that we identify for manufacturers which section governs their equipment. To give certainty to manufacturers, we conclude it is appropriate to take a snapshot view of the equipment at the time the manufacturer releases it into the stream of commerce, and to describe now, before the devices are designed and manufactured, the parameters we will use for determining whether a device is a navigation device. Accordingly, for purposes of Sections 204 and 205 of the CVAA, and consistent with our application of other provisions of the CVAA,[24] we will look to the device's *built-in functionality* at the time of manufacture to determine whether a device is classified as a ''navigation device'' for purposes of determining which section of our rules will apply. Under this approach, we will not require manufacturers to anticipate possible adjustments that a consumer may independently make to the equipment after sale (for example, by installing an application post-sale).[25] Looking at the functionality that a manufacturer itself has chosen to include in a piece of equipment will bring certainty to industry and consumers alike as to what obligations apply to particular equipment.

24. We conclude that the interpretation described above is consistent with both the language and the intent of Section 629 of the Act and § 76.1200 of our rules. We have discretion to interpret statutory language that Congress left undefined, such as the language used in Section 629 and echoed in the Commission's definition of ''navigation devices.'' Neither Congress nor the Commission has previously specified what the phrase ''used by consumers to access'' in the definition means, and our interpretation, described above, gives meaning to the term based on current market and technological considerations. Moreover, our interpretation is consistent with the other terms in the definition referring to ''converter boxes'' and ''interactive communications equipment.'' Those terms were also not defined by Congress or the Commission, but we believe that the term ''interactive communications equipment'' is most reasonably interpreted to mean equipment used for services such as video-on-demand and television-based commerce. Today, unlike at the time Section 629 was adopted, these functions are performed by the majority of today's set-top boxes. The term ''converter box'' refers to simpler equipment, more commonplace in 1998, that merely converts signals from the cable operator's format to a format that could be received by legacy televisions—a function that digital tuning adapters (''DTAs'') and similar devices perform today. These interpretations are consistent with what the Commission envisioned when first adopting its definition of ''navigation devices.'' [26]

25. Our interpretation of the definition of ''navigation devices'' is also consistent with the intent of Congress that the scope of the term change over time as technology changes. Congress recognized the rapidly evolving nature of MVPD and consumer electronics technology. The portion of the Conference Report for the 1996 Telecommunications Act discussing navigation devices stated that, in implementing Section 629, the Commission should ''avoid actions which could have the effect of freezing technologies and services. . . . Thus, in implementing this section, the Commission should take cognizance of the current state of the marketplace and consider the results of private standards setting activities.'' Similarly, in implementing Section 629, the Commission stated: ''We do not believe, however, that our work with respect to these issues is complete. The markets involved are in the early stages of becoming competitive, and the participants in these markets are on the precipice of a change from analog to digital communications. . . . Our objective thus is to ensure that the goals of Section 629 are met without fixing into law the current state of technology.'' More recently, in the *AllVid NOI,* adopted in 2010, the Commission stated that ''[t]raditionally, the Commission and interested parties have considered the term navigation devices to include televisions, set-top boxes (including DVRs), and home theater computers,'' and sought comment on whether ''these devices comprise the universe of navigation devices, and if not, what other devices could perform navigation device functions.'' The fact that the Commission in 2010 asked about the scope of the term ''navigation devices'' underscores that the definitions of the terms used in Section 629 and § 76.1200(c) have not been definitively fixed and may change over time.[27]

26. Our interpretation of ''navigation devices'' is also consistent with the language of Sections 204 and 205 as well as Congress's goals in enacting them. As compared with our proposal to apply Section 205 only to MVPD-provided navigation devices, this approach better honors the literal meaning of the terms of the provision. At the same time, it avoids the perverse outcome that would have resulted from an overly broad reading of ''navigation devices'' that would have largely nullified Section 204, thwarting Congress's effort to craft different requirements for different categories of devices. For example, this interpretation gives meaning to the provision that states that Section 204 applies to certain apparatus, ''including apparatus designed to receive or display video programming transmitted in digital format using Internet protocol;'' under this approach not all devices that can display video programming will be deemed to be navigation devices and thus excluded from coverage under Section 204, a result we think would be at odds with Congress's intent. Thus, our approach gives meaning and effect to both Sections 204 and 205.

27. Having determined which devices are excluded from coverage under Section 204, we conclude that Section 204 will apply to ''digital apparatus,'' as defined in that section, that are not used by consumers to access multichannel video programming or other services offered over multichannel video programming systems, such as televisions and PCs without CableCARD

[23] CenturyLink, Inc. states that it ''is not aware of any navigation device manufacturers that either pre-install MVPD-provided mobile applications for accessing MVPD-delivered programming or require end users to install such applications after sale.'' To eliminate uncertainty in the event that this does happen, however, we clarify that such a device would be a navigation device under the rules we adopt in the R&O.

[24] Classifying a device based on its capabilities at the time of manufacture is consistent with our implementation of other CVAA provisions.

[25] This also addresses the concerns of commenters who contend that they cannot ''control the design of third-party devices running their apps'' because those commenters can test their applications to ensure accessibility on the third-party devices before choosing to allow the manufacturers to pre-install the applications.

[26] This interpretation is consistent with the Commission's *Seventh Video Competition Report,* which stated ''in the last year, interactive television ('ITV') services are beginning to be offered through cable, satellite, and terrestrial technologies. ITV provides or has the potential to provide a wide range of services, including video on demand ('VOD'), email, TV-based commerce, Internet access, and program-related content, using digital set-top boxes and other devices that interface with television receivers. . . .''

[27] We also note that the *AllVid NOI* was adopted only months before enactment of the CVAA, which suggests that Congress was aware that the definition of ''navigation devices'' was continuing to evolve.

or other conditional access technology, mobile devices (*i.e.,* tablets and smartphones) without MVPD applications pre-installed by the manufacturer, and removable media players.[28] We adopt the *NPRM*'s analysis that the references in Sections 204 and 205 to navigation devices were ''designed to prevent overlap in coverage between Sections 204 and 205; that is, a device can be a Section 204 device or Section 205 device, but not both.'' AFB suggests that a single device may have accessibility requirements under both Sections 204 and 205 because a device can be both a ''digital apparatus'' and a ''navigation device.'' AFB argues that the Commission has taken a similar approach in the past when implementing Section 716(f) of the Act, added by Section 104 of the CVAA, finding that a device could have obligations under both Section 716(f) and Section 255. Other commenters that address the issue agree with the *NPRM* that Sections 204 and 205 are mutually exclusive in their coverage of devices. We agree with CEA that the language from Section 716(f) that AFB cites in support of its position is distinguishable from ''Section 204's clear exclusion of navigation devices from its coverage and Section 205's express application to navigation devices.'' While Section 205 applies to ''navigation devices (as such term is defined in section 76.1200 of title 47, Code of Federal Regulations) for the display or selection of multichannel video programming,'' Section 204 categorically excludes navigation devices. Therefore, it follows that a device cannot be subject to the requirements of both Section 204 and 205.

28. Several commenters seek an exemption or waiver from the requirements of Sections 204 and 205 for certain classes of equipment or otherwise request a determination that certain equipment is outside of the scope of Sections 204 and 205. Before discussing these specific types of equipment, we note that, unlike in other device-related provisions of the CVAA, such as Section 203, Congress did not provide the Commission with authority to grant exemptions from or waive the statutory requirements imposed by Sections 204 and 205. Accordingly, we do not exempt otherwise covered devices from the statutory requirements of Sections 204 and 205.

29. *Professional and commercial equipment.* We conclude that professional and commercial video equipment, including professional movie theater projectors and studio-grade video monitors and recorders, is not subject to the requirements of Section 204 or 205. As the Commission has found in the past, the CVAA is intended to address the accessibility needs of individual consumers. Therefore, as the Commission found in the *IP Closed Captioning Order,* professional and commercial equipment is outside of the CVAA's scope. Significantly, no commenters argue that the Commission's rules should cover this equipment. As the Commission did in the *IP Closed Captioning Order,* we note that other federal laws may impose accessibility obligations ''to ensure that professional or commercial equipment is accessible to employees with disabilities or enables the delivery of accessible services.''

30. *Public safety and enterprise equipment.* We also find that public safety and enterprise equipment is not subject to the requirements of either Section 204 or 205. Motorola Solutions, Inc. (''Motorola'') requested such a determination, and its request was not opposed. Motorola correctly observes that nothing in Sections 204 or 205 evidences Congressional intent to cover these devices, which are not provided to individuals but rather are marketed or sold to ''state or local governments, public safety organizations or other enterprise customers.'' Therefore, we find that public safety and enterprise equipment is outside the scope of Section 204 or 205 of the CVAA.[29]

31. *Broadband equipment.* We agree with Panasonic that ''general purpose broadband equipment,'' such as routers,[30] does not fall under Section 204 or Section 205 because it is not designed to display or play back video content and cannot be used by consumers to access MVPD services. As we describe above, in the case of Internet service offered by MVPDs, the navigation device is the cable modem, as that device is the only device consumers use to access the MVPD's Internet service. Routers and other equipment that interact with the cable modem are outside the scope of Section 205 because consumers do not use that equipment to access the MVPD's service. With respect to cable modems, although they are navigation devices, we find that because cable modems cannot display or select multichannel video programming and do not have ''built-in closed captioning capability,'' cable modems have no compliance obligations under Section 205.

32. *Removable media players.* We reject Panasonic's request that we find that removable media players, such as DVD and Blu-ray players, are not subject to Section 204.[31] Removable media players are designed to ''play back'' video programming simultaneously with sound and Panasonic does not appear to dispute this. Instead, Panasonic argues that the inclusion in Section 204 of the clause ''including apparatus designed to receive or display video programming transmitted in digital format using Internet protocol'' signifies that Congress intended the word ''transmitted'' to mean ''the conveyance of content from a video programming provider (*e.g.* a broadcast) to a receiver or recorder which in turn plays back or displays the content to be viewed by a consumer.'' Panasonic argues that removable media players do not ''transmit'' video programming and therefore fall outside the scope of Section 204. We disagree with Panasonic's interpretation of Section 204. In interpreting a similar provision, the Commission found in the *IP Closed Captioning Order,* and recently reiterated in the *IP Closed Captioning Reconsideration Order,* that the word ''transmitted'' is best interpreted to ''describe how the video programming is conveyed from the device (*e.g.,* DVD player) to the end user . . ., rather than describe how the video programming arrived at the device.'' We see no reason to deviate from this settled interpretation here. Accordingly, because removable media players can ''play back video programming transmitted in digital format,'' we find that they are subject to the requirements of Section 204.[32]

[28] As we discuss further below, video programming applications that are installed by the manufacturer (or those that the manufacturer directs consumers to install), such as Netflix, Hulu, and Amazon, must also be made accessible under Section 204.

[29] This approach is consistent with the Commission's actions in the *ACS Order.*

[30] A router is a device that connects two or more computer networks together, such as by connecting a home network to a broadband network.

[31] Panasonic does not argue that removable media players with IP connections or tuners should be excluded from coverage. Rather, Panasonic argues that removable media players without a tuner or an IP network connection are not covered under either Section 204 or 205.

[32] Panasonic also submits that ''[i]n the case of DVD and Blu-Ray Disc™ players, these devices depend on disc content authors to provide audio tags that are included in a disc's menus in order to provide audio output for the on-screen text or visual indicators. The techniques for authoring accessible media are well known and accessible DVDs are widely available in the marketplace. For Blu-Ray Discs™, the Blu-Ray Disc™ Association allows 'button sounds' for the creation of accessible interactive menus. Therefore, if the Commission finds that standalone removable media players are subject to Section 204 (a point on which we disagree, as noted above), the Commission should recognize that this support for accessible menus in

Continued

33. *Display-only monitors and video projectors.* We conclude that display-only monitors and video projectors qualify as covered digital apparatus under Section 204, consistent with the Commission's analysis in the *IP Closed Captioning Order,* because the term ''apparatus'' includes ''physical devices capable of displaying video.'' However, as discussed below, we will defer the compliance deadline under Section 204 for a period of five additional years for these devices.[33]

34. Panasonic argues that these devices should not be covered by Section 204 on the same grounds they argue that removable media players should not be covered, and we reject that argument for the same reasons described above. CEA argues that under the language of Section 303(aa)(1) of the Act, a digital apparatus must be able independently to ''receive or play back video programming,'' and display-only monitors do not have this capability.''[34] We adopt the same analysis used in the *IP Closed Captioning Order,* in which the Commission determined that a device that is ''capable of displaying video'' is ''designed to receive or play back video programming'' and thus an apparatus under Section 203. We believe that the language in Section 204, which states that a ''digital apparatus'' is a device ''designed to receive or play back video programming,'' language that also is used in Section 203, should be interpreted in the same manner as in the *IP Closed Captioning Order.* Thus, because display-only monitors and video projectors can display video programming simultaneously with sound, such devices fall under Section 204. The Information Technology Industry Council (''ITIC'') argues that the Commission should adopt a display-only monitor exemption in this proceeding similar to the exemption adopted in the *IP Closed Captioning Order.* However, the display-only monitor exemption adopted by the Commission in the *IP Closed Captioning Order* relied on a specific statutory provision contained in Section 203 applicable to display-only monitors.[35] Section 204 lacks an analogous provision. We believe the inclusion of such an exemption in Section 203 and the omission of such an exemption in Section 204 evidences an intent on the part of Congress to include display-only monitors under Section 204. Nevertheless, we observe that the record lacks evidence that individuals with disabilities rely upon display-only monitors and video projectors to watch video programming. And, significantly, the requests to exempt display-only monitors and video projectors from Section 204 were supported by ACB and AFB and not otherwise opposed.

35. Although we do not believe we have the statutory authority under Section 204 to exempt display-only monitors and video projectors, we will defer the compliance deadline under Section 204 for five additional years (eight years after publication of the rules in the **Federal Register**) to allow consumer electronics manufacturers to focus on making accessible other devices, such as televisions, that blind and visually-impaired consumers commonly use. As discussed further below, we believe Congress's omission of a specific compliance deadline under Section 204 affords broad discretion to the Commission to establish an appropriate deadline.[36]

36. *Digital cameras and similar equipment subject to waiver under the IP Closed Captioning Reconsideration Order.* We will also defer compliance under Sections 204 for a period of five additional years (for a total of eight years after the rules are published in the **Federal Register**) for the devices, such as digital cameras and baby monitors, that received a waiver in the *IP Closed Captioning Reconsideration Order* pursuant to the Commission's authority under Section 203 of the CVAA.[37] CEA asks that we ''clarify'' that these devices are not subject to the rules adopted under Sections 204 and 205 and claims that the Commission has ''ample authority'' to use its waiver authority under § 1.3, 47 CFR 1.3, or general rulemaking authority to exempt this equipment from Section 204 or 205 obligations. As we stated earlier, we disagree that we have the authority to provide exemptions from the statutory requirements for devices covered under Sections 204 and 205. The waiver adopted in the *IP Closed Captioning Reconsideration Order* was pursuant to the explicit statutory waiver authority provided under Section 203, and Congress did not provide analogous authority in Sections 204 or 205. We find that these devices are ''digital apparatus'' under Section 204 because they can be used to ''receive or play back video programming transmitted in digital format simultaneously with sound.'' We note, however, that CEA's request that these devices be excluded from coverage under Section 204 is supported by ACB and AFB and is not otherwise opposed. We are persuaded that a deferral of the compliance deadline is appropriate in this case because consumers are unlikely to use these devices to watch video programming due to the limited ability of these devices to access video programming, the inconvenience of configuring these devices to view video programming, and the inefficiency of actually viewing video programming on these devices. As noted above with respect to display-only monitors and video projectors, we believe the focus of

removable media already complies with this Section. Removable media players cannot support a requirement to enable accessibility of media content menus because such menus are not under the control of the equipment manufacturer.'' We agree. Section 303(aa)(2) of the Act only applies to ''on-screen text menus or other visual indicators *built in to* the digital apparatus.'' 47 U.S.C. 303(aa)(2) (emphasis added). Because the menus of the removable media itself (*e.g.,* a Blu-Ray disc) are not ''built-in'' to the digital apparatus, the manufacturer of the removable media player does not have a compliance obligation under Section 204 to make such menus accessible. The manufacturer of the removal media player does have an obligation under Section 204 to make accessible the ''built-in'' text menus and other visual indicators of the removable media player and any other ''appropriate built-in apparatus functions.'' *Id.* 303(aa)(1), (2). This would include, for example, making accessible the text menus and other visual indicators of video applications, such as Netflix, Hulu, and Amazon, when such applications are pre-installed on the removal media player by the manufacturer.

[33] The video projectors that we refer to in this section are those available for purchase by individual consumers, not professional projectors, such as movie theater projectors, which we find are outside the scope of Sections 204 and 205.

[34] CEA also argues, and we agree, that display-only monitors are not navigation devices as they cannot independently access MVPD programming or other services and must rely on another device to provide access to MVPD programming or other services.

[35] The *IP Closed Captioning Order* did not apply the display-only monitor exemption to video projectors.

[36] The only guidance that Congress provided with respect to compliance deadlines in Section 204 is mandating that the section's requirements not go into effect for a minimum of 24 months for mobile TV devices.

[37] Under its authority pursuant to Section 203, the Commission granted waiver for two classes of devices: (1) Devices that are primarily designed to capture and display still and/or moving images consisting of consumer generated media, or of other images that are not video programming as defined under the CVAA and Commission rules, and that have limited capability to display video programming transmitted simultaneously with sound; and (2) devices that are primarily designed to display still images and that have limited capability to display video programming transmitted simultaneously with sound. The first category includes, for example, digital still cameras, digital video cameras, baby monitors, security cameras, digital video camera microscopes, digital playback binoculars, and digital probes for viewing and playing video of enclosed spaces. The second category includes, for example, digital picture frames, but not those that are primarily designed to display both still photographs *and* video. We also note that devices with general purpose operating systems, such as Android or Windows, that can receive content from the Internet and easily display video programming transmitted simultaneously with sound, were not subject to the waiver granted in the *IP Closed Captioning Reconsideration Order* and similarly will not be subject to the deferred compliance deadline provided by the R&O.

consumer electronics manufacturers at this time should be on making accessible other devices that will provide a greater benefit to consumers in the manner envisioned by Congress in enacting the CVAA.

B. Responsibility and Definition of Digital Apparatus Under Section 204

37. We find that digital apparatus manufacturers have the responsibility to comply with Section 204. We also adopt the tentative conclusions in the *NPRM* to interpret the meaning of ''apparatus'' and the scope of Section 204 the same way the Commission interpreted the scope of Section 203 in the *IP Closed Captioning Order,* but excluding navigation devices that are subject to Section 205.

38. We find that Section 204 applies to the manufacturers of ''digital apparatus'' as we define that term below. Section 204 requires that digital apparatus be designed, developed and fabricated in a way that ensures that ''built-in apparatus'' functions are accessible. Manufacturers of digital apparatus are uniquely positioned to design, develop, and fabricate the built-in functions of the devices they manufacture. Furthermore, Section 204, unlike Section 205, does not explicitly address responsibility under that section for multiple different entities, such as manufacturers of software and manufacturers of hardware, suggesting that Congress intended for the requirements of Section 204 to apply to one entity. CEA and the individual consumer electronics manufacturers that commented do not dispute that they are responsible for the accessibility compliance of the digital apparatus they manufacture. We adopt the *NPRM*'s tentative conclusion to define the term ''digital apparatus'' as used in Section 204 the same way that the Commission defined the term ''apparatus'' when implementing Section 203, but excluding navigation devices that are subject to Section 205, as specifically provided in Section 204. Therefore, consistent with the analysis in both the *IP Closed Captioning Order* and the *ACS Order,* we find that the term digital apparatus should be defined to include ''the physical device and the video players that manufacturers install into the devices they manufacture (whether in the form of hardware, software, or a combination of both) before sale, as well as any post-sale video players that manufacturers direct consumers to install.'' [38] Included in the scope of digital apparatus are the video players that manufacturers embed in their devices, video players designed by third parties but installed by manufacturers in their devices before sale, and video players that manufacturers direct consumers to add to the device after sale in order to enable the device to play video.[39] We clarify that this includes the video players that are part of third-party applications that provide video programming, such as Netflix, Hulu, and Amazon, if those applications are pre-installed on digital apparatus or manufacturers direct consumers to install such applications. We find that Section 204 requires the manufacturer of the digital apparatus on which these types of video applications are pre-installed to ensure that the application's user interfaces are accessible. We expect in these instances that the manufacturers of the pre-installed video applications will cooperate with the device manufacturers to ensure the accessibility of such applications. Not included in the definition of a digital apparatus under Section 204 is any ''third-party software that is downloaded or otherwise added to the device independently by the consumer after sale and that is not required by the manufacturer to enable the device to play video.'' [40]

39. Consumer electronics manufacturers and commenters representing manufacturers support the Commission's tentative conclusion to adopt the same definition of digital apparatus in Section 204 as adopted for apparatus in Section 203, while consumer groups representing individuals with disabilities urge the Commission to include third-party software and other methods of viewing video programming, such as video players on Web sites, within the scope of Section 204. While we are sympathetic to the concerns of the disability community with respect to accessibility of third-party software, we do not think that it would be reasonable to hold equipment manufacturers responsible for software components over which they have no control, nor do we think Congress intended that result. Unlike Section 205, which directly addresses the responsibility of software manufacturers, Section 204 has no such parallel language, and therefore we believe it is more appropriate to follow the same approach used in the *ACS Order* and *IP Closed Captioning Order.*

40. We also adopt the *NPRM*'s tentative conclusion that the inclusion of the phrase ''including apparatus designed to receive or display video programming transmitted in digital format using Internet protocol,'' a phrase not included in Section 203, should not result in a different interpretation of the scope of Section 204. As the *NPRM* stated, we believe this phrase is best interpreted as a clarification that Section 204 applies not only to traditional video-programming apparatus without IP functionality, such as non-IP enabled televisions, but also to devices with IP-functionality, such as ''smart'' TVs, tablets, and smartphones. No commenters objected to this tentative conclusion.

41. In addition, we adopt the *NPRM*'s tentative conclusion to interpret the term ''designed to,'' as used in Section 204, the same way that the Commission interpreted that term in the *IP Closed Captioning Order.* There, the Commission concluded that ''to determine whether a device is designed to receive or play back video programming, and therefore covered by the statute, we should look to the device's functionality, *i.e.,* whether it is capable of receiving or playing back video programming.'' The consumer groups support this interpretation, but both Panasonic and the Telecommunications Industry Association (''TIA'') argue that the design intent of the manufacturer should play a role in determining whether devices are covered under Section 204. The Commission recently reaffirmed the interpretation of ''designed to'' made in the *IP Closed Captioning Order* and we see no reason to deviate from that interpretation here. We believe interpreting the phrase ''designed to'' to focus on a device's capability rather than the intent of the manufacturer provides more regulatory certainty for manufacturers and consumers. Conversely, Panasonic and TIA's interpretation could harm consumers by allowing the manufacturer to dictate unilaterally whether a device falls within the scope of the statute by claiming that they did not intend that a device be used for a particular purpose even if it in fact has that capability, which could render the

[38] We find that Section 204's inclusion of the term ''digital'' to modify the term apparatus, a modifier not present in Section 203, does not require that we establish a different definition for purposes of Section 204, given that all apparatus are digital apparatus and no purely analog apparatus are currently being manufactured. Indeed, the only two commenters to directly address the modifier's inclusion, ACB and NAD/Consumer Groups, agreed that the term's inclusion does not require a different implementation of Section 204 from that used for Section 203.

[39] In addition, if a manufacturer offers updates or upgrades to a video player component of a device, it must also ensure that those updates or upgrades meet the accessibility requirements of Section 204.

[40] Consistent with the approach taken in the *IP Closed Captioning Order* and *ACS Order,* we find that digital apparatus manufacturers are also responsible for software upgrades made available by the manufacturers for download.

accessibility requirements of Section 204 effectively voluntary. We do not believe that Congress intended to allow manufacturers to evade the statutory requirements. No commenters addressed the *NPRM*'s proposal to apply to Section 204 the limitation in Section 203 to apparatus ''manufactured in the United States or imported for use in the United States.'' We believe it is appropriate to apply such a limitation to Section 204 in our implementing rules to clarify that our rules only apply to devices manufactured in the United States or imported for domestic use.

C. Entities Responsible for Compliance Under Section 205

42. We conclude that both MVPDs leasing or selling navigation devices to their subscribers and equipment manufacturers placing navigation devices into the chain of commerce for purchase by consumers are responsible for complying with Section 205.[41] In addition, we conclude that Section 205 imposes responsibilities on manufacturers of navigation device hardware and software.

43. *Responsibility Under Section 303(bb)(1) of the Act For Making On-Screen Text Menus and Guides Audibly Accessible.* Section 303(bb)(1) of the Act states, that ''if achievable (as defined in section 716), that the on-screen text menus and guides provided by navigation devices (as such term is defined in section 76.1200 of title 47, Code of Federal Regulations) for the display or selection of multichannel video programming are audibly accessible in real-time upon request, except that the Commission may not specify the technical standards, protocols, procedures, and other technical requirements for meeting this requirement[.]'' We find that both MVPDs that provide navigation devices to their subscribers and the manufacturers of navigation devices, such as retail set-top boxes with CableCARDs (*e.g.,* TiVo boxes), that sell such devices to consumers at retail are responsible for providing compliant equipment under Section 303(bb)(1) of the Act.[42] Section 205(b)(3) provides that ''[a]n entity shall only be responsible for compliance with the requirements added by the section with respect to navigation devices that it provides to a requesting blind or visually impaired individual.'' Section 205 does not define the terms ''provide'' and ''entity'' used in this provision. We believe the most reasonable interpretation of the word ''provide'' is to offer a navigation device to customers for lease or to place a navigation device into the chain of commerce for sale to consumers. It follows that the most reasonable interpretation of the word ''entity'' is an MVPD providing navigation devices for lease or purchase, and a navigation device manufacturer that places its navigation devices into the chain of commerce for sale to consumers. No commenters object to holding MVPDs and navigation device manufacturers responsible for compliance under Section 205,[43] and commenting MVPDs and manufacturers of retail navigation devices appear to accept that they have the responsibility to provide compliant devices in accordance with the requirements of Section 303(bb)(1) of the Act. We clarify that MVPDs bear responsibility under Section 205(b)(3) only for the devices they directly provide to customers.[44] Therefore, an MVPD would not be responsible for ensuring the compliance of a device that one of its customers procures at retail or through some other means and then uses to obtain MVPD service, because the MVPD is not providing that device. We note that the navigation device manufacturer would have compliance responsibilities under Section 205 in the event the customer purchases at retail a CableCARD-compatible set-top box or other device containing conditional access functionality for use in obtaining MVPD service.

44. *Responsibility Under Section 303(bb)(2) of the Act for Providing Ready Access to Captions.* Section 303(bb)(2) of the Act provides that ''for navigation devices with built-in closed captioning capability, [ ] access to that capability through a mechanism is reasonably comparable to a button, key, or icon designated for activating the closed captioning or accessibility features[.]'' We find that both MVPDs that provide navigation devices to their customers (either for purchase or lease) and the manufacturers of navigation devices that place devices into the chain of commerce for sale to consumers are the entities responsible for providing compliant equipment—including the mechanism required under Section 303(bb)(2) of the Act. No commenters argue that MVPDs and navigation device manufacturers should not be held responsible for compliance under Section 205 and we believe the most reasonable approach in implementing Section 205 is to hold those entities responsible for providing devices that comply with both Sections 303(bb)(1) and 303(bb)(2) of the Act as these entities are best positioned to ensure that the devices they lease or manufacture have a compliant closed captioning activation mechanism.

45. *Responsibility of Manufacturers of Navigation Device Hardware and Software.* In addition to our finding that Section 205 imposes responsibilities on MVPDs who lease or sell navigation devices and on manufacturers who sell navigation devices at retail, we also find that Section 205 imposes responsibility on the manufacturers of navigation device hardware and software, even if they are not the entity that leases or sells the navigation device to consumers. Section 303(bb)(3) of the Act provides that ''with respect to navigation device features and functions—(A) delivered in software, the requirements set forth in this subsection shall apply to the manufacturer of such software; and (B) delivered in hardware, the requirements set forth in this subsection shall apply to the manufacturer of such hardware.'' The *NPRM* requested comment on the meaning of this provision. We find that these provisions require that manufacturers of navigation device hardware and software each have responsibility to ensure that the navigation device accessibility features are functional.[45] For instance, if the

[41] We find that the requirements of Section 205 would also apply to MVPDs in situations in which the MVPDs lease or otherwise give equipment to customers at no charge.

[42] We clarify, as requested by the American Cable Association (''ACA''), that Section 205 does not apply to a cable channel providing program listings, often in the form of a scrolling grid. ACA requested clarification that the requirements of Section 205(a) do not apply to ''a separate video channel that displays over the course of a few minutes the title of the program currently playing on each network carried by the system.'' While Section 205 applies accessibility requirements to ''the on-screen text menus and guides *provided by navigation devices,*'' *see* 47 U.S.C. 303(bb)(1), ACA explains that the information offered on such a programming channel ''is provided entirely by equipment in the cable headend, and not by any navigation device on the customer's premises that has been provided by the cable operator.'' Therefore, a cable channel providing program listings is not required to be made accessible by Section 205. Similarly, as requested by ACA, we clarify that, to the extent that an MVPD does not provide navigation devices to its subscribers, it is not directly subject to the requirements of Section 205. We note that no party opposed ACA's requests for clarification.

[43] We note that both AFB and NAD/Consumer Groups generally object to including navigation devices other than MVPD-provided navigation devices within the scope of Section 205, but would have the Commission hold the manufacturers of these non-MVPD-provided navigation devices responsible for compliance under Section 204.

[44] As we discuss below, MVPDs may also have separate Section 205 compliance responsibilities pursuant to Section 303(bb)(3)(A) of the Act if the MVPD is the manufacturer of navigation device hardware or software, including pre-installed MVPD applications.

[45] Such a responsibility also includes ensuring that any updates or upgrades that a manufacturer

navigation device uses a hardware-based solution to enable accessibility, the manufacturer of the navigation device's hardware has responsibility for ensuring that solution works correctly.

46. We agree with Verizon's formulation that this provision should be interpreted consistent with other provisions of the CVAA so that the Commission has the authority to ''assign entities responsibility for compliance in accordance with their roles in any alleged noncompliance.'' Therefore, when the Commission receives a complaint regarding a violation of Section 205, the Commission will determine which entity (or entities), if any, is potentially responsible for the violation. The Commission will undertake this effort because it is better positioned than individual consumers to determine the potentially responsible entity. As discussed above, we find that the entity that provides a navigation device to a requesting blind or visually impaired individual (whether an MVPD or equipment manufacturer that places navigation devices into the chain of commerce) has a responsibility to provide that consumer with an accessible device. At the same time, we believe that the language of Section 303(bb)(3) of the Act requires us to recognize that MVPDs or manufacturers that supply navigation devices are not the only entities responsible for compliance under Section 205. Rather, there may be some instances in which the manufacturer of navigation device hardware or software fails to meet its Section 205 compliance responsibility and bears liability in addition to, the MVPD or manufacturer supplying the navigation device.[46] We intend to investigate complaints and determine violations under Section 205 on a case-by-case basis. In adopting this interpretation of Section 205, we emphasize that even if a complaint proceeding results in a finding that a violation stems from a failure by the manufacturer of hardware or software included in navigation devices provided by MVPDs or sold at retail, such a finding would not relieve the MVPD or equipment manufacturer that placed the navigation device into the chain of commerce of its distinct and separate responsibility under Section 205 to ensure that a consumer is provided with an accessible device.[47] Pursuant to the terms of Section 205, we have the authority to impose liability on any responsible party (or parties) that we find violate Section 205.

47. When a device that would otherwise be a digital apparatus becomes a navigation device because the device manufacturer installs an application that performs conditional access so that a consumer can access multichannel video programming or other services offered over multichannel video programming systems (hereinafter collectively referred to as ''MVPD applications''), we find that pursuant to Section 303(bb)(3)(A), Section 205 applies.[48] Therefore, to the extent that an MVPD application makes use of ''text menus and guides'' ''for the display or selection of multichannel video programming,'' such text menus and guides must be made audibly accessible. In addition, if the device on which the MVPD application is installed has built-in closed captioning,[49] the application must have a ''mechanism reasonably comparable to a button, key, or icon designated for activating the closed captioning.''[50] For instance, an application offered by an MVPD that enables subscribers to watch multichannel video programming on a mobile device that was pre-installed by the mobile device manufacturer would need to be made accessible pursuant to the requirements of Section 205.[51]

48. NCTA argues that ''if a non-MVPD provides a navigation device to a consumer (even if pre-loaded at sale with an MVPD app), the non-MVPD would be responsible for providing a requesting consumer with an audibly accessible on-screen text menu or guide.'' As discussed above, we agree that the non-MVPD manufacturer in this scenario is responsible for complying with Section 205(b)(3) by providing an accessible navigation device to a requesting blind or visually impaired individual. We do not agree, however, that this precludes the Commission from holding MVPDs responsible under Section 205 for the accessibility of pre-installed MVPD applications' on-screen text menus and guides. We believe such a reading of Section 205 would render meaningless Section 303(bb)(3) of the Act, which explicitly states that ''the requirements of this subsection shall apply to the manufacturer of . . . software'' when ''navigation device features and functions'' are ''delivered in software'' and ''shall apply to the

may offer meet the accessibility requirements of Section 205.

[46] ACB argues that MVPDs should not be able to shift responsibility onto manufacturers or software developers under Section 205 for the equipment the MVPD distributes. As our discussion herein indicates, MVPDs will not be able to shift responsibility for providing accessible devices to consumers onto navigation software and hardware manufacturers; however manufacturers of navigation device hardware and software also have compliance responsibilities under Section 205.

[47] For example, an MVPD that provided a device to a requesting blind or visually impaired subscriber that the MVPD believed was accessible but had a hardware or software malfunction that rendered the device inaccessible would still be responsible for providing that subscriber with a working device that provided accessibility; it could not merely point to the hardware or software manufacturer and escape liability for its own obligations. Similarly, if a hardware or software failure on a retail navigation device occurred that rendered the device inaccessible, the manufacturer that placed the navigation device into the chain of commerce would have responsibility under the Act to ensure that the customer had a functioning accessible device. In a situation in which a device is classified as a navigation device because it has a pre-installed MVPD application, the equipment manufacturer of that navigation device is responsible for providing accessible devices to requesting blind or visually impaired individuals, and would not be relieved of that responsibility by virtue of the fact that the device was not compliant as a result of a software problem with the MVPD application that caused the application itself to become inaccessible. As discussed, in all these instances the entity providing the device, the hardware manufacturer, and the software manufacturer are all potentially liable for violations of Section 205. Of course, in many instances, the manufacturer of the hardware or software in a given device may be the MVPD or navigation device manufacturer itself.

[48] NCTA agrees that when an MVPD application is pre-installed on a device, its on-screen text menus and guides must be made accessible.

[49] After the effective date of the regulations adopted under Section 203 of the CVAA in the *IP Closed Captioning Order,* new navigation devices with video players that are capable of downloading MVPD-provided applications will generally have built-in closed captioning capability. We also note that MVPDs are required under the rules adopted by the *IP Closed Captioning Order* to pass through or render closed captioning on MVPD applications. In requiring that pre-installed MVPD applications make the closed caption activation mechanism accessible, our rules are ensuring that Sections 202, 203, and 205 of the CVAA are working in tandem to make the captioning both available on the hardware and software and easily accessible.

[50] NCTA argues that even if MVPD applications are subject to Section 205, those applications would not be required to provide a closed captioning activation mechanism reasonably comparable to a button, key, or icon because Section 303(bb)(2) of the Act only applies to ''navigation devices with *built-in captioning capability*'' and MVPD applications downloaded on a third-party device are not ''built-in'' to the device. We disagree with NCTA's interpretation. Section 303(bb)(3)(A) of the Act applies the accessibility requirements of Section 205, including the closed captioning activation mechanism requirement, to the manufacturers of software to the extent a navigation device's features and functions are being delivered in software. The pre-installed MVPD application itself need not be considered a navigation device for the manufacturers of the application's software to have compliance responsibilities under Section 303(bb)(3)(A) of the Act.

[51] Similar applications to those offered by MVPDs that use text menus and guides for the display or selection of multichannel video programming and allow consumers to access multichannel video programming and other services, such as the TiVo application for smartphones and tablets, would also need to be made accessible under Section 205 if such applications were pre-installed by the device manufacturer. We are not addressing here other services that provide access to video programming, such as Netflix, Hulu, and Amazon, though we note pursuant to our Section 204 analysis that these video applications must be made accessible under Section 204 if pre-installed by the digital apparatus manufacturer.

manufacturer of . . . hardware'' when ''navigation device features and functions'' are ''delivered in hardware.'' If Congress intended the only responsible entities under Section 205 to be those that provided navigation devices to requesting blind or visually impaired individuals, there would have been no need for Congress to include the provisions of Section 303(bb)(3) of the Act. We believe our interpretation of Section 205 is more reasonable as it gives effect to all provisions of the statue.[52] That is, under our interpretation, both the manufacturer of the navigation device and the manufacturer of the software application are held responsible for ensuring compliance with Section 205's requirements.

49. We note that the entity providing the navigation device with the pre-installed MVPD application (which may be an MVPD, but in most cases we anticipate will be the equipment manufacturer that placed the navigation device into the chain of commerce) will be responsible for ensuring the accessibility of on-screen text menus and guides for the display or selection of multichannel video programming on its device to requesting blind or visually impaired individuals.[53] In the event that the provider of the navigation device and the software manufacturer of the MVPD application use an accessibility solution that incorporates the accessibility into the application itself, the software manufacturer would also have responsibility for compliance under Section 303(bb)(3)(A).[54] In such circumstances, we believe that the most reasonable interpretation of Section 303(bb)(3)(A) is to find that the MVPD itself is the ''manufacturer'' of its software application because under the current marketplace reality, the MVPD has exclusive rights to offer such software for use by its subscribers.[55] Therefore, the MVPD, as the software manufacturer, has a responsibility under Section 303(bb)(3)(A) of the Act for ensuring that its pre-installed software applications meet the accessibility requirements of Section 205.[56] Similarly, the hardware manufacturer of the navigation device with the pre-installed MVPD application has a responsibility under Section 303(bb)(3)(B) of the Act for ensuring that the device's hardware allows for the accessibility of the pre-installed MVPD application.

50. While some commenters would have us apply Section 205 to all MVPD applications, regardless of whether they are pre-installed by the manufacturer of the device or later downloaded by the consumer after purchase, at this time, we only impose obligations under Section 205 on MVPD applications that are pre-installed on devices. We believe such an approach is reasonable because in these instances, the manufacturer will only be responsible for ensuring the accessibility of applications that it chooses to pre-install on devices. Moreover, MVPDs will have consented to such pre-installation and will be well positioned to work with manufacturers to ensure the accessibility of pre-installed applications. Such an approach is also consistent with the approach taken in the *IP Closed Captioning Order* and *ACS Order,* where the Commission found that the CVAA provisions being implemented in those proceedings did not apply to ''third-party software'' the installation of which is not controlled or directed by the manufacturer. MVPD commenters and CEA argue that Section 205 does not provide the Commission with authority to regulate software applications because MVPD applications are not ''devices'' or ''equipment'' and therefore do not meet the definition of a navigation device under § 76.1200(c) of the Commission's rules. However, our conclusion that pre-installed MVPD applications must be covered under Section 205 is not predicated on MVPD applications themselves being navigation devices,[57] it is predicated on MVPD applications being a ''navigation device feature[ ] or function[ ]'' that is ''delivered in software'' under Section 303(bb)(3)(A) of the Act, which imposes responsibility for compliance under Section 205 directly on the manufacturers of navigation device

[52] Prior to NCTA's October 24, 2013 *ex parte* letter on this issue, NCTA, AFB, and ACB, stated that ''Section 205 grants MVPDs maximum flexibility to provide a requesting customer an accessible solution and should not be construed to require that MVPD-provided apps running on third-party devices must be accessible regardless of whether the MVPD provides the customer with another accessible solution.'' While we appreciate the industry working to achieve consensus with the organizations representing individuals with disabilities, we do not believe this agreement represents the correct legal interpretation of Section 205. As an initial matter, we note that the provisions of Section 205 that grant ''maximum flexibility'' to the entity responsible for compliance grant such maximum flexibility to ''the entity providing the navigation device.'' When an MVPD application is pre-installed on a device by that device's manufacturer, the device manufacturer is the ''entity providing the navigation'' device and is entitled to the maximum flexibility in complying with Section 205, not the MVPD. The MVPD in this example, as the manufacturer of the pre-installed application, is the manufacturer of a ''navigation device feature and function delivered in software.'' Under Section 205, the software manufacturer is not given ''maximum flexibility'' to select the manner of compliance. Instead, Section 303(bb)(3)(A) of the Act simply requires the software manufacturer to make its software functionality compliant. In other words, unlike with respect to the entity providing the consumer with the navigation device, Section 205 gives no leeway to the software manufacturer to provide a separate solution to comply with the CVAA's requirements. In any event, even if the ''maximum flexibility'' provision of Section 205 were to apply here, it would give the entity flexibility to select the ''manner of compliance,'' not to select whether or not to comply. Moreover, the fact that an MVPD may provide compliant navigation devices to its subscribers that choose to lease or purchase such a device from the MVPD, does not relieve the MVPD from its potential separate compliance obligation as a software manufacturer of a pre-installed MVPD application to make such an application accessible. We observe that NCTA's subsequent *ex parte* submissions appear to acknowledge that MVPD applications must be made accessible if pre-installed; they argue the responsibility for ensuring such accessibility is on the navigation device provider.

[53] Pursuant to the Act, the entity providing the navigation device to the consumer is obligated to provide audible accessibility of the MVPD application's text menus and guides ''upon request'' to individuals who are blind or visually impaired and has the maximum flexibility in determining the manner by which the MVPD application is made audibly accessible.

[54] We find that an MVPD application that allows a consumer to access and navigate an MVPD's video programming is delivering ''navigation device features and functions'' within the meaning of Section 303(bb)(3)(A) of the Act because the installation and use of applications is a feature or function of a navigation device with the MVPD application pre-installed by the device manufacturer. NCTA is correct that Section 205 does not require the MVPD application itself to provide accessibility; the entity providing the navigation device can choose the means by which the text menus and guides of the application are made accessible.

[55] In the case of a third-party application that offers access to multichannel video programming but is not provided by the MVPD, such as the TiVo application, the third-party provider of the application would be the ''manufacturer'' under Section 205. For instance, using the example of TiVo's application referenced above, TiVo would be the responsible entity under Section 205.

[56] Some MVPD commenters argue that imposing accessibility requirements on MVPD applications will stunt the development of this type of software as it will require MVPDs to ensure that their applications are accessible across numerous platforms. However, MVPDs will only have compliance obligations in relation to MVPD applications that are pre-installed on devices. In these circumstances, the MVPD will have already consented to have its application pre-installed, and thus presumably has coordinated with the device manufacturer. To the extent that, in certain circumstances, an MVPD believes that it will not be ''achievable'' to build accessibility into its application as installed on certain platforms, it is free to seek a determination that it is not ''achievable.'' DIRECTV, LLC (''DIRECTV'') argues that it would be ''grossly unfair'' to require MVPDs to design accessible software under Section 205 while other non-MVPD distributors of video programming would not be required to provide accessible software applications. To the contrary, we find that our approach treats both MVPD applications and other video applications similarly. As our above discussion of Section 204 explains, pre-installed video applications on digital apparatus subject to Section 204 must be made accessible similarly to how pre-installed MVPD applications on navigation devices must be made accessible under Section 205.

[57] Rather, the navigation device is the device that includes the pre-installed MVPD application.

software. With respect to MVPD applications that are not pre-installed by the device manufacturer, but rather installed by consumers after purchase, the record indicates that MVPDs and software application manufacturers will face significant technical challenges in ensuring that consumer-installed MVPD applications comply with Section 205 on all devices.[58] Given these technological challenges, we believe at this time it is not appropriate to impose compliance obligations under Section 205 on MVPD applications that are not pre-installed by device manufacturers.[59]

51. *Other Entities.* We disagree with AFB that Section 205(b)(3) requires that we impose Section 205 requirements on businesses such as restaurants and bars because such business make ''navigation devices . . . available to their customers'' and therefore ''must provide accessible equipment upon the request of a customer who is blind or visually impaired.'' We also decline to impose obligations on consumer electronics retailers, as AT&T Services, Inc. (''AT&T'') suggests.[60] There is no indication that Congress intended to apply Section 205 to any entities other than MVPDs and manufacturers of hardware and software included in navigation devices. If Congress had intended to extend Section 205's reach to cover retailers or businesses such as those in the travel, entertainment, or food industries that purchase or lease navigation devices for the use of their customers, we believe it would have done so explicitly. As noted above, however, other federal laws may impose accessibility obligations on some of the businesses that AFB discusses that are not contemplated by the provisions of the CVAA.

IV. Accessibility Requirements of Sections 204 and 205 of the CVAA

A. Functions That Must Be Made Accessible Under Sections 204 and 205

1. Section 204 Requirements for Digital Apparatus

52. As mandated by Section 204, we adopt rules requiring that covered ''digital apparatus'' ''if achievable . . . be designed, developed, and fabricated so that control of appropriate built-in apparatus functions are accessible to and usable by individuals who are blind or visually impaired.'' 47 U.S.C. 303(aa)(1). We also adopt rules to ensure that ''if on-screen text menus or other visual indicators built in to the digital apparatus are used to access the [appropriate built-in] functions of the apparatus . . . such functions shall be accompanied by audio output that is either integrated or peripheral to the apparatus, so that such menus or indicators are accessible to and usable by individuals who are blind or visually impaired in real-time.'' *Id.* 303(aa)(2). In the discussion that follows, we set forth the compliance requirements for manufacturers of covered apparatus with regard to accessibility of appropriate built-in functions and related on-screen text menus and visual indicators.

53. *Accessibility of Appropriate Built-In Apparatus Functions.* We require that covered digital apparatus ''if achievable . . . be designed, developed, and fabricated so that control of appropriate built-in apparatus functions are accessible to and usable by individuals who are blind or visually impaired.'' As discussed more thoroughly below, we find that the ''appropriate'' built-in apparatus functions are those functions that are used for the reception, play back, or display of video programming and that, at this time, those are limited to the VPAAC 11 essential functions.[61] Further, we clarify that an apparatus covered by Section 204 is not required to include all 11 functions if those functions are not otherwise included in the device generally. That is, we do not impose an obligation on a manufacturer to add any of the 11 functions; rather, we require only that those functions that are already included in the device be made accessible.

54. In the *NPRM,* we tentatively concluded that the ''appropriate'' functions that must be made accessible under Section 204 include *all* user functions of a covered device, with the exception of diagnostic and debugging functions. ACB, Verizon, and the Rehabilitation Engineering Research Center for Wireless Technologies (''Wireless RERC'') agree that all user functions on a covered device should be made accessible.[62] However, a number of industry commenters explain that multipurpose devices include functions unrelated to the display of video programming, and they argue that the tentative conclusion is overbroad because it encompasses those functions. For example, the Entertainment Software Association (''ESA'') argues that the *NPRM's* tentative conclusion ''is broader than needed to achieve the accessibility goals behind Sections 204 and 205, which clearly are focused on video programming,'' and ''also creates significant uncertainty for manufacturers in determining how to handle other device functions that are completely unrelated to video programming, such as game play features of a game console.'' Other commenters argue that imposing accessibility requirements on all user functions of a device is contrary to the plain language of the statute, which imposes obligations only with respect to ''appropriate built-in apparatus functions.'' Upon further consideration of the arguments raised in the record, we decline to adopt our tentative conclusion to extend Section 204 accessibility requirements to all user functions of a device, excluding diagnostic and debugging functions. We agree with commenters that Congress's use of the term ''appropriate'' as a qualifier indicates that it did not intend for the requirements to broadly cover user functions that are unrelated to video programming.

55. Instead, we conclude that the ''appropriate'' apparatus functions are those functions that are used for the reception, play back, or display of video programming. We believe that interpreting ''appropriate'' user functions to include those related to video programming and to exclude those unrelated to video programming is consistent with the intent of the CVAA ''to help ensure that individuals with disabilities are able to . . . better access video programming.'' We also believe that this interpretation of the term ''appropriate'' is consistent with the scope of Section 204, which specifies that covered digital apparatus are those that ''receive'' or ''play back'' video programming transmitted in digital format simultaneously with sound, as well as those that ''receive'' or ''display'' video programming transmitted in digital format via Internet protocol. Commenters including CEA, CTIA—The

[58] Commenters that support requiring the accessibility of all MVPD applications do not provide countervailing evidence.

[59] We will continue to monitor the development of accessible technology in this area and will reevaluate whether we should require the accessibility of consumer-installed MVPD applications at a later date if it appears necessary to ensure access to MVPD programming by people who are blind or visually impaired.

[60] We also disagree with AFB that a literal interpretation of Section 205(b)(3) would require that the Commission impose obligations on resellers of used consumer electronics, such as Goodwill.

[61] As described herein, in the *VPAAC Second Report: User Interfaces,* the VPAAC ''define[d] the set of [11] functions considered essential to the video consumption experience.''

[62] ACB and the Wireless RERC disagree with the *NPRM's* tentative conclusion to the extent that it excludes diagnostic and debugging functions from accessibility requirements. Although AFB's reply comments expressed support for the proposal in the *NPRM* that all functions must be made accessible under Section 204, a later *ex parte* letter that AFB filed jointly with CEA states that the 11 essential functions identified by the VPAAC are the set of functions subject to Section 204 accessibility requirements.

Wireless Association (''CTIA''), ESA, and Panasonic agree that ''appropriate'' built-in apparatus functions should encompass only those functions that relate in some manner to video programming. In particular, CEA suggests that ''[b]ecause Section 204 applies specifically to digital apparatus designed to receive or play back video programming, the functions to be considered 'appropriate' are limited to those that are *necessary for* the apparatus to receive or play back that programming.'' We are concerned, however, that the ''necessary for'' formulation put forth by CEA may be construed more narrowly than Congress had intended, resulting in the exclusion of some appropriate functions that are related to video programming from the accessibility requirements of Section 204. We believe that the approach more consistent with Congress's intent is to interpret ''appropriate'' more broadly as including those functions that are used for the reception, play back, or display of video programming. Further, we disagree with AT&T's and CEA's contention ''that Congress used the word 'appropriate' to mean 'appropriate for a person who is blind or visually impaired' '' and, therefore, ''appropriate'' apparatus functions should include only ''those functions that a person who is blind or visually impaired would need to use to select or access video programming.'' As AFB explains, ''if a control or function is made available to all customers generally, there should be a presumption that people who are blind or visually impaired, just like all other customers, may be expected, and possibly required, to use it.'' We agree with AFB that we should presume that any functions used to receive, play back, or display video programming would be used by a person who is blind or visually impaired and, therefore, there is no need to distinguish between video programming functions that would and ''would not be used by a person with a vision disability'' for purposes of determining which functions are ''appropriate'' under Section 204.

56. We disagree with commenters who suggest that manufacturers should have the discretion to determine which functions are ''appropriate.'' We believe that leaving this determination to the discretion of manufacturers will lead to inconsistencies in compliance across devices and uncertainty for consumers with regard to which video programming functions are required to be accessible on covered apparatus. The discretionary framework suggested by these commenters could lead to a chaotic retail experience for consumers who could not be certain which functions would be accessible on particular devices. We also believe that allowing manufacturers to dictate which functions are ''appropriate'' is potentially harmful to consumers to the extent manufacturers can unilaterally decide not to make certain functions accessible to individuals with visual disabilities, even if such functions are related to video programming. Given these concerns, we believe the suggested approach would be at odds with the intent of the CVAA to make the functionality of the apparatus ''accessible to and usable by individuals who are blind or visually impaired.'' We find that instead of permitting manufacturers to decide which functions on a covered device are the ''appropriate'' functions subject to accessibility requirements, we will provide clarity to the industry and consumers by specifying which user functions we consider to be ''appropriate'' (*i.e.,* used for the reception, play back, or display of video programming).

57. We find that, at this time, the 11 essential functions identified in the *VPAAC Second Report: User Interfaces* are the ''appropriate'' built-in apparatus functions used for the reception, play back, or display of video programming that must be made accessible to individuals who are blind or visually impaired pursuant to Section 204 if these functions are included in the device. Thus, we decline to adopt our tentative conclusion that the VPAAC functions are representative, but not an exhaustive list, of the categories of user functions on an apparatus that must be made accessible.[63] We note that AFB and CEA agree with limiting the ''appropriate'' functions to the VPACC 11 essential functions. In its report, the VPAAC observed that ''the CVAA does not define the set of intended functions that must be made accessible and usable by individuals with disabilities,'' and, thus, as its first task, the VPAAC ''define[d] the set of functions considered essential to the video consumption experience,'' as ''applicable to devices covered under CVAA Section 204 and CVAA Section 205.'' We recognize that the VPAAC was not specifically instructed to determine the ''appropriate'' user functions referred to in Section 204 of the CVAA, nor are we bound by the VPAAC's recommendations. We attach great weight, however, to their findings on this subject, which were based on deliberations among industry and consumer representatives. The VPAAC defined these ''essential functions'' as the ''*set* of appropriate built-in apparatus functions'' under Section 204. We concur with the VPAAC and find that, at this time, the apparatus functions that must be made accessible to individuals who are blind or visually impaired if they are included in the device[64] are the following:[65]

- *Power On/Off:* Function that allows the user to turn the device on or off.
- *Volume Adjust and Mute:* Function that allows the user to adjust the volume and to mute or un-mute the volume.
- *Channel/Program Selection:* Function that allows the user to select channels and programs (*e.g.,* via physical numeric or channel up/channel down buttons or via on-screen guides and menus).[66]
- *Display Channel/Program Information:* Function that allows the

[63] The record reflects opposing views with regard to this tentative conclusion. ACB, NAD/Consumer Groups, Montgomery County, Maryland (''Montgomery County''), Verizon, and the Carl and Ruth Shapiro Family National Center for Accessible Media at WGBH (''NCAM'') agree with the tentative conclusion. These commenters maintain that Congress did not intend for Section 204 to apply to a subset of user functions deemed ''essential'' by an advisory committee, and that the list of essential functions delineated by the VPAAC omits certain video programming-related functions that should be made accessible. On the other hand, numerous industry commenters argue that the 11 VPAAC functions comprise an exhaustive list of apparatus functions that are subject to Section 204 accessibility requirements, and they emphasize that the VPAAC viewed the 11 essential functions as the set of functions that must be made accessible under Section 204.

[64] Consistent with our analysis in Section III.B above, we emphasize that if a third-party video programming application is pre-installed by the manufacturer on a covered apparatus (*i.e.,* if Netflix is pre-installed on a smart television), any of the 11 VPAAC functions that are included in that application must be made accessible.

[65] ACB and the Wireless RERC argue that diagnostic and debugging functions should be subject to accessibility requirements because users who are blind or visually impaired may need to make use of such functions, for example when receiving technical support over the phone. ACB also points out that the technicians who are expected to access and utilize diagnostic and debugging functions may themselves be blind or visually impaired. Although we understand that individuals who are blind or visually impaired may want to directly access diagnostic and debugging functions on occasion, the record does not demonstrate that there is a broad need for consumers to regularly access such functions in order to receive, play back, or display video programming. Therefore, at this time, we find that that the costs of imposing such a requirement outweigh its limited benefit. We also note that the VPAAC did not consider such functions to be essential to the video consumption experience.

[66] We interpret this to include, for example, the ability to select programs that are available on demand or on a digital video recorder (''DVR''), in addition to the ability to select linear programming that is available in real-time. We also interpret this to include the ability to launch applications that are used for the selection and display of video programming.

user to display channel or program information.[67]

• *Configuration—Setup:* Function that allows the user to access and change configuration or setup options (*e.g.,* configuration of video display and audio settings, selection of preferred language for on-screen guides or menus, etc.).[68]

• *Configuration—CC Control:* Function that allows the user to enable or disable the display of closed captioning.

• *Configuration—CC Options:* Function that allows the user to modify the display of closed caption data (*e.g.,* configuration of the font size, font color, background color, opacity, etc.).

• *Configuration—Video Description Control:* Function that allows the user to enable or disable the output of video description (*i.e.,* allows the user to change from the main audio to the secondary audio stream that contains video description, and from the secondary audio stream back to the main audio).

• *Display Configuration Info:* Function that allows the user to display how user preferences are currently configured.

• *Playback Functions:* Function that allows the user to control playback functions (*e.g.,* pause, play, rewind, fast forward, stop, and record).[69]

• *Input Selection:* Function that allows the user to select their preferred input source.

58. We emphasize that at this time we consider the abovementioned functions to be the set of ''appropriate'' functions that are used for receiving, playing back, or displaying video programming based on current technology, but the Commission may revisit this list if and when technology evolves to a point where devices incorporate new user functions related to video programming that were not contemplated by the VPAAC.[70] We understand NAD/Consumer Groups' and other commenters' concern that ''[a]s technology evolves, we can expect more functions to be added to devices and apparatus.'' However, industry commenters argue that taking an expansive view of which apparatus functions are subject to accessibility requirements beyond the VPAAC 11 functions ''would leave apparatus manufacturers guessing what other functions are 'appropriate,' and will stifle innovation.'' While we do not reach the conclusion here that incorporating accessibility features for functions other than the VPAAC 11 functions will stifle innovation, and believe, based on past experience, that the incorporation of access features in some cases can enhance innovation and result in the development of improved products for the general public,[71] we agree that delineating the current set of ''appropriate'' functions with some specificity is necessary to eliminate uncertainty for manufacturers as they embark on designing and developing accessible products. We also believe that such an approach is consistent with our determination that decisions about what functions are made accessible should not be left to the discretion of manufacturers. The approach we implement balances the need to provide certainty to manufacturers when they are designing devices with the need to ensure that those functions currently used to receive, play back, or display video programming are made accessible to individuals who are blind or visually impaired, while also recognizing that the Commission may need to assess whether future, innovative functions on devices used to view video programming are subject to accessibility requirements.[72] We strongly encourage digital apparatus manufacturers, when designing innovative new functions, to concurrently design such features to be accessible to individuals who are blind or visually impaired.

59. We clarify that an apparatus covered by Section 204 is not required to *include* all 11 functions deemed to be ''appropriate,'' understanding that some of these functions may not be provided for any users on certain devices. We agree with commenters that Section 204 ''do[es] not mandate the inclusion of any specific functions'' in the design of a covered apparatus. However, to the extent that an apparatus is designed to include an ''appropriate'' built-in apparatus function, such function must be made accessible in accordance with our rules.

60. As contemplated by the Act, we do not adopt any technical standards or other technical requirements for how covered apparatus should make the appropriate built-in apparatus functions ''accessible to and usable by individuals who are blind or visually impaired.'' We believe that Congress's intent is clear, and the Commission is prohibited by Section 303(aa)(1) from specifying the technical means by which covered entities must meet their accessibility obligations.[73]

61. While we do not adopt rules specifying the technical requirements for compliance with the accessibility mandate in Section 204, we will apply the definition of ''accessible'' in § 6.3(a) of the Commission's rules to explain generally what ''accessible'' means for those functions that are not specifically required to be audibly accessible. To the extent the appropriate built-in apparatus functions are accessed through on-screen text menus or other visual indicators built in to the apparatus, the statute specifies that they must be made audibly accessible, and we find herein that this requirement is self-implementing. However, if the appropriate built-in apparatus functions are *not* accessed through on-screen text menus or other visual indicators built in to the apparatus, they must be made accessible generally to individuals who are blind or visually impaired, but need not be made audibly accessible. In the *NPRM,* we asked whether we should apply relevant parts of the definition contained in § 6.3(a) of the Commission's rules,[74] 47 CFR 6.3(a), which implements Sections 255 and 716 of the Act,[75] to define what ''accessible''

[67] We interpret this to include, for example, the ability to display channel and program information for programs that are available on demand or on a DVR, in addition to the ability to display channel and program information for linear programming that is available in real-time.

[68] We interpret this to include, for example, the ability to change setup options for V-chip and parental controls.

[69] We interpret this to include, for example, the ability to control playback functions for programs that are available on demand or on a DVR, in addition to the ability to control playback functions for linear programming that is available in real-time.

[70] Any such modifications to this list will be made by the full Commission.

[71] As we have previously noted, in many instances, innovative accessibility features are used by people without disabilities. Closed captioning, an innovation originally designed to provide access to television programming for people who are deaf and hard of hearing, is now widely used by the general public in noisy locations, such as restaurants, bars, and exercise facilities, as well as locations where a quiet environment is preferred, such as legislative offices.

[72] A number of industry commenters advocate for the adoption of a safe harbor for the VPAAC 11 functions. We believe the approach we adopt is preferable because it provides more certainty to manufacturers and consumers, while allowing the Commission to reevaluate whether the set of functions that must be made accessible on covered apparatus should be updated to include new functions to the extent technology evolves in the future.

[73] Section 303(aa)(1) of the Act states that ''the Commission may not specify the technical standards, protocols, procedures, and other technical requirements for meeting'' the accessibility and usability requirements of this section. 47 U.S.C. 303(aa)(1).

[74] The relevant parts of the definition include those provisions that relate to accessibility for individuals who are blind or visually impaired.

[75] Section 6.3(a) of the Commission's rules implements Section 255 of the Act (requiring telecommunications providers and equipment manufacturers to make their products ''accessible to and usable by'' persons with disabilities), and § 14.21(b) of the Commission's rules, which is analogous to § 6.3(a), implements Section 716 of the

Continued

means for those appropriate built-in apparatus functions that must be accessible, but are not specifically required to be audibly accessible (*e.g.,* power on/off).[76] ACB and Montgomery County support applying the definition of ''accessible'' in § 6.3(a) to the requirements we adopt pursuant to Sections 204 and 205 of the CVAA. Although NCTA and DIRECTV oppose using the § 6.3(a) definition of ''accessible'' in the context of Section 205 because the on-screen text menus and guides covered by Section 205 are specifically required by statute to be made audibly accessible, we do not propose to apply the definition in this context. To provide some clarity to industry in determining what it means to make a function generally accessible to individuals who are blind or visually impaired, we apply the following parts of § 6.3(a) of the Commission's rules to explain that ''accessible'' means:

(1) Input, control, and mechanical functions shall be locatable, identifiable, and operable in accordance with each of the following, assessed independently:

(i) Operable without vision. Provide at least one mode that does not require user vision.

(ii) Operable with low vision and limited or no hearing. Provide at least one mode that permits operation by users with visual acuity between 20/70 and 20/200, without relying on audio output.

(iii) Operable with little or no color perception. Provide at least one mode that does not require user color perception.

62. *Accessibility of On-Screen Text Menus or Other Visual Indicators Used to Access Appropriate Built-In Apparatus Functions.* We codify the statutory language in Section 204 that requires ''that if on-screen text menus or other visual indicators built in to the digital apparatus are used to access the [appropriate built-in] functions of the apparatus . . ., such functions shall be accompanied by audio output that is either integrated or peripheral to the apparatus, so that such menus or indicators are accessible to and usable by individuals who are blind or visually impaired in real-time.'' In the *NPRM,* we tentatively concluded that the requirement that on-screen text menus or other visual indicators ''be accompanied by audio output'' is self-implementing. No commenter addresses this tentative conclusion, but Verizon and CTIA argue generally that the obligations imposed by Section 204 should be self-implementing. We adopt our tentative conclusion and find that this requirement is self-implementing, and therefore simply codify this requirement in our rules. Panasonic emphasizes that Section 204 applies only to those on-screen text menus or visual indicators that are used to access the appropriate built-in apparatus functions, and not to all on-screen text menus or visual indicators on a device, and that Section 204 permits the audio output functionality to be either integrated or peripheral to the device. We agree.

2. Section 205 Requirements for Navigation Devices

63. We codify in our rules the language in Section 303(bb)(1) of the Act, which requires ''that the on-screen text menus and guides provided by navigation devices . . . for the display or selection of multichannel video programming are audibly accessible in real-time upon request by individuals who are blind or visually impaired.'' 47 U.S.C. 303(bb)(1). In the discussion that follows, we set forth the compliance requirements for MVPDs and manufacturers with regard to accessibility of on-screen text menus and program guides on navigation devices. Specifically, we conclude that nine of the 11 VPAAC functions must be made audibly accessible on navigation devices because they are accessed through on-screen text menus and guides and used for the display or selection of multichannel video programming. We further conclude that the remaining two VPAAC functions must be made accessible to people who are blind or visually impaired because they are controls necessary to access covered functions, but that these need not be made *audibly* accessible. In addition, as we did with regard to Section 204, we find that the audible accessibility requirement is self-implementing, and therefore simply codify this requirement in our rules.

64. In the *NPRM,* we tentatively concluded that all user functions that are offered via on-screen text menus and guides should be accessible on navigation devices covered by Section 205. We also sought comment on whether there should be any substantive difference between the functions of apparatus that must be accessible under Section 204 as opposed to the functions of navigation devices that must be accessible under Section 205. With the exception of ACB and AT&T,[77] commenters argue that Congress adopted distinct requirements for apparatus subject to Section 204 and navigation devices subject to Section 205. According to these commenters, navigation devices subject to Section 205 are governed by a more narrow provision that focuses on access to ''on-screen text menus and guides . . . for the display or selection of multichannel video programming,'' whereas Section 204 applies more broadly to the ''appropriate built-in functions'' of an apparatus. As discussed below, we take these differences into account in our analysis. Further, commenters point out that a navigation device may include functions unrelated to video programming. Thus, based on the record, we no longer believe it is accurate to conclude that all of a navigation device's user functions that are activated via text menus and guides are used for the display or selection of multichannel video programming. Instead, we agree with DIRECTV that we ''must determine which functions or categories of functions on a navigation device properly relate to the display or selection of multichannel video programming.''

65. Thus, we decline to adopt our tentative conclusion that *all* user functions that are offered via on-screen text menus and guides should be accessible on navigation devices, and instead find that Section 205 requires audible accessibility for those navigation device functions that are offered via on-screen text menus and guides and used *for the display or selection of multichannel video programming,* and more general accessibility for controls necessary to access those covered functions. For the same reasons we expressed in the Section 204 context, we disagree with DISH Network L.L.C. and EchoStar Technologies L.L.C. (''DISH/EchoStar'') that the Commission should ''allow manufacturers to determine which functions of particular devices best

Act (requiring providers of advanced communications services and manufacturers of equipment used for such services to make their products ''accessible to and usable by'' persons with disabilities). 47 CFR 6.3(a), 14.21(b).

[76] We also inquired whether we should specify how a device accepts input from and provides feedback to users with respect to such functions. The VPAAC explained that user input refers to ''the need for users to be able to locate, identify, and interact with the control mechanism for each essential function of the device . . . in order to express their intent, for control of playback operations, setting preferences, making selections of content of interest, and the like,'' and that user feedback should ''not depend on the impaired ability.'' Verizon, the only commenter who addresses this issue, opposes any specific requirements with regard to user input and feedback. Given the concerns raised by Verizon about the potential to hinder innovation by mandating the mechanisms for user input and feedback, we decline at this time to adopt rules specifying user input and feedback requirements.

[77] As discussed above, we disagree with ACB's contention that Section 205 devices are a subset of Section 204 devices.

satisfy the requirements of [Section 205 of] the CVAA.'' If a function is provided via an on-screen text menu or guide and it is used for the display or selection of multichannel video programming, Section 205 mandates that it must be made audibly accessible. Our rules implementing Section 205 will reflect this mandate. Also, consistent with our implementation of Section 204, we are not requiring covered entities to add any particular functionality offered via an on-screen text menu or guide for the display or selection of video programming that it had not otherwise included on a navigation device. Rather, we require only that the functionality that is already included in the device be made accessible.

66. Given the divergent views in the record, we believe it is necessary to specify which functions we consider to be used ''for the display or selection of multichannel video programming.'' In the *NPRM,* we asked whether making the VPAAC 11 essential functions accessible on navigation devices would achieve Section 205's requirement that on-screen text menus and guides for the display or selection of multichannel video programming be made audibly accessible, and we tentatively concluded that the VPAAC 11 functions are representative, but not an exhaustive list, of the categories of functions that a navigation device must make accessible. Certain MVPD commenters argue that, while the VPAAC list may be useful in providing some examples of functions that should be made accessible under Section 205, it includes functions that are beyond the scope of the accessibility mandate in Section 205.

67. Rather than adopt our tentative conclusion that the entire VPAAC list is representative of what functionality is required to be accessible pursuant to Section 205, we now identify nine of the 11 functions on the VPAAC list of essential functions,[78] as defined in paragraph 57 above, as those that are used for the display or selection of multichannel video programming and therefore, are required to be made audibly accessible on navigation devices under Section 205 if they are offered via an on-screen text menu or guide: Channel/Program Selection; Display Channel/Program Information; Configuration—Setup; Configuration—CC Control; Configuration—CC Options; Configuration—Video Description Control; Display Configuration Info; Playback Functions; and Input Selection.[79] We believe that all of these functions are used for the *display* of multichannel video programming. To be more specific, the functions ''Configuration—Setup'' and ''Display Configuration Info'' are used to view and change the settings for the display of multichannel video programming; the functions ''Channel/Program Selection'' and ''Display Channel/Program Information'' are used to select and display specific channels and programs of multichannel video programming; the functions ''Configuration—CC Control'' and ''Configuration—CC Options'' are used to control and configure the captions that are part of the display of multichannel video programming;[80] the function ''Configuration—Video Description Control'' is used to control the audibly-described portions of the display of multichannel video programming; ''Playback Functions'' is used to play, pause, fast forward, and rewind multichannel video programming that is displayed; and ''Input Selection'' is used to select the input that permits the display of multichannel video programming. In addition, two of these functions—''Channel/Program Selection'' and ''Display Channel/Program Information''—also are used for the *selection* of multichannel video programming.

68. We find unpersuasive the arguments of MVPD commenters for excluding certain of these nine functions from the audible accessibility requirements of Section 205. NCTA and DISH/EchoStar agree that most of the nine functions are accessed by means of on-screen text menus or guides for the display or selection of multichannel video programming covered by Section 205. NCTA argues that one category, ''Input Selection,'' is not covered by Section 205 because it ''is generally performed by the television set or audio/video receiver'' and ''is not part of an MVPD's program guide or menu.''[81] We note that navigation devices covered by Section 205 include not only MVPD-provided set-top boxes but also CableCARD televisions and other navigation devices sold at retail and, therefore, it is appropriate to require that the ''Input Selection'' function, when offered via an on-screen text menu or guide on any navigation device, be made accessible under Section 205.[82] DISH/EchoStar argues that two categories, ''Configuration—Setup'' and ''Display Configuration Info,'' are not covered by Section 205 because they are ''broad, umbrella categories of functions'' that ''may not relate to the display or selection of multichannel video programming.'' However, a configuration menu that is used to view or adjust the display settings for multichannel video programming on a navigation device is covered by Section 205, regardless of whether it can *also* be used to view or adjust the display settings for features other than multichannel video programming. DIRECTV contends that only four of the VPAAC 11 functions are required to be accessible under Section 205. We believe that DIRECTV's proposal is an inappropriately narrow interpretation of the phrase ''display or selection of video programming'' because it excludes five functions that we consider to be used for the display of video programming as explained in paragraph 67 above.[83]

69. In the *NPRM,* we tentatively concluded that the statutory requirement that on-screen text menus or guides be audibly accessible is self-implementing. No commenter disagrees. Further, Section 303(bb)(1) of the Act indicates that ''the Commission may not

[78] We do not include the VPAAC categories of ''Power On/Off'' and ''Volume Adjust and Mute'' with the understanding that such functions are not typically accessed via on-screen text menus or guides, but instead, are functions that are accessed via a physical button on the remote control or device. However, we require these functions to be generally accessible because they are controls necessary to access covered functions.

[79] Although we find that these functions are used for the display of multichannel video programming and subject to Section 205 audible accessibility requirements when they are accessed via an on-screen text menu or guide, we note that to the extent such functions are provided by means of a mechanism other than an on-screen text menu or guide (*e.g.,* if playback functions are accessed via dedicated play, pause, rewind, and fast forward buttons on a remote; if closed captioning or video description is activated through a dedicated button on a remote, etc.), they are not subject to Section 205 audible accessibility requirements. However, we strongly encourage navigation device manufacturers to design such features to be accessible to individuals who are blind or visually impaired.

[80] We reject the presumption that a person who is blind or visually impaired does not need to access closed captioning features and that, therefore, closed captioning features should not be subject to Section 205 audible accessibility requirements. For example, a person who is both visually impaired and deaf or hard of hearing may use the closed captioning control and settings when viewing video programming.

[81] We note that NCTA does not argue that the input selection function is not provided through on-screen text menus or guides, but rather that it is not provided at all on MVPD-provided navigation devices. As we note above, if a particular function is not included on a navigation device, then there is no obligation to add that functionality; rather, we require only that the functionality that is already included in the device be made accessible.

[82] However, when a navigation device accesses the input selection for that device or another device through a button on an included remote control, there is no obligation to make such a button accessible.

[83] Specifically, DIRECTV excludes ''Configuration—Setup,'' ''Configuration—CC Control,'' ''Configuration—CC Options,'' ''Configuration—Video Description Control,'' and ''Display Configuration Info.''

specify the technical standards, protocols, procedures, and other technical requirements for meeting this requirement.'' Given this statutory limitation, we do not adopt any technical standards or other requirements for how navigation devices should make covered on-screen text menus and guides ''audibly accessible in real-time'' to individuals who are blind or visually impaired, and instead find that this requirement is self-implementing and codify it in our rules.

70. DIRECTV, NCTA, and AT&T argue that the Commission should clarify that the audible accessibility requirement for text menus and guides does not require exactly replicating in audible form the complete on-screen text. We conclude that the audible accessibility requirement requires consumers to receive the essential information from the on-screen text menus and guides that they seek, but we do not require that the audible version of an on-screen text menu or guide be an exact replication of the text. We recognize that covered entities need flexibility in implementing the audible accessibility requirement so that they can best respond to the needs of consumers who are blind or visually impaired. For example, a consumer may not want the entire programming guide made audible but rather may just want to know what programming is on a particular channel. Similarly, there may be a need to provide relevant information that may not appear as on-screen text (for example, a contextual description such as ''displaying rows 10 through 20 of 100 channels,'' or ''displaying menu 1 of 5 menus''). We emphasize, however, that all of the essential information from the on-screen text menu or guide must be made audibly accessible as requested or selected by the consumer.[84]

71. *Accessibility of Controls Needed to Access Covered Functions.* We also conclude that covered entities must make certain functions accessible to individuals who are blind or visually impaired because they are necessary for individuals who are blind and visually impaired to access the audibly accessible on-screen text menus and guides for the display or selection of multichannel video programming. Specifically, we conclude that ''Power On/Off'' and ''Volume Adjust and Mute,'' as defined in paragraph 57 above, must be made accessible because they are necessary to make other covered functions of the device accessible. If a consumer who is blind or visually impaired cannot turn on a navigation device, then the device and all of its functionality are rendered inaccessible. And, if a consumer who is blind or visually impaired cannot adjust the volume to hear audible output, then those functions that are required to be audibly accessible under Section 205 are rendered inaccessible.[85]

72. We find our authority to require that these two functions be made accessible in Section 205(b)(1), Public Law 111–260, 205(b)(1), which provides the Commission with authority to ''prescribe such regulations as are necessary to implement'' the requirements in Section 303(bb) of the Act. We find that requiring the power on/off and volume adjust/mute functions to be accessible is *necessary* to ensure that on-screen text menus and guides for the display or selection of multichannel video programming are audibly accessible by individuals who are blind or visually impaired, as required by Section 303(bb)(1) of the Act. Congress's directive to require audibly accessible guides and menus for multichannel video programming on navigation devices would be meaningless if individuals who are blind or visually impaired are not even able to turn on the device or to adjust the volume. However, we do not require that the power on/off and volume controls be *audibly* accessible, so long as covered entities make these functions accessible to individuals who are blind or visually impaired, in accordance with the definition of ''accessible'' in § 6.3(a) of the Commission's rules.

73. *Program Information for PEG Channels.* We do not require MVPDs to include particular program information in their program guides at this time, but we inquire in the *FNPRM* about Commission authority to impose such a requirement. Aside from the comments of public, educational, and governmental (''PEG'') programmers, there is little discussion in the record about imposing such requirements. In particular, there is limited discussion in the record about the costs to MVPDs if we adopt this requirement and whether it would be technically feasible to require all MVPDs to include program titles and other information in their program guides.[86] Montgomery County, the Alliance for Communications Democracy, the Alliance for Community Media, and the National Association of Counties *et al.,* along with numerous providers of PEG programming from across the country (collectively, ''PEG commenters'') advocate for the Commission ''to adopt rules that would require video programming guides and menus which display channel and program information [to] include, for all channels, high level channel and program descriptions and titles, as well as a symbol identifying the programs with accessibility options (captioning and video description).''[87] PEG commenters argue that the level of information that is currently provided for PEG channels on MVPD program guides is inadequate to satisfy the accessibility goals of the CVAA because viewers who are blind or visually impaired are unable to determine from the guide what the PEG program options are and whether such programs are accessible and, thus, are unable to make meaningful video program choices.[88]

74. We believe there is not sufficient information in the record to require MVPDs to include particular information in program guides. Section 205 of the CVAA requires that on-screen text menus and guides provided by navigation devices for the display or selection of multichannel video programming be made audibly accessible, but it does not govern the underlying content in the menus and guides. In other words, this section requires that *if* there is text in a menu or program guide on the screen, then *that text* must be audibly accessible, but it does not impose requirements with regard to what substantive information must appear in the on-screen text. To the extent a program guide lacks adequate information about the title and description of a program, this inadequacy affects the ability of all

[84] We expect that covered entities will consult with individuals who are blind or visually impaired in their efforts to ensure that on-screen text menus and guides are made accessible in a manner that effectively meets the accessibility needs of those individuals.

[85] The ability to control volume for audible output is particularly important for individuals who are blind or visually impaired and also deaf or hard of hearing.

[86] The only two industry commenters that respond to the PEG issue, NCTA and AT&T, argue that the proposed requirement is beyond the scope of the CVAA.

[87] In addition, a subset of PEG commenters contend that consumers who are blind or visually impaired face unique challenges in accessing PEG channels on AT&T's U-Verse system, and they ask the Commission to require that AT&T provide its U-Verse subscribers with access to PEG programming that is equivalent to the access provided to linear commercial programming channels on its system. We note that there is a separate Commission proceeding with a record that specifically addresses these issues, and the instant proceeding may not be the appropriate place to resolve these issues. We also note that, pursuant to the rules we adopt herein, AT&T will be required to ensure that the on-screen text guides for selecting PEG programs on U-Verse are audibly accessible.

[88] For this reason, PEG commenters argue that the Commission has direct authority under Section 205 of the CVAA to require MVPDs to provide more specific content in video programming guides and menus, as well as ancillary authority to do so.

subscribers to make meaningful program choices, not just the ability of those who are blind or visually impaired to do so. Although we find the record insufficient to decide this issue at this time, we seek comment in the *FNPRM* that accompanies the R&O on possible sources of authority for requiring MVPDs to include specific information for PEG programming in video programming guides and menus, as well as on the technical issues and costs for MVPDs to comply with such requirements. We recognize the important role of PEG providers in informing the public, including those who are blind or visually impaired, on local community issues, and we encourage MVPDs to provide more detailed information in their program guides for PEG programs where such information is provided by PEG providers and where it is technically feasible.

3. Performance Objectives

75. At this time, we decline to adopt performance objectives to evaluate accessibility or compliance with the rules we adopt pursuant to Sections 204 and 205. As noted above, Section 303(aa)(1) of the Act prohibits the Commission from ''specify[ing] the technical standards, protocols, procedures, and other technical requirements for meeting'' the accessibility requirements of this section. Section 303(bb)(1) of the Act includes a similar restriction. In the *NPRM,* we inquired whether we can adopt specific metrics to evaluate accessibility and compliance with Sections 204 and 205, given this limitation. We also asked whether there are performance objectives or functional criteria that covered entities can look to voluntarily as an aid in meeting their Section 204 and 205 accessibility obligations. CTIA cautions that ''[w]hile guidance from the Commission on what it means to be 'accessible' may be appropriate and helpful, the rules should not contain any particular standards, objectives, or other metrics,'' because ''[s]uch 'voluntary' standards or performance objectives will inevitably become the standards against which covered entities' accessibility approaches are judged, and so will serve as *de facto* requirements in contravention of Congress' intent.'' Because we are providing guidance on what it means to be ''accessible'' by applying the definition in § 6.3(a) of the Commission's rules and because we do not wish to impede innovation in the design of accessible apparatus by prematurely adopting performance objectives, we decline to adopt any voluntary performance objectives, functional criteria, or any other specific metrics for accessibility at this time, but we can reconsider whether there is a need for voluntary guidelines on accessibility after the requirements go into effect. In the meantime, we encourage covered entities to engage in the type of voluntary effort envisioned by NCAM, which would involve coordination between industry and consumer groups on considering ''a set of common and translatable approaches'' to accessibility as a means to reduce confusion for consumers and to promote commonality across devices. We also note that the *VPAAC Second Report: User Interfaces* describes accessibility criteria agreed upon by industry and consumer groups, which may be a helpful reference for covered entities as they undertake voluntary efforts to develop approaches to accessibility.

4. Achievability

76. We adopt rules for ''achievability'' that are consistent with our implementation of standards for achievability in other CVAA contexts. Section 303(aa)(1) of the Act indicates that apparatus covered by Section 204 are required to make appropriate built-in apparatus functions accessible to and usable by individuals who are blind or visually impaired only ''if achievable (as defined in section 716).'' Similarly, Section 303(bb)(1) requires on-screen text menus and guides for the display or selection of multichannel video programming on navigation devices covered by Section 205 to be audibly accessible by individuals who are blind or visually impaired only ''if achievable (as defined in section 716).'' Section 716 of the Act defines ''achievable'' as ''with reasonable effort or expense, as determined by the Commission,'' and it directs the Commission to consider the following factors in determining whether the requirements of a provision are achievable: ''(1) The nature and cost of the steps needed to meet the requirements of this section with respect to the specific equipment or service in question. (2) The technical and economic impact on the operation of the manufacturer or provider and on the operation of the specific equipment or service in question, including on the development and deployment of new communications technologies. (3) The type of operations of the manufacturer or provider. (4) The extent to which the service provider or manufacturer in question offers accessible services or equipment containing varying degrees of functionality and features, and offered at differing price points.'' 47 U.S.C. 617(g).

77. As proposed in the *NPRM,* we adopt a flexible approach to achievability, consistent with the approach adopted in the *Emergency Information/Video Description Order,* the *IP Closed Captioning Order,* and the *ACS Order.* When faced with a complaint or enforcement action for a violation of the requirements adopted herein pursuant to either Section 204 or Section 205 of the CVAA, a covered entity may raise as a defense that a particular apparatus or navigation device does not comply with the rules because compliance was not achievable under the statutory factors. Alternatively, a covered entity may seek a determination from the Commission that compliance with all of our rules is not achievable *before* manufacturing or importing the apparatus or navigation device. Covered entities that do not make a particular apparatus or navigation device accessible, and subsequently claim as a defense that it is not achievable for them to do so, bear the burden of proof on this defense. Consistent with our implementation of achievability in prior CVAA contexts, we find that it is appropriate to weigh each of the four statutory factors equally, and that achievability should be evaluated on a case-by-case basis. Commenters agree with this approach. In evaluating evidence offered to prove that compliance is not achievable, we will be informed by the analysis in the *ACS Order,* in which the Commission provided a detailed explanation of each of the four statutory factors.[89] We

[89] Panasonic urges the Commission to ''recognize that products are positioned at differing features and price points which may influence the achievability of accessibility features.'' We note that, pursuant to the fourth statutory factor, the Commission must consider ''the extent to which the service provider or manufacturer in question offers accessible services or equipment containing varying degrees of functionality and features, and offered at differing price points'' and weigh this consideration equally with the other three factors. 47 U.S.C. 617(g). In interpreting this factor, the Commission has found that ''[a] covered entit[y] generally need not consider what is achievable with respect to every product, if the entity offers consumers with the full range of disabilities meaningful choices through a range of accessible products with varying degrees of functionality and features, at differing price points.'' Montgomery County asserts that all classes of devices should have accessibility features and that ''[t]here is no basis for requiring only a subset of available devices [to] have the accessibility features.'' To the extent Montgomery County is arguing that all models of navigation devices must be made accessible, we believe that requiring a covered entity to make all models of navigation devices accessible would be at odds with Congress's intent in adopting the fourth factor of the achievability test, provided that the covered entity offers a full range of functionality within a line of

Continued

remind parties that the achievability limitation is applicable to Sections 303(aa)(1) and 303(bb)(1) of the Act.

B. Activating Accessibility Features Through a Mechanism Reasonably Comparable to a Button, Key, or Icon

1. Reasonably Comparable Requirement

78. We codify in our rules the language in Sections 303(aa)(3) and 303(bb)(2) of the Act, which provides that certain accessibility features must be accessible through a mechanism reasonably comparable to a button, key, or icon. Specifically, Section 303(aa)(3) requires digital apparatus covered by Section 204 of the CVAA to provide ''built in access to [ ] closed captioning and video description features *through a mechanism that is reasonably comparable to a button, key, or icon* designated for activating the closed captioning or accessibility features.'' 47 U.S.C. 303(aa)(3). Similarly, Section 303(bb)(2) requires ''navigation devices with built-in closed captioning capability'' covered by Section 205 of the CVAA to provide ''access to that capability *through a mechanism [that] is reasonably comparable to a button, key, or icon* designated for activating the closed captioning, or accessibility features.'' *Id.* 303(bb)(2). In the discussion that follows, we provide guidance to covered entities with regard to which activation mechanisms are ''reasonably comparable to a button, key, or icon.'' In determining whether an activation mechanism is reasonably comparable to a button, key, or icon, we will consider the simplicity and ease of use of the mechanism.

79. Based on the record, we decline to adopt our proposal to require that closed captioning or video description features be activated in a single step. In the *NPRM,* we explained that such a requirement would allow users to activate the closed captioning or video description immediately in a single step just as a button, key, or icon can be pressed or clicked in a single step. Commenters generally oppose a single step requirement. NAD/Consumer Groups believe that the single step proposal is too vague because it does not specify from where the single step is permitted. Other commenters argue that a single step requirement would hinder innovation, observing that there are other useful activation mechanisms (*e.g.,* voice or gesture control) that may be reasonably comparable to a button, key, or icon and relatively simple for consumers to use, but would not satisfy a single step mandate.[90] Commenters also emphasize that Section 204 permits ''alternate means of compliance,'' while Section 205 gives entities that provide navigation devices subject to that section ''maximum flexibility in the selection of means for compliance with [S]ection 303(bb)(2) of the [Act],'' and that requiring a single step contravenes the flexibility that Congress intended for covered entities. Given the concerns raised in the record about its potential to inhibit simplified and innovative solutions, we decline to adopt a single step requirement. We are mindful of the need to ensure that covered entities can continue to develop innovative compliance solutions, without being precluded from using a particular technology to achieve an activation mechanism that is ''reasonably comparable to a button, key, or icon.''

80. Although we codify the statutory language that requires a mechanism reasonably comparable to a button, key, or icon to activate certain accessibility features and reject a single step requirement, we believe it is useful to provide guidance to covered entities as to what ''reasonably comparable to a button, key, or icon'' means.[91] In determining whether an activation mechanism is reasonably comparable to a button, key, or icon, the Commission will consider the simplicity and ease of use of the mechanism. We believe this approach is consistent with Congress's intent ''to ensure ready access to these features by persons with disabilities,'' while still giving covered entities the flexibility contemplated by the statute. To provide some clarity to covered entities, we provide some examples of mechanisms that we consider to be and consider not to be reasonably comparable to a button, key, or icon. For example, we believe that compliant mechanisms include, but are not limited to, the following: a dedicated button,[92] key, or icon; voice commands; gestures; and a single step activation from the same location as the volume controls. In contrast, for example, we find that having to turn off the device in order to access the closed captioning activation mechanism through another menu is not a mechanism that is reasonably comparable to a button, key, or icon.

81. Consistent with the statute's ''reasonably comparable'' and ''maximum flexibility'' provisions, we do not require covered entities to use a specific mechanism to satisfy the requirements of Sections 303(aa)(3) and 303(bb)(2) of the Act. For example, if Congress had intended for the only permissible activation mechanism to be a button, or a key, or an icon, as some advocate,[93] we expect that Congress would have expressly stated this. Instead, Congress required a mechanism ''*reasonably comparable to* a button, key, or icon'' [94] and, with respect to Section 205, gave providers and manufacturers of navigation devices ''maximum flexibility in the selection of means for compliance.'' For the same reason, we disagree with NAD/Consumer Groups that we should ''require the closed captioning control to be activated in a single action from all of the same locations from which the

products as well as a full range of prices within the product line, if achievable.

[90] CEA also explains that imposing a single step requirement would pose a unique hardship for touchscreen devices, which typically have a small number of buttons.

[91] We note that the VPAAC did not reach consensus on what the phrase ''reasonably comparable to a button, key, or icon'' means, and the discussion of this issue in the *VPAAC Second Report: User Interfaces* reflects the disparate views of industry and consumer groups as to the meaning of this phrase that are evident in the record of this proceeding.

[92] In the *NPRM,* we asked how the ''reasonably comparable'' requirement should apply with respect to programmable universal remotes that can be programmed with different features. NAD/Consumer Groups argue that use of programmable buttons that can be programmed for activation of closed captioning is ''completely at odds with the plain language of Sections 204 and 205 of the CVAA, which do not permit an apparatus to be delivered to the user without a *fully realized* mechanism comparable to a button, key, or icon able to activate or deactiv[ate] closed captions.'' While we recognize that the process of programming buttons on a remote control may not be simple and straightforward, particularly for an individual with disabilities, we believe that once a button is programmed for closed captioning or video description activation, it offers a mechanism that has the equivalent simplicity and ease of use as a dedicated physical button. Thus, we find that a button on a remote control that can be programmed as a dedicated activation mechanism for closed captioning or video description satisfies the ''reasonably comparable to a button, key, or icon'' requirement if the covered entities who choose to rely on this mechanism to satisfy their statutory obligation either ensure that the remote can be programmed in a simple, straightforward manner by an individual with disabilities, or provide customer support at the consumer's home to assist with programming the remote.

[93] Although Sections 204 and 205 do not require dedicated physical buttons, keys, or icons, these are examples of mechanisms that would satisfy Sections 204 and 205.

[94] CEA, DISH/EchoStar, DIRECTV, and Rovi suggest that ''[w]hen dedicated physical buttons are used to control volume and/or channel selection, the controls for access to closed captions . . . must also be reasonably comparable to physical buttons, comparable in accessibility to those provided for control of volume or channel selection.'' We do not think that requiring a mechanism to be ''reasonably comparable to physical buttons'' if physical buttons are used for volume and channel selection differs in a meaningful way from the general requirement that activation mechanisms must be ''reasonably comparable to a button, key, or icon;'' in both instances, a physical button is not required. And, if an activation mechanism for closed captioning or video description is ''comparable in accessibility'' to the volume and channel selection controls, that may be an indication that it is simple and easy to use, but is not necessarily determinative.

volume can be adjusted in a single action, or if the apparatus lacks a volume control, from all of the same locations where the apparatus's other primary controls, such as play/pause or fast-forward and rewind buttons, are located.'' [95] The statute does not require that the mechanism be activated from the same location as the volume controls or other primary controls, and, with respect to Section 205, such a requirement would be inconsistent with the ''maximum flexibility'' granted to covered entities in determining the means of compliance.[96]

82. We also reject the notion put forth by CEA that ''reasonably comparably to a button, key, or icon'' means that a person with disabilities can access the covered accessibility features in the same or a similar number of steps as a person without disabilities. Such an interpretation would lead to results that are wholly inconsistent with the intent of the statute to ensure that persons with disabilities have not only access but ''ready'' access to the features that make video programming accessible to them. For example, under this approach, a mechanism that requires a person with disabilities to take ten steps to activate closed captioning would be permissible, as long as it also takes a person without disabilities ten steps to activate closed captioning. Such an approach is clearly inconsistent with Congress's intent in enacting Sections 204 and 205. For similar reasons, we find unpersuasive DISH/EchoStar's assertion that ''the Commission should interpret 'reasonably comparable' to mean the same number of steps required to access other core features of a device (*e.g.,* for set-top boxes, the display and selection of programming).'' By DISH/EchoStar's own admission, ''[t]he core features and number of steps may vary'' even ''among devices designed by a single manufacturer,'' and DISH/EchoStar's explanation of what constitutes a ''core feature'' is vague; thus, such a standard would not ensure that individuals with disabilities have ''ready'' access to closed captioning and video description features, as Congress intended.

2. Accessibility Features Covered by Sections 204 and 205

83. *Section 204 Requirements.* Section 303(aa)(3) of the Act requires covered digital apparatus to provide ''built in access to [ ] *closed captioning and video description features* through a mechanism that is reasonably comparable to a button, key, or icon designated for activating the closed captioning or accessibility features.'' We conclude that the statutory language is clear that closed captioning and video description on apparatus covered by Section 204 must have an activation mechanism that is reasonably comparable to a button, key, or icon. No commenter disagrees.

84. *Section 205 Requirements.* Section 303(bb)(2) of the Act requires ''navigation devices with *built-in closed captioning capability''* to provide ''access to *that capability* through a mechanism [that] is reasonably comparable to a button, key, or icon designated for activating the closed captioning, or accessibility features.'' We conclude that Section 303(bb)(2) clearly applies to activation of closed captioning on navigation devices covered by Section 205. No commenter disagrees. With regard to video description, in the *NPRM,* we noted that Section 205 includes a similar requirement for a mechanism reasonably comparable to a button, key, or icon as in Section 204, but that the provision in Section 205 explicitly references only closed captioning capability; video description is not expressly mentioned. ACB, Montgomery County, and Rovi Corporation (''Rovi'') believe that we should require a mechanism reasonably comparable to a button, key, or icon to activate video description in navigation devices covered by Section 205. In particular, Montgomery County argues that requiring a mechanism reasonably comparable to a button, key, or icon to activate video description is a ''reasonable interpretation[ ], consistent with the goals of the CVAA,'' and Rovi asserts that ''the Commission should reasonably interpret 'or accessibility features' in Section 205 as including video description.'' Other commenters disagree, arguing that the literal language of the statute makes clear that Congress did not intend for Section 205 to apply to any features other than closed captioning. CEA and other commenters further argue that the phrase ''accessibility features'' ''merely describes an activation mechanism—*i.e.,* a mechanism for activating multiple accessibility features—to which the mandated user control mechanism for closed captioning . . . may be reasonably comparable to satisfy the requirements of the statute,'' and that it does not encompass video description. Based on the record, at this time, we do not require Section 205 navigation devices to provide an activation mechanism that is reasonably comparable to a button, key, or icon for video description because we believe we are constrained by Congress's omission of video description in Section 205, but we inquire in the *FNPRM* whether the secondary audio stream for audible emergency information (which is also used for video description) must be activated through a mechanism reasonably comparable to a button, key, or icon pursuant to Section 203 of the CVAA.[97] However, we strongly encourage manufacturers and providers of navigation devices to provide a simple and easy means to access video description for consumers who are blind or visually impaired.

85. *Other Accessibility Features.* At this time, the record does not support requiring accessibility features other than closed captioning (for Section 204 and Section 205 devices) and video description (for Section 204 devices) to be activated by a mechanism reasonably comparable to a button, key, or icon. In the *NPRM,* we sought comment on whether there are additional ''accessibility features'' that Sections 204 and 205 require to be activated via a mechanism similar to a button, key, or icon. For example, we asked whether ''accessibility features'' includes activation of the audible output of on-screen text menus or guides and related settings (*e.g.,* volume, speed, and verbosity), and whether it includes closed captioning settings (*e.g.,* font, color, and size of captions), and whether such settings should be required to be in the first level of a menu. Montgomery County, NAD/Consumer Groups, and Dorothy L. Walt support a broad interpretation of the term ''accessibility features'' to include other accessibility settings. CEA and other industry commenters argue that the phrase ''accessibility features'' ''is *not* an invitation to impose new, and hitherto unspecified, regulatory requirements on additional accessibility features besides closed captioning and video description (in Section 204) and closed captioning (in Section 205).'' Because the record

[95] Although Sections 204 and 205 do not require an activation in a single action from the same location as the volume controls, we believe this is an example of a mechanism that would satisfy Sections 204 and 205.

[96] We note NCAM's caution that ''quite often hearing and sighted users are just as frustrated by poor user interface design, so reliance on an 'equivalence' requirement could result in captioning and video description controls that are just as frustrating, just equally so with every other user.''

[97] Section 203 of the CVAA requires that apparatus designed to receive or play back video programming transmitted simultaneously with sound ''have the capability to . . . make available emergency information (as that term is defined in section 79.2 of the Commission's regulations [ ]) in a manner that is accessible to individuals who are blind or visually impaired.'' 47 U.S.C. 303(u)(1)(C).

does not fully address how accessibility features that involve the selection of settings on a menu (as opposed to simply activating and deactivating the feature) can be ''activated'' through a mechanism reasonably comparable to a button, key, or icon, we do not adopt requirements for additional accessibility features at this time. However, we inquire in the *FNPRM* whether we should impose such requirements and, if so, how such requirements could be implemented. In addition, we strongly encourage covered entities, when designing their devices, to provide a simple and easy means to access accessibility settings for persons with disabilities.

V. Obligation of Covered Entities To Provide Accessibility Under Section 205

A. Obligation To Provide Accessibility Upon Request Under Section 303(bb)(1)

86. In this section, we discuss the respective obligations of MVPDs and manufacturers of navigation devices pursuant to Section 205(a) of the CVAA, which adds Section 303(bb)(1) to the Act, to provide navigation devices with audibly accessible on-screen text menus and guides ''upon request'' to individuals who are blind or visually impaired.[98] In the *NPRM,* the Commission sought comment on how Section 205 should be implemented if it were to conclude that retail navigation devices come within the scope of that provision. The Commission also inquired how it should implement Section 205 requirements if it were to conclude that Section 205 applied to entities other than MVPDs. As discussed below, we conclude that when the covered entity is an MVPD that leases or sells navigation devices to subscribers, the obligation to provide compliant navigation devices ''upon request'' requires that such MVPD permit blind or visually impaired subscribers to request compliant devices through any means made available generally to other subscribers requesting navigation devices. Similarly, when the covered entity is a manufacturer of navigation devices, we conclude that such manufacturer can comply with its Section 303(bb)(1) obligation to provide compliant navigation devices ''upon request'' by offering such devices through the same means that it generally uses to provide navigation devices to other consumers (*i.e.,* via retail outlets or by providing such devices directly to requesting consumers). We also conclude that, as part of its Section 303(bb)(1) obligation, a manufacturer that relies on retailers to fulfill requests from blind or visually impaired consumers must make a good faith effort to have such retailers make available compliant navigation devices to the same extent they make available navigation devices to other consumers generally. We also conclude that the obligation in Section 303(bb)(1) of the Act to provide compliant navigation devices ''upon request'' requires covered entities to provide such accessibility within a reasonable time and in a manner that is not more burdensome to requesting blind or visually impaired individuals than is required for other consumers generally to obtain navigation devices.[99]

87. *MVPDs.* Section 205 of the CVAA directs the Commission to require, among other things, that on-screen text menus and guides be made accessible in real time ''upon request'' and states that ''[a]n entity shall only be responsible for compliance with the requirements added by this section with respect to navigation devices that it provides to a *requesting* blind or visually impaired individual.'' Section 205 does not define the phrase ''upon request'' or otherwise indicate what Congress envisioned in imposing this obligation.[100] When the covered entity is an MVPD that leases or sells navigation devices to subscribers, we conclude that such MVPD must permit blind or visually impaired subscribers to request compliant devices through any means that it generally makes available to other subscribers requesting navigation devices in order to satisfy its statutory obligation to provide such devices ''upon request.'' For example, if an MVPD generally allows subscribers to order equipment by means of a phone call, email, in-person request or via the MVPD Web site, it must allow blind or visually impaired subscribers to request accessible devices by those means as well. We emphasize, however, that although we agree with parties that covered entities should have discretion to select the means or processes by which consumers can make requests, an MVPD must permit blind or visually impaired subscribers to make requests at least through those means it has established for accepting requests for navigation devices from other consumers. In addition, the means for accepting requests for devices compliant with Section 303(bb)(1) must not be more burdensome to blind or visually impaired subscribers than the means that the MVPD makes available to other consumers. For example, if an MVPD accepts requests for non-compliant navigation devices through a telephone number, the MVPD's customer service representatives must be prepared to handle requests for accessible devices in the same manner. In this regard, we note that an MVPD would not satisfy its obligation to provide Section 303(bb)(1)-compliant navigation devices ''upon request'' by, for example, requiring a blind or visually impaired consumer to make requests for accessible devices in person if it accepted requests for other navigation devices by phone. Likewise, if an MVPD establishes a Web site through which blind or visually impaired subscribers can request accessible devices, such Web site must be screen readable or otherwise allow the subscriber to request the device as seamlessly as could other consumers requesting navigation devices.

88. In the *NPRM,* the Commission interpreted Section 205 to require covered entities ''to provide accessible navigation devices to requesting subscribers 'within a reasonable time.' '' We affirm the Commission's interpretation and conclude that the ''upon request'' obligation contained in Section 303(bb)(1) of the Act requires covered entities to provide compliant navigation devices within a reasonable time. Although Section 303(bb)(1) contains no express requirement that accessibility be provided ''within a reasonable time,'' we believe that requiring covered entities to provide compliant navigation devices in a timely fashion is implicit in the phrase ''upon request,'' and is necessary to implement the requirements of Section 205. Public Law 111–260, 205(b)(1). We also find that requiring the timely provision of accessible devices is consistent with the overriding objectives of the CVAA and advances the public interest because delay in providing such devices would undermine the goal of the CVAA ''to increase the access of persons with disabilities to modern communications.'' Several parties support this interpretation,[101] and no

[98] 47 U.S.C. 303(bb)(1). *See also* Public Law 111–260, 205(b)(3) (''to a requesting blind or visually impaired individual''), 205(b)(4)(A) and (B) (''to the requesting blind or visually impaired individual''). As discussed above, we have determined that the entities principally responsible for compliance with Section 205 are MVPDs that lease or sell navigation devices and manufacturers of navigation devices.

[99] However, under certain limited circumstances, an MVPD may require verification that the consumer is blind or visually impaired.

[100] In the *NPRM,* the Commission sought comment on ''whether a 'request' could take any form (*e.g.,* a phone call, an email, or a request made in-person).''

[101] We decline to require that compliant devices be provided within a specified time period, as advocated by Montgomery County, but will revisit this decision if we find that covered entities are failing to provide such devices in a timely fashion. Because the benchmark for compliance with the

party has asserted that navigation devices compliant with Section 303(bb)(1) should not be provided within a reasonable time.

89. To comply with its obligation to provide Section 303(bb)(1)-compliant devices ''within a reasonable time,'' we conclude that an MVPD must provide such devices to requesting blind or visually impaired consumers within a time period comparable to the time that the MVPD's other subscribers generally receive navigation devices from the MVPD. Absent such a requirement, an MVPD might choose not to order compliant devices in advance of a request, but rather to leave the requesting individual waiting while the MVPD seeks a compliant solution, a result that would be contrary to what Congress intended by requiring that compliant devices be provided ''upon request.'' The Commission may consider a variety of factors in assessing whether an MVPD has provided an accessible navigation device within a time period equivalent to the period in which it typically provides navigation devices to subscribers who are not blind or visually impaired. As DISH/EchoStar notes, for example, factors that the Commission might consider include the amount of time necessary to schedule a truck roll, identify and deploy a specialist, or take any other action that is part of the process for providing any device to any customer.

90. *Manufacturers.* When the covered entity is a manufacturer of navigation devices, we conclude that, in order to satisfy its obligation to provide Section 303(bb)(1)-compliant navigation devices ''upon request,'' the manufacturer must make available such devices to blind or visually impaired individuals through the same means that it generally provides navigation devices to other consumers (*i.e.,* via retailers or by providing such devices directly to requesting consumers).[102] For example, in cases where a manufacturer makes available navigation devices at retail, it can comply with its obligation to provide Section 303(bb)(1)-compliant devices ''upon request'' by offering accessible devices (*e.g.,* at retail stores, the Internet) in the same way that it generally makes available other navigation devices. Similarly, where a manufacturer has established means for accepting and fulfilling consumer requests for navigation devices directly (*e.g.,* through a telephone number or email address), we require that it make available those means to blind or visually impaired consumers who may wish to request navigation devices compliant with Section 303(bb)(1). As we concluded with respect to MVPDs above, any means that a manufacturer employs to accept requests for accessible devices must not be more burdensome to blind or visually impaired individuals than the means made available to other consumers for requesting navigation devices generally.

91. The phrase ''upon request'' in Section 303(bb)(1) does not lend itself to ready application to manufacturers because, in contrast to MVPDs, which lease equipment directly to their subscribers, manufacturers often sell their products through retail outlets. For this reason, we interpret the phrase ''upon request'' with respect to situations involving manufacturers in a manner consistent with the statutory scheme and Congress's intent in the CVAA to ''help ensure that individuals with disabilities are able to fully utilize communications services and equipment and better access video programming,'' while at the same time recognizing the way in which the retail supply chain works. Consumers have made clear in the record that they prefer to be able to obtain accessible devices ''off the shelf'' at retail stores. We conclude, therefore, that a manufacturer's Section 303(bb)(1) obligations require that it make a good faith effort to have retailers make available compliant devices to the same extent as navigation devices made available to other consumers generally. Because we do not wish to implement Section 303(bb)(1) in a way that intrudes unduly on manufacturers' business practices and find no basis in the record for doing so, we decline at this time to prescribe detailed rules governing manufacturers' agreements with retailers. Should we find after the compliance date for these rules that navigation device manufacturers' good faith obligations or efforts are not resulting in compliant devices being available through retailers, however, we will revisit this decision in the future.

92. We also emphasize that the obligation to provide compliant devices ''upon request'' rests with the manufacturer, not the retailer. Thus, it is incumbent on the manufacturer to make a good faith effort for accessible devices to be available at retail to blind or visually impaired consumers to the same extent that navigation devices are made available to other consumers generally. In cases where a manufacturer satisfies its ''upon request'' obligation by providing accessible devices directly to blind or visually impaired consumers, the means made available for accepting such requests (*e.g.,* a telephone number, email address, and/or Web site, whether or not dedicated for this purpose) may be no more burdensome to a requesting blind or visually impaired consumer than is obtaining navigation devices generally for other consumers. Based on the record, we believe that implementing Section 303(bb)(1) in the manner set forth above will address the needs and expectations of consumers who are blind or visually impaired while permitting manufacturers to discharge their Section 303(bb)(1) duties in a way that is consistent with their existing processes. Finally, we conclude that manufacturers must provide Section 303(bb)(1)-compliant devices to requesting blind or visually impaired consumers ''within a reasonable time.'' Manufacturers can satisfy this requirement by providing such devices in a time period comparable to the time in which they provide navigation devices to other consumers (whether through retail outlets or directly to consumers).

B. Obligation of Covered Entities Complying With Section 303(bb)(1) Through the Use of Separate Equipment or Software

93. In this section, we find that under Section 205(b)(4) of the CVAA, a covered entity that chooses to comply with the requirements of Section 303(bb)(1) of the Act through the use of a separate solution must provide such solution to the requesting blind or visually impaired individual; ensure that any separate solution relied upon provides accessibility in accordance with Section 303(bb)(1) and its implementing rules; and provide such solution within a reasonable time and at no additional charge. We also adopt our tentative conclusion in the *NPRM* and find that if a navigation device has any functions that are required to be made accessible pursuant to the rules we adopt in the R&O, any separate solution relied upon to achieve accessibility must make all of those functions accessible or enable the accessibility of those functions. In addition, any separate solution relied upon to achieve accessibility must be provided in a manner that is not more burdensome to

''reasonable time'' requirement is the amount of time in which an MVPD typically provides navigation devices to consumers who are not blind or visually impaired, the issue of whether an MVPD has met this requirement will necessarily be MVPD-specific.

[102] We encourage manufacturers that make their accessible navigation devices available through retail stores to meet their Section 303(bb)(1) obligations, to also employ mechanisms that facilitate the provision of accessible devices to blind or visually impaired consumers, such as establishing a telephone number and/or an accessible Internet presence through which a consumer can find accessible devices at retail stores near them.

requesting blind or visually impaired individuals than the manner in which a covered entity generally provides navigation devices to other consumers.

94. Section 205(b)(4)(A) permits a covered entity to comply with Section 303(bb)(1) of the Act through the use of software, a peripheral device, specialized consumer premises equipment, a network-based service or other solution. Public Law 111–260, 205(b)(4)(A). Section 205(b)(4)(B) further provides that:

> If an entity complies with [S]ection 303(bb)(1) of the . . . Act . . . [through the use of separate equipment or software], the entity providing the navigation device to the requesting blind or visually impaired individual shall provide any such software, peripheral device, equipment, service, or solution at no additional charge and within a reasonable time to such individual and shall ensure that such software, device, equipment, service or solution provides the access required by such regulations.

The Commission's rules implementing Section 303(bb)(1) of the Act must provide such entity ''maximum flexibility to select the manner of compliance.'' Thus, although a covered entity may choose to comply with its Section 303(bb)(1) obligations by building in accessibility to its navigation devices, the statute does not mandate that it do so.

1. Provision of Separate Equipment or Software That Ensures Accessibility

95. Based on the language of Section 205(b)(4), we adopt the Commission's tentative conclusion and require that an MVPD or navigation device manufacturer that complies with its Section 303(bb)(1) obligations through the use of separate equipment or software is responsible for providing such equipment or software to the requesting individual who is blind or visually-impaired. Specifically, Section 205(b)(4)(B) states that ''the *entity providing the navigation device . . . shall provide* any such software, peripheral device, equipment, service or solution'' to the requesting blind or visually impaired individual. In addition, Section 205(b)(4)(B) states that ''the *entity providing the navigation device . . . shall ensure that* such software, device, equipment, service or *solution provides* the *access* required by such regulations.'' We interpret this language to mean that the obligation to provide an effective accessibility solution under Section 205(b)(4) rests with the entity that provides the navigation device to the requesting blind or visually impaired consumer, even in cases where such entity relies on a retailer to provide accessible devices to requesting consumers. This interpretation finds considerable support in the record, and no party has asserted that a covered entity relying on a separate solution to achieve accessibility is not responsible for providing such solution to a requesting blind or visually impaired consumer. Pursuant to our authority in Section 205(b)(1) to prescribe regulations necessary to implement the requirements in Section 205(a), we further conclude that any separate solution relied upon to achieve accessibility must be provided in a manner that is not more burdensome to requesting blind or visually impaired individuals than the manner in which other consumers obtain navigation devices.[103] For example, a covered entity could not subject requesting blind or visually impaired consumers to installation processes that were more cumbersome than those imposed on other consumers for navigation devices, or require blind or visually impaired consumers to install a separate solution without technical or logistical support, if it provided such support to other consumers.[104]

96. We also find, consistent with our tentative conclusion in the *NPRM,* that if a non-compliant navigation device has any functions that are required to be made accessible pursuant to the rules we adopt in the R&O, any separate solution relied upon to achieve accessibility must make all of those functions accessible or enable the accessibility of those functions. Consistent with the text of Section 205(b)(4)(B), we conclude that regardless of whether an entity chooses to satisfy its accessibility obligations through a built-in solution or separate equipment or software, any solution chosen must ensure accessibility as required by Section 303(bb)(1) of the Act and our implementing rules, if achievable. To achieve Congress's intended goals in Section 205, it is irrelevant whether an entity provides accessibility through the use of a built-in or separate solution; any solution chosen must ensure that all of the functions required to be made accessible are, in fact, accessible. There is no support in the record for the suggestion that this requirement will inhibit innovation or hamper the provision of interim solutions as suggested by two commenters. Moreover, a separate solution that does not make the covered functionality accessible (or enable the accessibility of the functions) would not comply with Section 205(b)(4)'s requirement that ''the entity providing the navigation device to the requesting blind or visually impaired individual . . . ensure that [a separate solution] provides the access required by [the Commission's] regulations [implementing Section 205(a) of the CVAA].''

2. Provision of Separate Equipment or Software ''Within a Reasonable Time''

97. Rather than specify a time frame in which a covered entity providing a separate accessibility solution under Section 205(b)(4) must make that separate solution available, we require it to do so within a time that is comparable to the time it provides navigation devices to consumers who are not blind or visually impaired. Section 205(b)(4)(B) of the CVAA expressly requires that an entity that complies with Section 303(bb)(1) of the Act through the use of separate equipment or software must provide such equipment or software ''within a reasonable time.''[105] We interpret this provision in the same manner that we implement the Section 303(bb)(1) obligation of covered entities to provide compliant navigation devices ''upon request.'' In particular, we conclude that a ''reasonable time'' is comparable to the time that a covered entity provides navigation devices generally to consumers who are not blind or visually impaired.

3. Provision of Separate Equipment or Software ''At No Additional Charge''

98. We find that the phrase ''no additional charge'' means that a covered entity that provides separate equipment or software under Section 205(b)(4)(B) may not impose on a requesting blind or visually impaired individual any charges beyond those it has imposed for a non-compliant navigation device. Section 205(b)(4)(B) of the CVAA provides that an entity complying with Section 303(bb)(1) of the Act through the use of separate equipment or software must provide such equipment or software ''at no additional charge.'' Public Law 111–260, 205(b)(4)(B). In the *NPRM,* the Commission tentatively

[103] A manufacturer could meet its obligation by ensuring that a separate solution was made available to requesting blind or visually impaired consumers at the point of sale.

[104] However, when a covered entity relies on separate software to achieve accessibility, the obligation to provide the separate solution under Section 205(b)(4) requires the covered entity to assist blind or visually impaired consumers in downloading the software or to ensure that instructions for downloading software themselves are accessible.

[105] The Commission sought comment in the *NPRM* on what constitutes a ''reasonable time'' in which to give a requesting subscriber an accessible separate solution.

concluded that this requirement was self-implementing, and sought comment on that tentative conclusion.

99. DISH/EchoStar suggests that the Commission has discretion to interpret the phrase ''no additional charge'' to permit a covered entity ''to pass through any wholesale costs associated with procuring such equipment.'' We disagree with DISH/EchoStar and conclude that a covered entity may not impose on a requesting blind or visually impaired consumer the wholesale cost of providing separate equipment or software that is relied upon to achieve accessibility.[106] We note that the language in Section 205(b)(4)(B) is different from analogous provisions in Section 716 of the Act, which state that entities covered by Section 716 may satisfy their accessibility obligations through the use of ''third party applications, peripheral devices, software, hardware or customer premises equipment that is available to the consumer *at nominal cost* and that individuals with disabilities can access.'' Given the differing language of Section 205(b)(4)(B) of the CVAA and Sections 716(a)(1)(B) and 716(b)(2)(B) of the Act, we conclude that, although in other CVAA contexts it intended to allow entities to recover ''nominal costs,'' Congress expressly declared that entities opting to comply with Section 303(bb)(1) of the Act by means of separate equipment or software must provide such equipment or software to requesting blind or visually impaired individuals ''at no additional charge.'' Accordingly, we implement Section 205(b)(4)(B) to give effect to that express declaration. We note that our interpretation of Section 205(b)(4)(B) would not prevent a covered entity from recovering the costs of providing separate solutions by passing such costs through to its entire subscriber base.

100. Section 205(b)(4)(A) permits covered entities ''maximum flexibility'' to select the manner in which they intend to comply with their obligation to make on-screen text menus and guides audibly accessible. In addition, under Section 205(b)(3), a covered entity is only responsible for compliance with this requirement with respect to navigation devices ''that it provides to a requesting blind or visually impaired individual.'' We interpret these provisions, taken together, to mean that a covered entity may choose to satisfy its accessibility obligations by making all of its navigation devices, subject to the achievability defense, accessible and available to requesting blind or visually impaired individuals,[107] or instead may choose to provide these individuals with ''software, a peripheral device, specialized consumer premises equipment, a network-based service or other solution'' at no additional charge. One permissible ''other solution'' available to covered entities would be to make accessible only high-end navigation devices (*e.g.,* those with sophisticated features), but to make these devices available to requesting individuals who are blind or visually impaired without requiring them to pay an additional charge simply to obtain the accessibility features. This is consistent with Section 205(b)(4)(B), which precludes the entity from imposing any additional charges for an ''other solution'' on an individual requesting accessibility under Section 205. That is, if the only accessible devices a covered entity makes available are among the more expensive devices being offered by that entity because of their sophisticated features, and a blind consumer requests an accessible lower-end device, then the entity must provide the accessible device at the lower price.[108]

101. For example, suppose an MVPD offers two models of set-top boxes for lease at $5 and $10 a month, but chooses to make only the $10 box accessible as it is permitted to do under the analysis set out above. If a blind or visually impaired subscriber requests an accessible version of the lower end box, the MVPD would have to lease that subscriber the $10 box at no more than the $5 rate. Similarly, if a retail navigation device manufacturer makes navigation devices that cost $200 and $300, and elects not to make the $200 device accessible but rather to designate the more sophisticated $300 device as the accessibility solution for that less sophisticated device, the manufacturer cannot charge a requesting blind or visually impaired individual more than $200 for that device.[109] In either case, this outcome is reasonable because the covered entity has chosen to comply with its obligations by providing accessibility through only one expensive, feature-rich device when it could have avoided providing a higher-end box at no additional charge by offering a range of accessible devices at differing price points.[110]

102. We agree with parties asserting that, if a covered entity's compliance solution depends upon software that can only be operated by means of a third-party device such as a laptop, tablet, or smart phone, the covered entity cannot rely on the consumer to own or acquire such a device or the services needed to download or use the additional software (such as Internet access service). Although Section 205(b)(4)(A) affords covered entities ''maximum flexibility'' to select the manner of compliance with regard to separate solutions, Section 205(b)(4)(B) also requires that such entities provide that manner of compliance ''at no additional charge.'' Accordingly, if a covered entity's chosen manner of compliance involves a software solution that must be operated on a third-party device (*e.g.,* a laptop, tablet, smart phone) or if additional services are required to make use of the device, we find that this manner of compliance constitutes an ''other solution'' under Section 205(b)(4)(B); thus, the covered entity must provide that solution—*i.e.,* both the software and the third-party device, as well as the service to use the accessible navigation features—to the requesting individual at no additional charge.

[106] Further, to the extent that the sole solution a covered entity chooses to make available for a given non-compliant device provides accessibility beyond the requirements of Section 303(bb)(1) of the Act, the covered entity may not impose any additional charge for that enhanced accessibility. If, however, a covered entity makes more than one separate solution available to consumers, we agree with DISH/EchoStar that the entity may impose reasonable charges if the consumer requests a solution with enhanced functionality.

[107] Given the fact that under Section 205 covered entities need only provide navigation devices with audibly accessible on-screen text menus and guides to requesting blind or visually impaired individuals, they will be free to provide non-compliant devices to other customers. This provision does not relieve them, however, of the obligation to make accessible devices with ''varying degrees of functionality and features, and offered at differing price points'' available to requesting blind or visually impaired individuals, unless, as discussed below, they opt for a separate solution under Section 205(b)(4).

[108] As discussed below, covered entities choosing this approach to compliance may require reasonable verification of disability.

[109] Although some MVPDs could take the approach of providing subscribers more expensive set-top boxes at no additional charge, no retail manufacturers have suggested on the record that they intend to take this approach to complying with the statute. Given that retail device manufacturers often sell to consumers through intermediary retail partners, we recognize that if they opt for this compliance solution they may face challenges in ensuring that requesting blind or visually impaired consumers receive a compliant solution at no additional charge. We expect manufacturers opting for this approach to devise a mechanism for such consumers to request and receive such solutions at no additional charge.

[110] In cases in which a consumer files a complaint with the Commission alleging that a covered entity has violated the ''no additional charge'' requirement in Section 205(b)(4)(B), such entity will bear the burden of demonstrating that it has imposed no charges beyond the cost of the non-compliant navigation device being replaced.

C. Activation Mechanisms for Closed Captioning Under Section 205

103. Based on the language and design of Section 205, we agree with parties asserting that a covered entity must provide a compliant mechanism to activate closed captioning pursuant to Section 303(bb)(2) of the Act irrespective of whether such entity has received a ''request'' for such mechanism from a ''blind or visually impaired individual.'' That is, covered entities must ensure that all of their navigation devices with built-in closed captioning capability provide a mechanism reasonably comparable to a button, key or icon to activate closed captioning. Although there is an ambiguity in the statute resulting from the uncertain relationship between new Section 303(bb)(2) of the Act and Section 205(b)(3) of the CVAA, we conclude that this is the most reasonable interpretation of Section 205. Section 303(bb)(2) of the Act requires ''for navigation devices with built-in closed captioning capability,'' access to that capability must be provided ''through a mechanism that is reasonably comparable to a button, key or icon designated for activating the closed captioning, or accessibility features. . . .'' 47 U.S.C. 303(bb)(2). Section 205(b)(3) of the CVAA states that an ''entity shall only be responsible for compliance with the requirements added by this section with respect to navigation devices that it provides to a requesting blind or visually impaired individual.'' Public Law 111–260, 205(b)(3). It is unclear whether Section 205(b)(3) applies only to the requirements of Section 205 designed to afford accessibility of devices to individuals who are blind or visually impaired, *i.e.,* those required by Section 303(bb)(1) of the Act, or also to the closed captioning requirements in Section 303(bb)(2) of the Act. If Section 205(b)(3) of the CVAA were read as applying to the closed captioning requirements, that would mean the closed captioning activation mechanism would be provided only at the request of blind or visually impaired individuals, a group of consumers who would generally have far less need for a closed captioning feature (closed captioning being useless to someone who is blind), and not at the request of deaf or hard of hearing consumers for whom closed captioning is essential for understanding a program's content. We do not believe that Congress intended such an absurd result. When ''charged with understanding the relationship between two different provisions within the same statute, we must analyze the language of each to make sense of the whole.'' Attempting to make sense of these provisions, the Commission sought comment in the *NPRM* on how Section 205(b)(3) of the CVAA should be read in conjunction with Section 303(bb)(2) of the Act.[111] The Commission also inquired whether the fact that Section 303(bb)(1) of the Act and Section 205(b)(4)(B) of the CVAA focus on making navigation devices accessible to people with vision disabilities, and do not reference people who are deaf or hard of hearing, means that requests were not meant to be a pre-requisite to providing accessible activation mechanisms for closed captioning under Section 303(bb)(2) of the Act. The Commission asked whether it was Congress's intent that covered entities include the mechanism to make closed captioning easily accessible on all devices with built-in closed captioning.

104. We find that the statutory text and purpose support the interpretation that covered entities must ensure that all of their navigation devices with built-in closed captioning capability provide a mechanism to activate closed captioning that is reasonably comparable to a button, key, or icon. Section 303(bb)(2) of the Act requires a compliant activation mechanism for navigation devices with built-in closed captioning. The ''upon request'' language does not appear anywhere in that section. As discussed above, the terms ''request'' and ''requesting'' are used in Section 205 of the CVAA only in connection with individuals who are blind or visually impaired. We believe the absence of the ''upon request'' language in Section 303(bb)(2) of the Act, and the inclusion of such language in Section 303(bb)(1) of the Act, is most reasonably read as indicating that Congress intended the closed captioning activation mechanism to be included on all devices with built-in closed captioning capability, and not just provided to individuals who request them, as Congress provided with respect to audibly accessible on-screen text menus and guides.

105. Our interpretation of the obligations imposed by Section 303(bb)(2) of the Act is further supported by the language and structure of Section 205(b)(4) of the CVAA, which governs compliance with Section 303(bb)(1) of the Act through ''separate equipment or software,'' and Section 205(b)(5) of the CVAA, which governs the provision of devices with closed captioning pursuant to Section 303(bb)(2) of the Act. Sections 205(b)(4)(A) and (B) of the CVAA give a covered entity flexibility in complying with the requirements of Section 303(bb)(1) of the Act by allowing the entity to provide audibly accessible on-screen text menus and guides to ''requesting blind or visually impaired'' individuals through separate equipment or software. By contrast, Section 205(b)(5) of the CVAA, which relates to compliance with the requirements of Section 303(bb)(2) of the Act (closed captioning activation mechanism), references neither a ''request'' nor any limitation on the kinds of individuals entitled to receive accessible activation mechanisms for closed captioning. Moreover, Section 205(b) of the CVAA does not permit entities to provide the closed captioning mechanism through separate equipment or software. We find that the inclusion of the ''requesting'' language in 303(bb)(1) of the Act and 205(b)(4) of the CVAA, and the omission of such language in 303(bb)(2) of the Act and 205(b)(5) of the CVAA, and the flexibility afforded to entities to provide on-screen menus and guides but not closed captioning activation mechanisms through separate equipment or software, further supports our conclusion that Congress did not intend to limit the provision of the closed captioning activation mechanism to individuals who request them, as it did with audibly accessible on-screen text menus and guides. Rather, it intended that the closed captioning mechanism be universally available.

106. The absence in Section 303(bb)(2) of the Act of the phrase ''if achievable'' (which is included in Section 303(bb)(1) of the Act) further confirms our conclusion that Congress intended to impose on covered entities an unqualified obligation to ensure that all navigation devices with built-in closed captioning capability provide access to such capability through a mechanism ''reasonably comparable to a button, key or icon.'' That is, in contrast to the conditional requirements of Section 303(bb)(1) of the Act—entities must provide audibly accessible on-screen menus and guides to requesting blind or visually impaired individuals only ''if achievable''—Congress made the requirements of Section 303(bb)(2) of the Act unconditional. Thus, the closed captioning activation mechanism must be provided without regard to an ''achievability'' condition and cannot be provided through separate equipment or software. We believe requiring

[111] Section 205(b)(3) of the CVAA provides that ''[a]n entity shall only be responsible for compliance with the requirements added by this section with respect to navigation devices that it provides to a requesting blind or visually impaired individual.'' Public Law 111–260, 205(b)(3).

activation mechanisms for closed captioning to be universally provided makes sense from a practical standpoint as well. Because both the CVAA and other statutes have made closed captioning a universal design feature, we find it reasonable to interpret Section 303(bb)(2) of the Act as ensuring that compliant activation mechanisms for built-in closed captioning be universally available as well.

107. We observe that Section 205(b)(3) of the CVAA provides that ''[a]n entity shall only be responsible for compliance with the requirements added by this section with respect to navigation devices that it provides to a requesting blind or visually impaired individual.'' Some commenters have argued that under this provision, a covered entity is responsible for providing a closed captioning activation mechanism only to requesting individuals who are blind or visually impaired. We reject this argument. Commenters' proffered interpretation is based on an overly broad reading of the phrase ''the requirements added by this section;'' they contend that ''this section'' references Section 205 of the CVAA in its entirety. This reading, however, ignores the qualifier ''with respect to navigation devices that it provides to a requesting blind or visually impaired individual.'' That is, by its terms, Section 205(b)(3) of the CVAA limits an entity's compliance responsibility to devices provided to requesting individuals, but only ''with respect to navigation devices that it provides to a requesting blind or visually impaired individual.'' In other words, Section 205(b)(3) of the CVAA applies only with regard to those devices provided pursuant to Section 303(bb)(1) of the Act (audibly accessible on-screen text menus and guides provided on navigation devices ''upon request by individuals who are blind or visually impaired'').[112] It does not apply to the closed captioning activation mechanism covered under Section 303(bb)(2) of the Act, which says nothing about requesting blind or visually impaired individuals. We believe our interpretation is the most sensible reading of Section 205(b)(3) of the CVAA in context. If we were to construe that provision as limiting a covered entity's obligation to comply with Section 303(bb)(2) of the Act to only those cases in which a blind or visually impaired individual requests the closed captioning activation device, such a reading would deny improvements in closed captioning accessibility to those consumers who need and utilize it most, *i.e.,* individuals who are deaf and hard of hearing, and make this feature accessible *only* to individuals who generally have far less of a need for it. We do not believe Congress intended such a nonsensical result, and we believe that the foregoing analysis of the language of the various provisions of Section 205 of the CVAA and how they fit together in context confirms that. For the reasons discussed above, we interpret Section 303(bb)(2) of the Act as requiring covered entities to include compliant closed captioning activation mechanisms on all navigation devices with built-in closed captioning capability.[113]

VI. Other Issues

A. Alternate Means of Compliance

108. Section 204 of the CVAA states that an entity may meet the requirements of Section 303(aa) of the Act ''through alternate means than those prescribed by'' the regulations that we adopt herein if the requirements of Section 303(aa) of the Act are met, as determined by the Commission. Public Law 111–260, 204(c). We adopt our proposal in the *NPRM* to implement the same approach to alternate means of compliance that the Commission adopted in the *IP Closed Captioning Order,* which implemented a similar provision in Section 203 of the CVAA. We note that the commenters on this issue generally support our proposal. Under our approach, rather than specifying what may constitute a permissible alternate means of compliance, we will address any specific requests from parties subject to the new rules on a case-by-case basis when they are presented to us. Should an entity seek to use an ''alternate means'' to comply with the applicable requirements, that entity may either: (i) request a Commission determination that the proposed alternate means of compliance satisfies the statutory requirements pursuant to § 1.41 of our rules; or (ii) claim in defense to a complaint or enforcement action that the Commission should determine that the party's actions were permissible alternate means of compliance.[114] We note that covered entities that claim in defense to a complaint or enforcement action that their actions were a permissible alternate means of compliance bear the burden of proof on this defense. We delegate authority to the Media Bureau and the Consumer and Governmental Affairs Bureau, as we did in the *IP Closed Captioning Order* and other contexts, to consider all requests for a declaratory ruling regarding an alternate means of compliance.

109. We reject DISH/EchoStar's proposal to set a 90-day time limit for Bureau action on requests for a declaratory ruling that a proposed alternate means of compliance satisfies the statutory requirements. While we believe the Bureaus can act expeditiously on such requests, we conclude that the potentially complex nature of proposals for alternate means of compliance that may need to be evaluated makes it inadvisable to adopt binding time frames.

B. Compliance Deadlines

110. We set a compliance deadline of three (3) years from the date the R&O is published in the **Federal Register** by which covered entities must comply with the requirements of Sections 204 and 205. Section 204 does not specify the time frame by which digital apparatus must comply with the requirements for accessible user interfaces and programming guides. However, Section 204(d) states that ''[a] digital apparatus designed and manufactured to receive or play back the Advanced Television Systems Committee's Mobile DTV Standards A/153 shall not be required to meet the

[112] For example, under Section 205(b)(3), an MVPD would be responsible for compliance with the audibly accessible requirement in Section 303(bb)(1) only with regard to devices it supplies to the requesting individual; it would not be responsible for compliance with regard to a device an individual purchased at retail.

[113] Our decision is consistent with the requirement in Section 205(b)(5) of the CVAA that our rules ''permit the entity providing the navigation device maximum flexibility in the selection of means for compliance with Section 303(bb)(2). . . .'' Public Law 111–260, 205(b)(5). We interpret the phrase ''selection of means for compliance'' to refer to the selection of the mechanism that is ''reasonably comparable to a button, key, or icon.'' Our decision thus does not restrict a covered entity's flexibility to choose the mechanism by which it will meet this requirement.

[114] We note that this approach slightly differs from the approach recently adopted in the *Emergency Information/Video Description Order.* Under that approach, a covered entity that seeks to use an ''alternate means'' to comply with the Section 203 emergency information and video description apparatus requirements must request and receive a Commission determination that the proposed alternate means satisfies the statutory requirements through a request pursuant to § 1.41 of our rules before using such alternate means of compliance. The covered entity is not permitted to claim in defense to a complaint or enforcement action that the Commission should determine that the party's actions were a permissible alternate means of compliance. The Commission explained that it was deviating from the approach implemented in the *IP Closed Captioning Order* because of the uniquely heightened public interest in emergency information and the importance of ensuring that consumers know how they can use their apparatus to obtain emergency information provided via the secondary audio stream.

requirements of the regulations [adopted under Section 204] for a period of not less than 24 months after the date on which the final regulations are published in the **Federal Register**.'' Section 205 sets forth a phase-in period of not less than two years from the date of adoption of rules by which navigation devices must comply with the requirements for a mechanism reasonably comparable to a button, key, or icon for closed captioning or accessibility features,[115] and not less than three years by which navigation devices must comply with the requirements for accessible on-screen text menus and guides for the display or selection of video programming.[116] With respect to Section 204, the VPAAC recommends that the industry be given not less than two years after publication of the regulations in the **Federal Register** to come into compliance, consistent with the time frame adopted in both the *ACS Order* and the *IP Closed Captioning Order.* With respect to Section 205, the VPAAC recommends that we adopt the minimum phase-in periods described in the statute, but suggests that they should run from the date of publication of the rules in the **Federal Register**, rather than from the date of adoption, consistent with its recommendation in the Section 204 context. The *NPRM* tentatively concluded to adopt the VPAAC's recommendations. Some commenters support the *NPRM*'s proposal, while others advocate a ''uniform'' three-year compliance deadline for implementing all new rules under Sections 204 and 205.

111. We are persuaded by industry commenters that a uniform three-year phase-in period for compliance with Sections 204 and 205 will simplify implementation and enforcement of these provisions. We recognize that the Commission has generally afforded manufacturers two years to comply with accessibility requirements under the CVAA.[117] However, we agree with industry commenters that a common deadline will afford covered entities the flexibility to adopt similar accessibility solutions for Sections 204 and 205 equipment. CEA explains that ''covered digital apparatus and navigation devices may rely on the same third-party solutions to meet the applicable accessibility requirements'' and that such ''solutions would likely become available for both digital apparatus and navigation devices around the same time.'' Industry commenters also explain that a common deadline would avoid uncertainty as to ''when particular video programming features of a new, multipurpose or hybrid product'' must comply. Finally, CEA asserts that, ''due to the timing of the product development cycle, especially for TVs,'' a uniform deadline ''will greatly simplify the development of accessible solutions for apparatus covered by Section 204 without significantly delaying the introduction of accessible devices.'' [118] In addition, we believe more time is appropriate for covered entities to provide an accessible activation mechanism for built-in closed captioning because of our decision herein that this requirement applies to all navigation devices (irrespective of whether it has received a request from a consumer) and is not subject to the ''achievability'' limitation. We also expect that having a common deadline for an accessible activation mechanism for built-in closed captioning and audibly accessible on-screen text menus and guides will allow covered entities to design devices that incorporate all of these required accessibility features, which should reduce consumer confusion about the accessibility of device features. We note that, while NAD/Consumer Groups endorsed the VPAAC timing recommendations, they did not otherwise respond to industry's request for a uniform three-year phase-in period. We agree with industry commenters that the benefits of a simplified, uniform compliance deadline outweigh any inconvenience that may be caused to consumers. Although the compliance deadline is three years away, we expect manufacturers to take accessibility into consideration as early as possible during the design process for new and existing equipment and to begin taking steps to bring accessible equipment to consumers as required by our rules.

112. We clarify that the compliance deadlines adopted herein refer only to the date of manufacture, consistent with the *IP Closed Captioning Reconsideration Order* and the *Emergency Information/Video Description Order.* As explained in those orders, this approach is consistent with the Commission's past practices regarding similar equipment deadlines, and a compliance deadline based on the date of importation or the date of sale would be unworkable in most circumstances, given that the manufacturer often does not control the date of importation or sale.

113. *Delayed Compliance for Mid-sized and Smaller MVPDs.* We set a later compliance deadline of five (5) years from the date the R&O is published in the **Federal Register** by which certain mid-sized and smaller MVPD operators and small MVPD systems must comply with the requirements of Section 205. Specifically, this later deadline will apply to:

- MVPD operators with 400,000 or fewer subscribers (*i.e.,* MVPD operators other than the top 14); [119] and
- MVPD systems with 20,000 or fewer subscribers that are not affiliated with an operator serving more than 10 percent of all MVPD subscribers (*i.e.,* 10.1 million [120]).

In addition, we will review the marketplace after the three-year compliance deadline for larger MVPDs to determine whether this five-year delayed compliance deadline should be retained or extended (in whole or in part). Once we reach the three-year compliance deadline for larger operators, we believe we will be better positioned to assess whether mid-sized and/or smaller operators will be able to comply within another two years. We delegate authority to the Media Bureau to initiate this review.

114. As discussed above, Section 205 sets forth minimum compliance phase-in periods (*i.e.,* ''not less than'' two/

[115] Section 205 provides that ''[t]he Commission shall provide affected entities with not less than 2 years after the adoption of such regulations to begin placing in service devices that comply with the requirements of Section 303(bb)(2) of the Communications Act.''

[116] Section 205 provides that ''[t]he Commission shall provide affected entities with not less than 3 years after the adoption of such regulations to begin placing in service devices that comply with the requirements of Section 303(bb)(1) of the Communications Act.''

[117] The Commission has repeatedly determined that manufacturers generally require approximately two years to design, develop, test, manufacture, and make available for sale new products.

[118] CEA explains that new TV models are usually introduced in the spring, meaning that adoption of a 3-year compliance deadline that will go into effect in the fourth quarter of 2016 will lead to devices being introduced the previous spring, and thus amount to ''an effective phase-in period of only about two and a half years.'' ESA states that the extra time may allow manufacturers ''to roll out accessibility solutions across product lines contemporaneously, which in turn may foster investment and innovation in improved accessibility technologies.''

[119] *See* NCTA, Industry Data, Top 25 Multichannel Video Service Customers (2012), *http://www.ncta.com/industry-data* (visited Aug. 28, 2013) (showing the number of subscribers for each of the top 25 MVPDs, based on 2012 data). We will rely on this data for our purposes here.

[120] At the end of 2011, there were approximately 101.0 million MVPD subscribers. We will use this 101.0 million total MVPD subscribers approximation for our purposes here, although we recognize that the total may now be slightly less. *See* NCTA, Industry Data (2012), *http://www.ncta.com/industry-data* (visited Aug. 28, 2013). In any case, our definition of a small MVPD system will exclude systems affiliated with one of the top four MVPDs—Comcast, DIRECTV, DISH Network, and Time Warner Cable, all of which have more than 10.1 million subscribers.

three years). Therefore, Section 205 provides the Commission with the discretion to set later deadlines if deemed appropriate. MVPD commenters ask that we use this discretion to afford mid-sized and smaller MVPD operators and small MVPD systems with more time to comply with Section 205. We agree with MVPD commenters that a longer phase-in is appropriate for certain mid-sized and smaller MVPD operators and small MVPD systems. We recognize that smaller operators generally lack the market power and resources to drive independently the development of MVPD headend or customer premises equipment. NCTA explains that smaller operators ''typically rely on the research and development efforts of the larger operators prior to deploying new equipment and services to their customers.'' Thus, it is the large cable operators that generally dictate equipment features to manufacturers and commonly get priority in the delivery of that equipment. We also agree with NCTA that ''small systems have a smaller customer base across which to spread costs.'' [121] We recognize that delayed compliance may mean fewer accessibility choices for subscribers to smaller systems with disabilities in the near term, particularly in rural areas. However, we agree with NCTA that this concern will be mitigated by the presence of other accessibility options available in the marketplace when the rules take effect. As NCTA notes, most consumers should have access to satellite service, and subscribers to cable systems that are eligible for delayed compliance will be able to obtain navigation devices at retail that will be subject to the Section 205 audible accessibility requirement. Therefore, we believe providing some relief to mid-sized and smaller operators is reasonable and consistent with congressional intent to allow the Commission to establish reasonable compliance deadlines.

115. However, cognizant of Congress's desire that consumers with disabilities gain better access to video programming without undue delay, we limit the delay in compliance for mid-sized and smaller operators to two years. In addition to seeking a permanent exemption for all small cable systems serving 20,000 or fewer subscribers, industry commenters ask us to provide an indefinite extension to all but the largest operators and to review the marketplace after the three-year phase-in to determine whether accessibility is ''achievable'' for smaller operators.[122] We decline to provide an indefinite extension, and agree with the Consumer Groups that there is no reason to assume that smaller operators or small systems will never be able to achieve compliance. Therefore, first, we limit our extension to two additional years, rather than providing an indefinite extension of time. We believe that an open-ended extension of time is unnecessary and would undermine the goals of the statute.[123] Nevertheless, as noted above, we will review the marketplace in three years to consider whether the five-year delayed compliance deadline should be retained or extended (in whole or in part).

116. Second, we decline to extend the compliance deadline for any operator smaller than the six largest incumbent cable operators, as requested by NCTA,[124] or to extend the compliance deadline for any small system affiliated with an operator serving more than 10 percent of all MVPD subscribers. Under NCTA's approach, all MVPDs except Comcast, DIRECTV, DISH Network, Time Warner Cable, Verizon, Cox, AT&T, Charter, Cablevision, and Bright House would receive an extension of time to comply, and small systems owned by the two largest operators would never have to comply. NCTA has provided no evidence to suggest that it would be too burdensome for all MVPDs included within this broad category to comply.[125] Instead, we provide relief to MVPD operators with 400,000 or fewer subscribers (*i.e.,* MVPD operators other than the top 14) and MVPD systems with 20,000 or fewer subscribers that are not affiliated with an operator serving more than 10 percent of all MVPD subscribers. We base our decision allowing a deferred compliance deadline for MVPDs with 400,000 or fewer subscribers on the Commission's definition of ''small'' cable company in 47 CFR 76.901(e).[126] In addition, the Commission has recognized that small systems may be part of larger, multiple-cable-system, networks, potentially allowing even very high costs to be spread over large numbers of subscribers. Therefore, while we generally provide relief to MVPD systems with 20,000 or fewer subscribers, we exclude from this relief those systems that are affiliated with an operator serving more than 10 percent of

[121] However, as discussed below, we recognize that small systems that are part of a larger, multiple-cable-system network are able to spread even very high costs over large numbers of subscribers, easing the upgrade cost burden even in systems with small numbers of subscribers. Therefore, we exclude from our later compliance deadline any system affiliated with an operator serving more than 10.1 million subscribers.

[122] As explained below, we decline this request, but consider it for purposes of affording a delayed compliance deadline to most small systems.

[123] Moreover, to the extent MVPDs can demonstrate that compliance is not ''achievable,'' they have recourse under the statute. We remind covered entities that do not make their products or services accessible and claim as a defense that it is not achievable for them to do so, that they bear the burden of proof on this defense.

[124] NCTA points to the *BST Encryption Order* to support this size standard. In the *BST Encryption Order,* the Commission required only the six largest incumbent cable operators to adopt a solution that would make basic service tier channels available to consumers on third-party provided IP-enabled clear QAM devices. Notably, the Commission found it unnecessary to extend the additional equipment requirement to smaller cable operators because ''only a small number of consumers rely on IP-enabled devices to access the basic tier'' and therefore the Commission expected ''this particular compatibility problem to be extremely limited in scope.'' In the instant accessibility context, however, the need for accessibility solutions is far greater and much more certain, as evidenced by the CVAA's enactment.

[125] Three cable operators with more than 400,000 subscribers and fewer than 2 million subscribers argue that each would have difficulty complying in a timely manner because larger operators get priority in the delivery of equipment. We note that Suddenlink has a partnership with TiVo, which is independently subject to these accessibility requirements as a manufacturer of navigation devices sold at retail. *See* Suddenlink Communications, ''Suddenlink & TiVo Announce Strategic Distribution Agreement'' (press release), July 8, 2010, *available at http://static.suddenlink.synacor.com/ul/pdf/pr/pr_07_08_10.pdf.* We also note that Suddenlink and Cable One each primarily rely on user interfaces provided by Rovi, and WOW! primarily relies on user interfaces provided by Cisco. *See* Rovi Corporation, ''Rovi Announces New Guide Agreement with Suddenlink'' (press release), June 15, 2011, *available at http://www.rovicorp.com/company/newscenter/pressreleases/1434_15354.htm.* To the extent Rovi and Cisco will continue to supply electronic program guides also to larger operators, they will have to undertake the research and development to make these guides accessible by the compliance deadline for larger operators. At this time, therefore, it is premature for us to conclude that these operators will be unable to meet the requirements of Section 205 in three years. Nevertheless, Suddenlink, Cable One and WOW!, like other covered entities, may seek an extension of the compliance deadline if they determine they need additional time to comply and can provide evidence to support that request. We will entertain individual requests for a limited extension of time to comply for operators with more than 400,000 subscribers and fewer than 2 million subscribers, if a requesting operator can demonstrate that it attempted in good faith to obtain a compliant accessible solution by the three-year deadline, but that it could not feasibly procure such a solution by the deadline. Such a showing must include a detailed factual statement describing the steps the operator has taken to comply with the requirements of Section 205, an estimate of how long it will take the operator to comply, supported by appropriate documentation (*e.g.,* letters to and from equipment suppliers), and a corroborating affidavit by an officer or director of the operator, pursuant to § 1.16 of the rules, 47 CFR 1.16. We delegate authority to the Media Bureau to consider such requests.

[126] In addition, in the *CALM Act Report and Order,* we used the 400,000 subscriber threshold to define a smaller operator, excusing such operators with 400,000 or fewer subscribers from having to perform annual spot checks.

all MVPD subscribers.[127] Accordingly, we find that affording an extra two years for covered entities meeting these size standards to comply with the requirements of Section 205 will ease burdens on smaller operators, while minimizing any adverse impact on consumers.[128]

117. Section 205 states that the Commission ''may provide an exemption from the regulations for cable systems serving 20,000 or fewer subscribers.'' As noted in the *NPRM,* use of the word ''may'' in this provision suggests that adoption of such an exemption is in the Commission's discretion. MVPD commenters advocate that we afford this exemption, while consumer groups oppose it. We decline at this time to adopt a permanent exemption for small cable systems with 20,000 or fewer subscribers, as permitted by Section 205(b)(2). However, all small cable systems other than those affiliated with an operator serving more than 10.1 million subscribers[129] will benefit from the longer phase-in deadline described above.

118. We find that the record does not support a permanent exemption. We agree with the Consumer Groups that MVPDs, regardless of size, should provide access to accessible equipment if doing so is achievable. Whereas the uncertainty surrounding how covered small entities will comply makes it reasonable to afford a later compliance deadline, it also means it would be premature to assume that small cable systems will never be able to comply with the requirements of Section 205.[130]

C. Complaint Procedures

119. We adopt the *NPRM's* proposal to use the same procedures for the filing of consumer complaints alleging violations of the Commission's rules requiring accessibility of user interfaces and video programming guides and menus that the Commission adopted in the IP-closed captioning context. Commenters on this issue generally support our proposal; however, NCTA seeks certain modifications to these procedures. As explained below, we reject NCTA's proposed modifications. Accordingly, we establish the following procedures for the filing of consumer complaints alleging violations of the Commission's rules requiring accessibility of user interfaces and video programming guides and menus: (i) Require complainants to file within 60 days after experiencing a problem; (ii) allow complainants to file their complaints either with the Commission or with the covered entity responsible for the problem; (iii) provide the entity 30 days to respond to the complaint; (iv) do not specify a time frame within which the Commission must act on complaints; (v) follow the Commission's flexible, case-by-case forfeiture approach governed by § 1.80(b)(6) of our rules; (vi) specify the information that the complaints must include; and (vii) require covered entities to make contact information available to end users for the receipt and handling of written complaints.

120. *Timing of Complaints.* We adopt the *NPRM's* proposal to require complainants to file within 60 days after experiencing a problem. The Commission will accept a consumer's allegations as to the timeliness of a complaint as true, unless a covered entity demonstrates otherwise.

121. *Option to File Complaints with the Commission or with the Covered Entity.* We adopt the *NPRM's* proposal to allow complainants to file their complaints either with the Commission or with the covered entity (*e.g.,* manufacturer or MVPD) responsible for the problem. We disagree with NCTA that consumers should be required to first attempt to resolve disputes with covered entities before filing a complaint with the Commission.[131] We previously had such a requirement for television closed captioning complaints, but that process proved problematic for many consumers who often were not sure whom to contact with their complaint. As a result, we revised our television closed captioning complaint procedures to allow complaints to be first filed with the Commission and have adopted this revised procedure in subsequent contexts, such as the IP-closed captioning rules.[132] Accordingly, as the Commission did in the IP-closed captioning rules, we will create a process for complainants to file their complaints either with the Commission or with the covered entity responsible for the problem.

122. Consumers who file their complaints first with the Commission may name a covered entity in their complaints. The Commission will forward such complaints, as appropriate, to the named covered entity for its response, as well as to any other entity that Commission staff determines may be involved, and the Commission may request additional information from any relevant parties when, in the estimation of Commission staff, such information is needed to investigate the complaint or adjudicate potential violations of Commission rules.

123. If a complaint is filed first with a covered entity, our rules will require the covered entity to respond in writing to the complainant within thirty (30) days after receipt of a complaint. If a covered entity fails to respond to the complainant within thirty (30) days, or the response does not satisfy the consumer, the complainant may file the complaint with the Commission within thirty (30) days after the time allotted for the covered entity to respond. If the

[127] Under this approach, systems affiliated with Comcast, DIRECTV, DISH Network, and Time Warner Cable would be excluded from the definition of a small system.

[128] We estimate that our longer phase-in period for smaller operators and small systems would apply to approximately 7 percent (or 7 million) of all MVPD subscribers. Of course, subscribers seeking an accessibility solution would account for an even smaller subset of these MVPD subscribers. Our estimate is based on industry data indicating that the 14 largest MVPD operators (*i.e.,* those operators serving more than 400,000 subscribers) accounted for approximately 95 million of the approximately 101 million MVPD subscribers, meaning approximately 6 million subscribers may potentially be affected. *See* NCTA, Industry Data (2012), *http://www.ncta.com/industry-data* (visited Aug. 28, 2013). Based on our Form 325 data, we estimate that MVPD systems with 20,000 or fewer subscribers which are not affiliated with an operator serving more than 10 percent of all MVPD subscribers account for less than 1 million subscribers, thus adding an additional 1 million subscribers to our estimate of the pool of potential subscribers that may be affected.

[129] Since few systems with 20,000 or fewer subscribers are affiliated with an operator serving more than 10.1 million subscribers, almost all of these small systems will be able to take advantage of the deferred compliance deadline.

[130] If the delayed compliance deadline proves insufficient to allow small systems to implement an affordable solution, we may consider requests for a further extension on an individual or industry-wide basis. We delegate authority to the Media Bureau to consider such requests.

[131] NCTA points to our video description rules, 47 CFR 79.3(e)(vi), which require consumers to certify that they ''attempted in good faith to resolve the dispute'' with the covered entity before filing a complaint with the Commission. The CVAA, however, required the Commission to reinstate the video description rules previously adopted in 2000. Our rule permitting a complainant to file either with the Commission or the covered entity is consistent with our rules in the other video programming accessibility contexts, such as closed captioning and emergency information.

[132] We did not require that consumers file first with covered entities in the *IP Closed Captioning Order* and we see no need to do so here, where consumers may have difficulty identifying the apparatus or navigation device manufacturer or provider. We are not persuaded by NCTA's assertion that ''there is no such difficulty in the instant proceeding.'' There may still be confusion about who is the responsible apparatus or navigation device manufacturer or provider in some situations, and allowing consumers to file directly with the Commission will provide a more expedient solution. Moreover, because there may be situations where consumers will know their MVPD service provider is responsible, our approach permits the filing of complaints directly with the MVPD service provider.

consumer files the complaint with the Commission (after filing with the covered entity), the Commission will forward the complaint to the named covered entity, as well as to any other covered entity that Commission staff determines may be involved. If the Commission is aware that a complaint has been filed simultaneously with the Commission and the covered entity, the Commission may allow the process involving the covered entity and the consumer to reach its conclusion before moving forward with its complaint procedures, in the interest of efficiency.

124. If a consumer names a covered entity in its complaint, but the Commission determines that its investigation should be directed against another covered entity, the Commission will forward the complaint to that covered entity without requiring any further action by the consumer. In addition, if a covered entity receives a complaint from the Commission that it believes the Commission should have directed to a different covered entity, the covered entity may say so in its response to the complaint. In such instances, however, the covered entity's response should also indicate the identity and contact information of the covered entity to which the complaint should be directed, if known.

125. *Complaint Response Time.* We adopt the *NPRM's* proposal to require covered entities to respond in writing to the Commission and the complainant within 30 days after receipt of a complaint from the Commission. In response to a complaint, a covered entity must file with the Commission sufficient records and documentation to prove that it was (and remains) in compliance with the Commission's rules. Conclusory or insufficiently supported assertions of compliance will not meet a covered entity's burden of proof. If the covered entity admits that it was not, or is not, in compliance with the Commission's rules, it must file with the Commission sufficient records and documentation to explain the reasons for its noncompliance, show what remedial steps it has taken or will take, and show why such steps have been or will be sufficient to remediate the problem.

126. *Resolution of Complaints.* We adopt the *NPRM's* proposal not to specify a time frame within which the Commission must act on complaints. No such time frame exists for IP closed captioning complaints. In evaluating a complaint, the Commission will review all relevant information provided by the complainant and the subject entity, as well as any additional information the Commission deems relevant from its files or public sources. When the Commission requests additional information, parties to which such requests are addressed must provide the requested information in the manner and within the time period the Commission specifies.

127. *Sanctions or Remedies.* We adopt the *NPRM's* proposal to follow the Commission's flexible, case-by-case approach to fashioning sanctions and remedies governed by § 1.80 of our rules. We will adjudicate complaints on the merits and may employ the full range of sanctions and remedies available to the Commission under the Act.

128. *Content of Complaints.* We adopt the *NPRM's* proposal to specify the information that the complaints should include. Consistent with the Commission's approach in the IP closed captioning context, complaints should include the following information: (a) The complainant's name, address, and other contact information, such as telephone number and email address; (b) the name and contact information of the covered entity; (c) information sufficient to identify the software or device used; (d) the date or dates on which the complainant purchased, acquired, or used, or tried to purchase, acquire, or use the apparatus or navigation device; (e) a statement of facts sufficient to show that the manufacturer or provider has violated or is violating the Commission's rules; (f) the specific relief or satisfaction sought by the complainant; (g) the complainant's preferred format or method of response to the complaint; and (h) if a Section 205 complaint, the date that the complainant requested an accessible navigation device and the person or entity to whom that request was directed. Complaints alleging a violation of the apparatus or navigation device rules that we adopt in this proceeding may be transmitted to the Consumer and Governmental Affairs Bureau [133] by any reasonable means, such as the Commission's online informal complaint filing system, letter, facsimile transmission, telephone (voice/TRS/TTY), email, or some other method that would best accommodate the complainant's disability. Because some of the rules we are adopting are intended to make apparatus or navigation devices accessible to individuals who are blind or visually impaired, and therefore complainants may themselves be blind or visually impaired, if a complainant calls the Commission for assistance in preparing a complaint, Commission staff will document the complaint in writing for the consumer.

129. *Contact Information.* We adopt the *NPRM's* proposal to require covered entities to make contact information available to consumers for the receipt and handling of complaints. We disagree with NCTA that the Commission should not require the availability of specific contact information. Given that we will permit consumers to file their complaints directly with a covered entity, we think it is important that consumers have the information necessary to contact the covered entity. Although we do not specify how covered entities must provide contact information for the receipt and handling of consumer complaints, we encourage them to include this information with the other accessibility information they must post on their official Web site.[134] We expect that covered entities will prominently display their contact information in a way that makes it available and accessible to all consumers of their products and services. We emphasize that such notice should be provided in a location that is conspicuous to consumers and accessible to those who are blind or visually impaired. Consistent with the IP closed captioning rules, we will require covered entities to make available and accessible the contact information of a person with primary responsibility for accessibility compliance issues. Covered entities must provide that person's name and title or office, telephone number, fax number, postal mailing address, and email address. Covered entities must keep this information current and update it within 10 business days of any change.

130. *Revisions to Form 2000C.* We direct the Consumer and Governmental Affairs Bureau to revise the existing complaint form for disability access complaints (Form 2000C) in accordance with the R&O, to facilitate the filing of complaints. In the *NPRM,* the Commission asked if it should revise the existing complaint form for disability access complaints (Form 2000C) and, if so, what changes should be made. Consumer groups state that the form needs to be updated to accommodate complaints related to the accessibility of user interfaces, and video programming guides and menus. We agree, and direct

[133] The Consumer and Governmental Affairs Bureau reserves the discretion to refer complaints that reveal a pattern of noncompliance to the Commission's Enforcement Bureau.

[134] As discussed below, we require MVPDs to notify their subscribers about the availability of accessible devices through notice on their official Web sites, and encourage manufacturers to do the same.

the Bureau to make any changes necessary to facilitate the filing of complaints pursuant to the rules we adopt herein.[135]

D. Verification of Eligibility

131. As a general matter, we will not allow covered entities to require consumer verification of eligibility as an individual who is blind or visually impaired prior to the provision of accessible equipment.[136] There is consensus in the record, however, that verification of eligibility should be permitted in certain limited situations.[137] We will allow covered entities to verify that a consumer requesting an accessible navigation device or accessibility solution pursuant to Section 205 is eligible for such equipment when the covered entity chooses to rely on an accessibility solution that involves providing the consumer with sophisticated equipment and/or services at a price that is lower than that offered to the general public because the entity is relying on this solution to meet its accessibility obligations under Section 205. NCTA, AFB, and ACB agree that MVPDs may establish reasonable verification eligibility procedures'' *only* . . . in situations where an MVPD is providing the customer with an accessible solution that he or she would otherwise not be entitled to receive under his or her existing level of service and associated equipment.'' For example, NCTA, AFB, and ACB state that ''an MVPD might seek proof of eligibility in situations where it is providing an accessible on-screen text menu or guide via a set-top box different from (and more advanced than) the equipment that the customer is currently using to access MVPD service, or where an MVPD offers a separate accessibility solution, such as a tablet with an accessible app.'' [138] We understand that in these situations there may be sufficient risk of fraud or abuse by individuals who are not blind or visually impaired to warrant allowing verification of eligibility.[139] With respect to proof of eligibility, covered entities must allow a consumer to provide a wide array of documentation to verify eligibility for the accessibility solution provided.[140] In addition, they must protect personal information gathered from consumers through their verification procedures. We note that MVPDs have a statutory obligation pursuant to Sections 338(i)(4)(A) and 631(c)(1) of the Act to protect personal information gathered from subscribers. 47 U.S.C. 338(i)(4)(A), 551(c)(1). We believe the privacy protections required by these provisions will adequately address our concerns about consumer privacy, because they generally forbid disclosure of personally identifiable information regarding subscribers without prior consent and require necessary actions to prevent unauthorized access to information by a person other than the subscriber. We therefore find it appropriate for manufacturers that choose to require consumer verification of eligibility to also comply with the requirements of Sections 338(i)(4)(A) and 631(c)(1) of the Act to protect personal information gathered from consumers through their verification procedures.[141] We find that it is equally important that manufacturers protect the privacy of consumers to the same extent as MVPDs, given the personal nature of the eligibility information required and that the same confidentiality concerns are at issue. We also believe that establishing verification and privacy requirements for manufacturers consistent with those that apply to MVPDs will benefit consumers by creating one uniform standard with which regulated entities must comply. In determining which verification procedures to adopt to verify the consumers' eligibility to receive the device, we strongly encourage covered entities to consult with people who are blind and visually impaired to ensure that whatever processes they adopt are not burdensome on consumers. Similarly, while we do not require it, we encourage a covered entity to seek a determination from the Commission as to whether its proposed verification procedures would be burdensome to consumers *before* implementing such procedures.[142] Except in the limited situations in which verification is permitted (as discussed above), we require that covered entities accept all requests for an accessible navigation device or accessibility solution from consumers who self-identify (disclose) that they are blind or visually impaired for the purpose of obtaining an accessible navigation device or accessibility solution ''upon request'' pursuant to Section 205.[143]

E. Notification to Consumers

132. We conclude that MVPDs must notify consumers that navigation devices with the required accessibility features are available to consumers who are blind or visually impaired ''upon request'' to the extent discussed below. Section 205(b)(1) gives the Commission authority to ''prescribe such regulations as are necessary to implement'' the requirements that ''on-screen text menus and guides provided by navigation devices . . . for the display or selection of multichannel video programming are audibly accessible in real-time upon request by individuals who are blind or visually impaired.'' Public Law 111–260, 205(b)(1). In the *NPRM,* we sought comment on whether to require MVPDs to notify their subscribers, in an accessible format, that accessible devices are available upon request. Consumer groups favor notice requirements, while industry commenters oppose such requirements.

133. We believe consumer notification is an essential part of a covered entity's obligation to make audibly accessible devices (or separate solutions, such as software, peripheral devices, specialized consumer premises equipment, a network-based service, or other

[135] Should the complaint filing rules adopted in the R&O become effective before the revised Form 2000C is available to consumers, complaints may be filed in the interim by fax, mail, or email.

[136] We note that verification of eligibility is not at issue for consumers who are deaf or hard of hearing seeking an accessible closed captioning mechanism because, as discussed above, covered entities must ensure that all of their navigation devices with built-in closed captioning capability provide a mechanism to activate closed captioning.

[137] Consumer groups had previously opposed industry's requests to require verification of disabilities. MVPDs favored permitting verification procedures.

[138] A manufacturer could impose a verification requirement in the analogous situation in which, in fulfillment of its Section 205 obligations, it provides an accessible retail navigation device different from (and more advanced than) a less sophisticated, non-compliant navigation device that the customer preferred to purchase, but at the same price as the less sophisticated device.

[139] This is consistent with other accessibility contexts in which we permitted reasonable verification eligibility procedures because of a significant risk of fraud or abuse.

[140] For example, we would consider as reasonable eligibility requirements that accommodate a wide array of methods for consumers to document eligibility, including, but not limited to: proof of participation in a nationally-established program for individuals who are blind or visually impaired, such as the Commission's National Deaf-Blind Equipment Distribution Program or the National Library Service's talking books program; or documentation from any professional or service provider with direct knowledge of the individual's disability, such as a social worker, case worker, counselor, teacher, school superintendent, professional librarian, doctor, ophthalmologist, optometrist, or registered nurse.

[141] We note that the requirements in Sections 338(i) and 631 of the Act to protect personal information are identical so manufacturers need only refer to one of these provisions for their requirements.

[142] Any such requests should follow the procedures for an informal request for Commission action pursuant to § 1.41 of our rules. 47 CFR 1.41. We delegate authority to the Chief of the Consumer and Governmental Affairs Bureau to make these determinations.

[143] This is consistent with other accessibility contexts, such as implementation of Sections 255, 716, and 718 of the Communications Act, in which the potential for fraud or abuse was not raised as an issue.

solution) available to consumers who are blind or visually impaired ''upon request.'' [144] Indeed, the ability to purchase or request an audibly accessible device or accessibility solution means little if consumers are unaware of its existence and availability. Certainly, the Commission will do its part to inform consumers about the availability of audibly accessible devices upon request, but we believe such efforts are no substitute for consumers getting information directly from service providers. Accordingly, we establish two notification rules requiring MVPDs to notify consumers that navigation devices with the required accessibility features are available to consumers who are blind or visually impaired upon request. First, when providing information about equipment options in response to a consumer inquiry about service, accessibility, or other issues, MVPDs must clearly and conspicuously inform consumers about the availability of accessible navigation devices. Although we do not require a specific means for satisfying this notice requirement, we find that the MVPD could provide this required notice by instructing their customer service representatives to provide this information orally to consumers calling the MVPD's customer service line.[145] Second, MVPDs must provide notice on their official Web sites about the availability of accessible navigation devices. MVPDs must prominently display accessibility information on their Web sites in a way that makes it available (and in an accessible format) to all current and potential customers of their products and services. For example, we agree with DIRECTV that providing notice through a link on the home page would be appropriate. Also, while we do not specify the content of these notifications, we agree with Consumer Groups that the notices must publicize the availability of accessible devices and solutions and convey ''the means for making requests for accessible equipment and the specific person, office or entity to whom such requests are to be made.'' In the accompanying *FNPRM,* we seek comment on whether additional notification requirements on MVPDs are necessary and, if so, what those requirements should be.

134. At this time, we do not impose any notification requirements on equipment manufacturers. We find the record is insufficient regarding the scope of what such obligations, if any, should be. However, we encourage equipment manufacturers to publicize information about their accessible devices and accessibility solutions through information on their Web sites, in marketing efforts, and through their retailers. In the accompanying *FNPRM,* we seek comment on whether and how equipment manufacturers should notify consumers about the availability of accessible devices.

VII. Elimination of Analog Closed Captioning Labeling Requirement and Renaming Part 79

135. Although this is not mandated by the CVAA, we adopt the *NPRM's* tentative conclusion to eliminate the analog closed captioning labeling requirements from our rules. That is, we will eliminate the requirement that manufacturers label analog television receivers based on whether they contain an analog closed captioning decoder and the requirement that manufacturers include information in a television's user manual if the receiver implements only a subset of the analog closed captioning functionality. *See* 47 CFR 79.101(m). As we explained in the *NPRM,* we find that these requirements are no longer necessary. As of March 1, 2007, our rules require that all televisions contain a digital television receiver, and, by extension, a digital closed captioning decoder. CEA and NAD/Consumer Groups, the only two commenters who addressed our tentative conclusion to eliminate the analog closed captioning labeling requirements, both agree that the requirements are unnecessary because all television receivers that are currently sold are required to support the features of digital closed captioning, which are more extensive than those of analog closed captioning. Given that it appears that no televisions are being manufactured in or imported into the United States today that implement only a subset of the analog closed captioning functionality, we believe that it is no longer appropriate to continue requiring the labeling of television receivers that include analog tuners or the requirement that user manuals indicate if a device does not support all of the aspects of the analog closed captioning standard.

136. We also adopt our proposal to rename Part 79 and divide Part 79 into two subparts; the first subpart includes rules applying to video programming owners, providers, and distributors and the second subpart includes rules that apply to apparatus manufacturers. CEA and NAD/Consumer Groups were the only commenters to address our proposed renaming and reorganization and both expressed support for the idea. We agree with CEA that our proposed reorganization of Part 79 will assist readers in browsing and locating our accessibility rules. We therefore rename Part 79 of the Commission's rules ''Accessibility of Video Programming'' and divide it into two subparts, Subpart A, entitled ''Video Programming Owners, Distributors, and Providers,'' which will contain those rules regarding the provision of various services, and Subpart B, ''Apparatus,'' which will contain those rules pertaining to devices and other equipment used to receive, play back, or record video programming. In taking this action, we clarify that the renaming and reorganization of Part 79 is purely procedural in nature and does not affect any of the underlying substance of the rules.

VIII. Procedural Matters

A. Final Regulatory Flexibility Analysis

137. As required by the Regulatory Flexibility Act of 1980, as amended (''RFA''),[146] an Initial Regulatory Flexibility Analysis (''IRFA'') was incorporated in the *Notice of Proposed Rulemaking* in this proceeding.[147] The Federal Communications Commission (''Commission'') sought written public comment on the proposals in the *NPRM,* including comment on the IRFA. The Commission received no comments on the IRFA. This present Final Regulatory Flexibility Analysis (''FRFA'') conforms to the RFA.[148]

1. Need for, and Objectives of, the Report and Order

138. Pursuant to the Twenty-First Century Communications and Video Accessibility Act of 2010 (''CVAA''), the R&O adopts rules requiring the accessibility of user interfaces on digital apparatus and navigation devices used to view video programming for individuals with disabilities. The rules we adopt here will effectuate Congress's goals in enacting Sections 204 and 205

[144] Notice to consumers about the availability of accessible devices takes on even more importance given that covered entities may be subject to different compliance deadlines and may have different equipment roll-out schedules.

[145] We note that customer service representatives are not required to repeat this required notice to a repeat caller about the same inquiry.

[146] *See* 5 U.S.C. 603. The RFA, *see* 5 U.S.C. 601–612, has been amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (''SBREFA''), Public Law 104–121, Title II, 110 Stat. 857 (1996). The SBREFA was enacted as Title II of the Contract With America Advancement Act of 1996 (''CWAAA'').

[147] *See Accessibility of User Interfaces, and Video Programming Guides and Menus,* MB Docket No. 12–108, Notice of Proposed Rulemaking, 28 FCC Rcd 8506 (2013) (''*NPRM*'').

[148] *See* 5 U.S.C. 604.

of the CVAA by: (1) Enabling individuals who are blind or visually impaired to more easily access video programming on a range of video devices; and (2) enabling consumers who are deaf or hard of hearing to more easily activate closed captioning on video devices. Specifically, and as discussed more thoroughly below, the rules require that digital apparatus subject to Section 204 make appropriate built-in apparatus functions (*i.e.,* the functions used to receive, play back, and display video programming) accessible to individuals who are blind or visually impaired. The rules also require that navigation devices subject to Section 205 make on-screen text menus and guides used for the display or selection of multichannel video programming audibly accessible, and that they make the controls used to access covered functions (*i.e.,* power on/off, volume adjust/mute) accessible to individuals who are blind or visually impaired. Covered entities must also provide a mechanism reasonably comparable to a button, key, or icon for accessing certain accessibility features. By imposing new requirements with regard to the accessibility of user interfaces and video programming guides and menus, the regulations adopted herein further the purpose of the CVAA to ''update the communications laws to help ensure that individuals with disabilities are able to fully utilize communications services and equipment and better access video programming.''

139. *Legal Basis.* The authority for the action taken in this rulemaking is contained in the Twenty-First Century Communications and Video Accessibility Act of 2010, Public Law 111–260, 124 Stat. 2751, and Sections 4(i), 4(j), 303(aa), 303(bb), and 716(g) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 303(aa), 303(bb), and 617(g).

2. Summary of Significant Issues Raised in Response to the IRFA

140. *Summary of Significant Issues Raised by Public Comments.* No public comments were filed in response to the IRFA.

141. *Response to Comments filed by the Small Business Administration.* The Small Business Administration (''SBA'') Office of Advocacy filed an *ex parte* letter in MB Docket No. 12–108, in which it forwarded the concerns of small multichannel video programming distributors (''MVPDs''), including those affiliated with rural local exchange carriers, ''regarding the potential for the proposed rule to place a disproportionate economic impact on small MVPDs,'' and in which it recommended that the Commission exempt small MVPDs serving fewer than 20,000 subscribers from the proposed rule and adopt a delayed compliance schedule for all small MVPDs. SBA also shared concerns regarding compliance with the RFA in the IRFA, which we address in this FRFA by providing a discussion of the potential disproportionate impact of the final rules on small entities, as well as steps taken to mitigate those impacts.

3. Description and Estimate of the Number of Small Entities to Which the Rules Will Apply

142. The RFA directs the Commission to provide a description of and, where feasible, an estimate of the number of small entities that will be affected by the rules adopted in the R&O.[149] The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.''[150] In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act.[151] A ''small business concern'' is one which: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.[152] Small entities that are directly affected by the rules adopted in the R&O include manufacturers of digital apparatus, MVPDs leasing or selling navigation devices, equipment manufacturers of navigation devices that place devices into the chain of commerce for sale to consumers, and other manufacturers of navigation device hardware and software.

143. *Cable Television Distribution Services.* Since 2007, these services have been defined within the broad economic census category of Wired Telecommunications Carriers, which was developed for small wireline businesses. This category is defined as follows: ''This industry comprises establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired telecommunications networks. Transmission facilities may be based on a single technology or a combination of technologies. Establishments in this industry use the wired telecommunications network facilities that they operate to provide a variety of services, such as wired telephony services, including VoIP services; wired (cable) audio and video programming distribution; and wired broadband Internet services.'' The SBA has developed a small business size standard for this category, which is: all such businesses having 1,500 or fewer employees. Census data for 2007 shows that there were 31,996 establishments that operated that year. Of this total, 30,178 establishments had fewer than 100 employees, and 1,818 establishments had 100 or more employees. Therefore, under this size standard, we estimate that the majority of businesses can be considered small entities.

144. *Cable Companies and Systems.* The Commission has also developed its own small business size standards for the purpose of cable rate regulation. Under the Commission's rules, a ''small cable company'' is one serving 400,000 or fewer subscribers nationwide. Industry data shows that there were 1,141 cable companies at the end of June 2012. Of this total, all but 10 incumbent cable companies are small under this size standard. In addition, under the Commission's rate regulation rules, a ''small system'' is a cable system serving 15,000 or fewer subscribers. Current Commission records show 4,945 cable systems nationwide. Of this total, 4,380 cable systems have less than 20,000 subscribers, and 565 systems have 20,000 subscribers or more, based on the same records. Thus, under this standard, we estimate that most cable systems are small.

145. *Cable System Operators (Telecom Act Standard).* The Communications Act of 1934, as amended, also contains a size standard for small cable system operators, which is ''a cable operator that, directly or through an affiliate, serves in the aggregate fewer than 1 percent of all subscribers in the United States and is not affiliated with any entity or entities whose gross annual revenues in the aggregate exceed $250,000,000.'' There are approximately 56.4 million incumbent cable video subscribers in the United States today. Accordingly, an operator serving fewer than 564,000 subscribers shall be deemed a small operator, if its annual revenues, when

[149] 5 U.S.C. 603(b)(3).

[150] *Id.* 601(6).

[151] *Id.* 601(3) (incorporating by reference the definition of ''small-business concern'' in the Small Business Act, 15 U.S.C. 632). Pursuant to 5 U.S.C. 601(3), the statutory definition of a small business applies ''unless an agency, after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definition(s) in the **Federal Register**.''

[152] 15 U.S.C. 632.

combined with the total annual revenues of all its affiliates, do not exceed $250 million in the aggregate. Based on available data, we find that all but 10 incumbent cable operators are small under this size standard. We note that the Commission neither requests nor collects information on whether cable system operators are affiliated with entities whose gross annual revenues exceed $250 million. Although it seems certain that some of these cable system operators are affiliated with entities whose gross annual revenues exceed $250,000,000, we are unable at this time to estimate with greater precision the number of cable system operators that would qualify as small cable operators under the definition in the Communications Act.

146. *Direct Broadcast Satellite (DBS) Service.* DBS service is a nationally distributed subscription service that delivers video and audio programming via satellite to a small parabolic ''dish'' antenna at the subscriber's location. DBS, by exception, is now included in the SBA's broad economic census category, Wired Telecommunications Carriers, which was developed for small wireline businesses. Under this category, the SBA deems a wireline business to be small if it has 1,500 or fewer employees. Census data for 2007 shows that there were 31,996 establishments that operated that year. Of this total, 30,178 establishments had fewer than 100 employees, and 1,818 establishments had 100 or more employees. Therefore, under this size standard, the majority of such businesses can be considered small. However, the data we have available as a basis for estimating the number of such small entities were gathered under a superseded SBA small business size standard formerly titled ''Cable and Other Program Distribution.'' The definition of Cable and Other Program Distribution provided that a small entity is one with $12.5 million or less in annual receipts. Currently, only two entities provide DBS service, which requires a great investment of capital for operation: DIRECTV and DISH Network. Each currently offer subscription services. DIRECTV and DISH Network each report annual revenues that are in excess of the threshold for a small business. Because DBS service requires significant capital, we believe it is unlikely that a small entity as defined by the SBA would have the financial wherewithal to become a DBS service provider.

147. *Satellite Master Antenna Television (SMATV) Systems, also known as Private Cable Operators (PCOs).* SMATV systems or PCOs are video distribution facilities that use closed transmission paths without using any public right-of-way. They acquire video programming and distribute it via terrestrial wiring in urban and suburban multiple dwelling units such as apartments and condominiums, and commercial multiple tenant units such as hotels and office buildings. SMATV systems or PCOs are now included in the SBA's broad economic census category, Wired Telecommunications Carriers, which was developed for small wireline businesses. Under this category, the SBA deems a wireline business to be small if it has 1,500 or fewer employees. Census data for 2007 shows that there were 31,996 establishments that operated that year. Of this total, 30,178 establishments had fewer than 100 employees, and 1,818 establishments had 100 or more employees. Therefore, under this size standard, the majority of such businesses can be considered small.

148. *Home Satellite Dish (HSD) Service.* HSD or the large dish segment of the satellite industry is the original satellite-to-home service offered to consumers, and involves the home reception of signals transmitted by satellites operating generally in the C-band frequency. Unlike DBS, which uses small dishes, HSD antennas are between four and eight feet in diameter and can receive a wide range of unscrambled (free) programming and scrambled programming purchased from program packagers that are licensed to facilitate subscribers' receipt of video programming. Because HSD provides subscription services, HSD falls within the SBA-recognized definition of Wired Telecommunications Carriers. The SBA has developed a small business size standard for this category, which is: all such businesses having 1,500 or fewer employees. Census data for 2007 shows that there were 31,996 establishments that operated that year. Of this total, 30,178 establishments had fewer than 100 employees, and 1,818 establishments had 100 or more employees. Therefore, we estimate that the majority of businesses can be considered small entities.

149. *Open Video Services.* The open video system (OVS) framework was established in 1996, and is one of four statutorily recognized options for the provision of video programming services by local exchange carriers. The OVS framework provides opportunities for the distribution of video programming other than through cable systems. Because OVS operators provide subscription services, OVS falls within the SBA small business size standard covering cable services, which is Wired Telecommunications Carriers. The SBA has developed a small business size standard for this category, which is: all such businesses having 1,500 or fewer employees. Census data for 2007 shows that there were 31,996 establishments that operated that year. Of this total, 30,178 establishments had fewer than 100 employees, and 1,818 establishments had 100 or more employees. Therefore, under this size standard, we estimate that the majority of businesses can be considered small entities. In addition, we note that the Commission has certified some OVS operators, with some now providing service. Broadband service providers (''BSPs'') are currently the only significant holders of OVS certifications or local OVS franchises. The Commission does not have financial or employment information regarding the entities authorized to provide OVS, some of which may not yet be operational. Thus, again, at least some of the OVS operators may qualify as small entities.

150. *Wireless cable systems—Broadband Radio Service and Educational Broadband Service.* Wireless cable systems use the Broadband Radio Service (BRS) and Educational Broadband Service (EBS) to transmit video programming to subscribers. In connection with the 1996 BRS auction, the Commission established a small business size standard as an entity that had annual average gross revenues of no more than $40 million in the previous three calendar years. The BRS auctions resulted in 67 successful bidders obtaining licensing opportunities for 493 Basic Trading Areas (BTAs). Of the 67 auction winners, 61 met the definition of a small business. BRS also includes licensees of stations authorized prior to the auction. At this time, we estimate that of the 61 small business BRS auction winners, 48 remain small business licensees. In addition to the 48 small businesses that hold BTA authorizations, there are approximately 392 incumbent BRS licensees that are considered small entities. After adding the number of small business auction licensees to the number of incumbent licensees not already counted, we find that there are currently approximately 440 BRS licensees that are defined as small businesses under either the SBA or the Commission's rules. In 2009, the Commission conducted Auction 86, the sale of 78 licenses in the BRS areas. The Commission offered three levels of bidding credits: (i) A bidder with attributed average annual gross revenues

that exceed $15 million and do not exceed $40 million for the preceding three years (small business) received a 15 percent discount on its winning bid; (ii) a bidder with attributed average annual gross revenues that exceed $3 million and do not exceed $15 million for the preceding three years (very small business) received a 25 percent discount on its winning bid; and (iii) a bidder with attributed average annual gross revenues that do not exceed $3 million for the preceding three years (entrepreneur) received a 35 percent discount on its winning bid. Auction 86 concluded in 2009 with the sale of 61 licenses. Of the 10 winning bidders, two bidders that claimed small business status won four licenses; one bidder that claimed very small business status won three licenses; and two bidders that claimed entrepreneur status won six licenses.

151. In addition, the SBA's placement of Cable Television Distribution Services in the category of Wired Telecommunications Carriers is applicable to cable-based Educational Broadcasting Services. Since 2007, these services have been defined within the broad economic census category of Wired Telecommunications Carriers, which was developed for small wireline businesses. This category is defined as follows: ''This industry comprises establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired telecommunications networks. Transmission facilities may be based on a single technology or a combination of technologies. Establishments in this industry use the wired telecommunications network facilities that they operate to provide a variety of services, such as wired telephony services, including VoIP services; wired (cable) audio and video programming distribution; and wired broadband Internet services.'' The SBA has developed a small business size standard for this category, which is: all such businesses having 1,500 or fewer employees. Census data for 2007 shows that there were 31,996 establishments that operated that year. Of this total, 30,178 establishments had fewer than 100 employees, and 1,818 establishments had 100 or more employees. Therefore, under this size standard, we estimate that the majority of businesses can be considered small entities. In addition to Census data, the Commission's internal records indicate that as of September 2012, there are 2,241 active EBS licenses. The Commission estimates that of these 2,241 licenses, the majority are held by non-profit educational institutions and school districts, which are by statute defined as small businesses.

152. *Incumbent Local Exchange Carriers (ILECs).* Neither the Commission nor the SBA has developed a small business size standard specifically for incumbent local exchange services. ILECs are included in the SBA's economic census category, Wired Telecommunications Carriers. Under this category, the SBA deems a wireline business to be small if it has 1,500 or fewer employees. Census data for 2007 shows that there were 31,996 establishments that operated that year. Of this total, 30,178 establishments had fewer than 100 employees, and 1,818 establishments had 100 or more employees. Therefore, under this size standard, the majority of such businesses can be considered small.

153. *Small Incumbent Local Exchange Carriers.* We have included small incumbent local exchange carriers in this present RFA analysis. A ''small business'' under the RFA is one that, *inter alia,* meets the pertinent small business size standard (*e.g.,* a telephone communications business having 1,500 or fewer employees), and ''is not dominant in its field of operation.'' The SBA's Office of Advocacy contends that, for RFA purposes, small incumbent local exchange carriers are not dominant in their field of operation because any such dominance is not ''national'' in scope. We have therefore included small incumbent local exchange carriers in this RFA analysis, although we emphasize that this RFA action has no effect on Commission analyses and determinations in other, non-RFA contexts.

154. *Competitive Local Exchange Carriers (CLECs), Competitive Access Providers (CAPs), Shared-Tenant Service Providers, and Other Local Service Providers.* Neither the Commission nor the SBA has developed a small business size standard specifically for these service providers. These entities are included in the SBA's economic census category, Wired Telecommunications Carriers. Under this category, the SBA deems a wireline business to be small if it has 1,500 or fewer employees. Census data for 2007 shows that there were 31,996 establishments that operated that year. Of this total, 30,178 establishments had fewer than 100 employees, and 1,818 establishments had 100 or more employees. Therefore, under this size standard, the majority of such businesses can be considered small.

155. *Radio and Television Broadcasting and Wireless Communications Equipment Manufacturing.* The Census Bureau defines this category as follows: ''This industry comprises establishments primarily engaged in manufacturing radio and television broadcast and wireless communications equipment. Examples of products made by these establishments are: transmitting and receiving antennas, cable television equipment, GPS equipment, pagers, cellular phones, mobile communications equipment, and radio and television studio and broadcasting equipment.'' The SBA has developed a small business size standard for this category, which is: all such businesses having 750 or fewer employees. Census data for 2007 shows that there were 939 establishments that operated for part or all of the entire year. Of those, 912 operated with fewer than 500 employees, and 27 operated with 500 or more employees. Therefore, under this size standard, the majority of such establishments can be considered small.

156. *Audio and Video Equipment Manufacturing.* The Census Bureau defines this category as follows: ''This industry comprises establishments primarily engaged in manufacturing electronic audio and video equipment for home entertainment, motor vehicles, and public address and musical instrument amplification. Examples of products made by these establishments are video cassette recorders, televisions, stereo equipment, speaker systems, household-type video cameras, jukeboxes, and amplifiers for musical instruments and public address systems.'' The SBA has developed a small business size standard for this category, which is: all such businesses having 750 or fewer employees. Census data for 2007 shows that there were 492 establishments in this category operated for part or all of the entire year. Of those, 488 operated with fewer than 500 employees, and four operated with 500 or more employees. Therefore, under this size standard, the majority of such establishments can be considered small.

4. Description of Projected Reporting, Recordkeeping, and Other Compliance Requirements for Small Entities

157. In this section, we describe the reporting, recordkeeping, and other compliance requirements adopted in the R&O and consider whether small entities are affected disproportionately by these requirements.

158. *Reporting Requirements.* The R&O does not adopt reporting requirements.

159. *Recordkeeping Requirements.* The R&O adopts certain recordkeeping requirements, which are applicable to covered small entities. Specifically, the following provisions will require covered entities to make a filing and, thus, to make and keep records of the filing:

• Achievability—The R&O implements rules for determining whether compliance with Section 204 and 205 accessibility requirements is ''achievable.'' When faced with a complaint or enforcement action for a violation of the requirements adopted herein pursuant to either Section 204 or Section 205 of the CVAA, a covered entity may raise as a defense that a particular apparatus or navigation device does not comply with the rules because compliance was not achievable under the statutory factors.[153] Alternatively, a covered entity may seek a determination from the Commission that compliance with all of our rules is not achievable before manufacturing or importing the apparatus or navigation device.

• Alternate Means of Compliance—The R&O permits entities covered by Section 204 to comply with the requirements adopted pursuant to that section by alternate means. A covered entity seeking to use an alternate means of compliance with Section 204 may either: (i) request a Commission determination that the proposed alternate means satisfies the statutory requirements through a request pursuant to § 1.41 of the Commission's rules; or (ii) claim in defense to a complaint or enforcement action that the Commission should determine that the party's actions were permissible alternate means of compliance.

• Complaint Procedures—The R&O adopts procedures for consumer complaints alleging a violation of the Commission's rules requiring accessibility of user interfaces and video programming guides and menus. These procedures allow complainants to file their complaints either with the Commission or with the covered entity responsible for the problem and provide the covered entity 30 days to respond in writing to the complaint. In response to a complaint, a covered entity must file with the Commission sufficient records and documentation to prove that it was (and remains) in compliance with the Commission's rules. The procedures also require covered entities to make contact information available to consumers for the receipt and handling of written complaints.[154]

• Notification Requirements—The R&O requires MVPDs to notify consumers that navigation devices with the required accessibility features are available to consumers who are blind or visually impaired ''upon request.'' Specifically, MVPDs must clearly and conspicuously inform consumers about the availability of accessible navigation devices when providing information about equipment options in response to a consumer inquiry about service, accessibility, or other issues [155] and also must provide notice about the availability of accessible navigation devices on their official Web site, such as a through a link on their home page. The notices must publicize the availability of accessible devices and solutions and convey the means for making requests for accessible equipment and the specific person, office or entity to whom such requests are to be made.

• Verification Requirements—The R&O allows covered entities to require verification of eligibility (as an individual who is blind or visually impaired) to the extent the covered entity chooses to rely on an accessibility solution that involves providing the consumer with sophisticated equipment and/or services at a price that is lower than that offered to the general public. With respect to proof of eligibility, covered entities must allow a consumer to provide a wide array of documentation to verify eligibility for the accessibility solution provided.[156] In addition, they must protect personal information gathered from consumers through their verification procedures.

160. *Other Compliance Requirements.* Under Section 204, the entities responsible for compliance are digital apparatus manufacturers. Under Section 205, the entities responsible for compliance are MVPDs leasing or selling navigation devices, equipment manufacturers of navigation devices that place devices into the chain of commerce for sale to consumers, and other manufacturers of navigation device hardware and software. The R&O adopts the following compliance requirements, which are applicable to covered small entities:

• Requires apparatus covered by Section 204—*i.e.,* digital apparatus designed to receive or play back video programming transmitted simultaneously with sound—to make ''appropriate'' built-in functions (*i.e.,* those used for the reception, play back, or display of video programming) accessible to individuals who are blind or visually impaired. At this time, the ''appropriate'' built-in functions under Section 204 are limited to the 11 essential functions identified by the Video Programming Accessibility Advisory Committee (''VPAAC''), an advisory committee comprised of industry and consumer groups established by the Chairman of the Commission pursuant to the CVAA.

• Requires navigation devices covered by Section 205 to make on-screen text menus and guides for the display or selection of multichannel video programming audibly accessible. Nine of the 11 essential functions identified by the VPAAC are used for the display or selection of video programming and must be made audibly accessible on navigation devices to the extent they are accessed through on-screen text menus and guides. In addition, two functions (power on/off and volume adjust/mute) must be made accessible (but not necessarily *audibly* accessible) because they are controls necessary to access covered functions.

• Requires apparatus covered by Section 204 to provide access to closed

[153] Achievability is determined through a four factor analysis that examines: ''(1) The nature and cost of the steps needed to meet the requirements of this section with respect to the specific equipment or service in question. (2) The technical and economic impact on the operation of the manufacturer or provider and on the operation of the specific equipment or service in question, including on the development and deployment of new communications technologies. (3) The type of operations of the manufacturer or provider. (4) The extent to which the service provider or manufacturer in question offers accessible services or equipment containing varying degrees of functionality and features, and offered at differing price points.'' Through this analysis, an otherwise covered entity can demonstrate that accessibility is not achievable.

[154] Covered entities are encouraged to include this information with the other accessibility information they must post on their official Web site and are expected to prominently display their contact information in a way that makes it available and accessible to all consumers of their products and services. The R&O emphasizes that such notice should be provided in a location that is conspicuous to consumers and accessible to those who are blind or visually impaired, and requires covered entities to make available and accessible the contact information of a person with primary responsibility for accessibility compliance issues. Covered entities must provide that person's name and title or office, telephone number, fax number, postal mailing address, and email address. Covered entities must keep this information current and update it within 10 business days of any change.

[155] The R&O does not require a specific means of notification for these notices.

[156] In order to ensure that fulfilling such verification requests and the processes needed to verify the consumer's eligibility to receive the device will not be burdensome to consumers, the R&O strongly encourages covered entities to consult with people who are blind and visually impaired. In addition, although not required, the R&O encourages a covered entity to seek a determination from the Commission's Consumer and Governmental Affairs Bureau as to whether its proposed verification procedures would be burdensome to consumers before implementing such procedures.

captioning and video description through a mechanism for each that is reasonably comparable to a button, key, or icon, and requires navigation devices covered by Section 205 to provide access to closed captioning through a mechanism reasonably comparable to a button, key, or icon. With regard to Section 205, covered entities must ensure that mechanisms reasonably comparable to a button, key, or icon for activating closed captioning are provided on all their navigation devices (*i.e.,* such mechanisms are not subject to the ''upon request'' language in Section 205).

- Requires entities covered by Section 205 to provide accessible navigation devices to requesting blind or visually impaired individuals ''within a reasonable time,'' defined as a time period comparable to the time it takes such entity to provide navigation devices generally to other consumers.
- Requires entities covered by Section 205 to permit consumers who are blind or visually impaired to request compliant devices through any means that they generally make available to other consumers that request navigation devices.
- Requires a manufacturer that provides navigation devices at retail to requesting blind or visually impaired consumers to make a good faith effort to have retailers make available compliant navigation devices to the same extent they make available navigation devices to other consumers generally.
- Requires entities covered by Section 205 to ensure that any means they employ to accept requests for accessible devices are not more burdensome to blind or visually impaired individuals than the means they employ to provide navigation devices generally to other consumers.
- Requires entities covered by Section 205 that rely on separate equipment or software (''separate solution'') to achieve accessibility under Section 205(b)(4) to provide such solution to a requesting individual who is blind or visually impaired. In addition, the R&O:
  - Requires that if a non-compliant navigation device has any functions that are required to be made accessible pursuant to the rules we adopt in the R&O, any separate solution relied upon to achieve accessibility must make all of those functions accessible or enable the accessibility of those functions;
  - Requires that a separate solution be provided in a manner that is not more burdensome to requesting blind or visually impaired individuals than the manner in which other consumers generally obtain navigation devices;
  - Requires that a covered entity relying on a separate solution must make available such solution ''within a reasonable time,'' defined as a period of time comparable to the time in which it generally provides navigation devices to consumers who are not blind or visually impaired;
  - Concludes that a covered entity that provides separate equipment or software may not impose on a requesting consumer who is blind or visually impaired any charges beyond those it has imposed for the non-compliant navigation device. In cases where an entity provides accessibility functionality in only select devices, this constitutes an ''other solution'' under Section 205(b)(4)(B) for which an entity can impose no additional charge. For example, if a covered entity's only solution is to provide a sophisticated navigation device (one with enhanced features and functions) to a consumer that requests a less sophisticated device, it cannot charge the consumer more than the price of the less sophisticated device; and
  - Concludes that if a covered entity's chosen manner of compliance involves a software solution that must be operated on a third-party device (*e.g.,* a laptop, tablet, smart phone) or if additional services are required to make use of the device, this manner of compliance constitutes an ''other solution'' under Section 205(b)(4)(B); thus, the covered entity must provide that solution—*i.e.,* the software, third-party device, and any service needed to use the accessibility features—to the requesting individual at no additional charge.
- Sets a three-year compliance deadline by which covered entities must generally comply with the requirements of Sections 204 and 205, and sets a five-year compliance deadline by which certain mid-sized and smaller MVPD operators and small MVPD systems must comply with the requirements of Section 205.

161. *Potential for disproportionate impact on small entities.* As required by Sections 204 and 205 of the CVAA, the rules require covered entities, such as equipment manufacturers and MVPD service providers, to ensure that user interfaces and video programming guides on digital apparatus and navigation devices used to view video programming are accessible to consumers with disabilities (unless doing such is not achievable). Neither the statute nor the rules mandate a specific means of compliance. Indeed, Sections 204 and 205 of the CVAA restrict the Commission from specifying the technical standards, protocols, procedures, and other technical requirements for meeting the accessibility requirements of those sections. In addition, entities covered by Section 205 of the CVAA have ''maximum flexibility to select the manner of compliance'' with Section 303(bb)(1) of the Act, as well as ''maximum flexibility in the selection of the means for compliance with Section 303(bb)(2)'' of the Act. Entities covered by Section 204 may build in accessibility on digital apparatus or they can use alternate means to comply with the accessibility requirements of that section. Entities covered by Section 205 may build in solutions to make navigation devices accessible or they may use separate solutions (such as software, peripheral devices, specialized consumer premises equipment, a network-based service, or other solution) to ensure accessibility. No commenter provided information concerning the costs and administrative burdens associated with the R&O's compliance requirements. Although the record does not contain specific information about the costs of compliance, covered entities have flexibility to choose the most cost-effective solution possible, and we anticipate that some solutions may be considerably less costly than others. For example, MVPDs may be able to purchase an accessible navigation device (*e.g.,* TiVo) and provide it to a requesting customer who is blind or visually impaired to satisfy their accessibility obligations, which may be significantly less costly than having to develop a built-in solution and make corresponding changes to their headend facility. As discussed below, MVPD commenters said they do not know how they will comply, only that they expect that, whatever means is used, the costs will likely be greater for smaller entities than for larger ones.

162. In the record of this proceeding, MVPDs, in particular, have expressed concern regarding the potential for the proposed rule to place a disproportionate economic impact on smaller MVPDs. Industry commenters, such as NCTA and NTCA, state that the proposed rules may have greater impacts on smaller companies than larger ones, and that ''[s]maller cable operators do not have the financial wherewithal to develop these solutions on their own and typically rely on the research and development efforts of the larger operators prior to deploying new equipment and services to their customers.'' ACA states that ''compliance with the accessible user guide requirements within a three-year

timeframe will be challenging for all but the very largest MVPDs because there is substantial uncertainty about how accessibility requirements will be implemented, what technologies and equipment will be available for operators to meet them, and when they will be made commercially available.'' Regardless of the solution ultimately employed, MVPDs explain that, because of their relatively diminished purchasing power, small MVPDs will likely face higher prices than large MVPDs for technology solutions developed to meet the statute's accessibility requirements. Therefore, while the economic impacts of the rules are uncertain at this time, it seems likely that the rules may disproportionately impact small MVPDs. As a result, the Commission takes steps to minimize this impact on small entities (see discussion below), consistent with the statutory mandate.

163. We note that it would be premature to undertake the formal cost-of-compliance analysis required by Section D of the RFA because the flexibility granted to covered entities in accordance with Sections 204 and 205 of the CVAA permits a wide array of means of compliance with varied costs, the Commission does not yet know how covered entities will choose to comply with the accessibility requirements, and more concrete financial data based on experience is not available because the rules have not yet gone into effect.

5. Steps Taken To Minimize Significant Economic Impact on Small Entities and Significant Alternatives Considered

164. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.[157] The *NPRM* invited comment on issues that had the potential to have significant impact on some small entities.

165. The rules adopted in the R&O may have a significant economic impact in some cases, and that impact may affect a substantial number of small entities. Although the Commission has considered alternatives where possible, as directed by the RFA, to minimize economic impact on small entities, we emphasize that our action is governed by the congressional mandate contained in Sections 204 and 205 of the CVAA.

166. In formulating the final rules, however, the Commission has considered alternatives to minimize the economic impact on small entities. As discussed below, covered entities (including small entities) may avoid potentially economically burdensome compliance with certain requirements if accessibility is not ''achievable'' and are afforded flexibility with respect to the means of compliance. In addition, based on the record in the proceeding, certain mid-sized and smaller MVPD operators (*i.e.,* those with 400,000 or fewer subscribers) and small MVPD systems (*i.e.,* those with 20,000 or fewer subscribers that are not affiliated with an operator serving more than 10 percent of all MVPD subscribers) are afforded more time to comply with the requirements of Section 205.

167. With regard to the accessibility requirements adopted pursuant to Sections 303(aa)(1) and 303(bb)(1) of the Act, the R&O adopts procedures enabling the Commission to grant exemptions to the rules where a petitioner has shown that compliance is not achievable (*i.e.,* cannot be accomplished with reasonable effort or expense). This process will allow the Commission to address the impact of the rules on individual entities, including smaller entities, on a case-by-case basis and to modify the application of the rules to accommodate individual circumstances, which can reduce the costs of compliance for these entities. We note that two of the four statutory factors that the Commission will consider in determining achievability are particularly relevant to small entities: the nature and cost of the steps needed to meet the requirements, and the technical and economic impact on the entity's operations.

168. As an additional means of reducing the costs of compliance, the R&O provides that entities covered by Section 204 of the CVAA may use alternate means of compliance for the rules adopted pursuant to this section. Under this approach, the Commission will permit an entity that seeks to use an alternate means of compliance to file a request pursuant to § 1.41 of the Commission's rules for a determination that the proposed alternate means of compliance satisfies the requirements, or to claim in defense to a complaint or enforcement action that the Commission should determine that the party's actions were permissible alternate means of compliance. The Commission will evaluate these filings on a case-by-case basis. In addition, entities covered by Section 205 of the CVAA have ''maximum flexibility to select the manner of compliance'' with Section 303(bb)(1) of the Act, as well as ''maximum flexibility in the selection of the means for compliance with Section 303(bb)(2)'' of the Act. Individual entities, including small entities, can benefit from the flexibility provided by these provisions.

169. Finally, in response to industry's request, the Commission adopted a two-year delay in compliance with the requirements of Section 205 for certain mid-sized and smaller MVPD operators and small MVPD systems. Specifically, the later deadline will apply to: (1) MVPD operators with 400,000 or fewer subscribers; and (2) MVPD systems with 20,000 or fewer subscribers that are not affiliated with an operator serving more than 10 percent of all MVPD subscribers. The delayed compliance deadline (which will be five (5) years from the date the R&O is published in the **Federal Register**) for such smaller entities will help minimize the economic impact of Section 205's requirements and addresses the potential for disproportionate impact discussed above.

170. We note that the Commission also considered, but declined at this time to grant, a permanent exemption for small cable systems with 20,000 or fewer subscribers, as permitted by Section 205(b)(2). However, all small cable systems other than those affiliated with an operator serving more than 10.1 million subscribers will benefit from the delayed compliance deadline described above. In addition, we note that, if the delayed compliance deadline proves insufficient to allow small systems to implement an affordable solution, the Commission may consider requests for a further extension on an individual or industry-wide basis. Whereas the uncertainty surrounding how covered small entities will comply makes it reasonable to afford a later compliance deadline, it also means it would be premature to assume that small cable systems will never be able to comply with the requirements of Section 205.

171. Overall, we believe we have appropriately considered both the interests of individuals with disabilities and the interests of the entities who will be subject to the rules, including those that are smaller entities, consistent with Congress' goal to ''update the communications laws to help ensure that individuals with disabilities are able to fully utilize communications

[157] 5 U.S.C. 603(c)(1)–(c)(4).

services and equipment and better access video programming.''

6. Report to Congress

172. The Commission will send a copy of the R&O, including this FRFA, in a report to be sent to Congress pursuant to the Congressional Review Act.[158] In addition, the Commission will send a copy of the R&O, including this FRFA, to the Chief Counsel for Advocacy of the SBA. The R&O and FRFA (or summaries thereof) will also be published in the **Federal Register**.[159]

B. Paperwork Reduction Act

173. The R&O contains new and modified information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. The requirements will be submitted to the Office of Management and Budget (OMB) for review under Section 3507(d) of the PRA. OMB, the general public, and other Federal agencies will be invited to comment on the information collection requirements contained in this proceeding. The Commission will publish a separate document in the **Federal Register** at a later date seeking these comments. In addition, we note that pursuant to the Small Business Paperwork Relief Act of 2002 (SBPRA), Public Law 107–198, *see* 44 U.S.C. 3506(c)(4), we seek specific comment on how the Commission might further reduce the information collection burden for small business concerns with fewer than 25 employees.

C. Congressional Review Act

174. The Commission will send a copy of the R&O in MB Docket No. 12–108 in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

D. Ex Parte Rules

175. *Permit-But-Disclose.* This proceeding shall be treated as a ''permit-but-disclose'' proceeding in accordance with the Commission's *ex parte* rules. Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with § 1.1206(b). In proceedings governed by § 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (*e.g.,* .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

E. Additional Information

176. For additional information on this proceeding, contact Adam Copeland, *Adam.Copeland@fcc.gov*, or Maria Mullarkey, *Maria.Mullarkey@fcc.gov*, of the Media Bureau, Policy Division, (202) 418–2120.

IX. Ordering Clauses

177. Accordingly, *it is ordered* that, pursuant to the Twenty-First Century Communications and Video Accessibility Act of 2010, Public Law 111–260, 124 Stat. 2751, and the authority found in sections 4(i), 4(j), 303(r), 303(u), 303(aa), 303(bb), and 716(g) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 303(r), 303(u), 303(aa), 303(bb), and 617(g), the *Report and Order and Further Notice of Proposed Rulemaking is adopted,* effective January 21, 2014, except for 47 CFR 79.107(c), 79.108(a)(5), 79.108(c)–(e), and 79.110, which shall become effective upon announcement in the **Federal Register** of OMB approval and an effective date of the rules.

178. *It is ordered* that, pursuant to the Twenty-First Century Communications and Video Accessibility Act of 2010, Public Law 111–260, 124 Stat. 2751, and the authority found in sections 4(i), 4(j), 303(r), 303(aa), 303(bb), and 716(g) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 154(j), 303(r), 303(aa), 303(bb), and 617(g), the Commission's rules *are hereby amended* as set forth in Appendix B.

179. *It is further ordered* that we delegate authority to the Media Bureau and the Consumer and Governmental Affairs Bureau to consider all requests for declaratory rulings pursuant to § 1.2 of the Commission's rules, 47 CFR 1.2, all waiver requests pursuant to § 1.3 of the Commission's rules, 47 CFR 1.3, and all informal requests for Commission action pursuant to § 1.41 of the Commission's rules, 47 CFR 1.41, filed under these rules and pursuant to Sections 204 and 205 of the CVAA as discussed herein.

180. *It is further ordered* that the Commission's Consumer and Governmental Affairs Bureau, Reference Information Center, *shall send* a copy of the *Report and Order and Further Notice of Proposed Rulemaking* in MB Docket No. 12–108, including the Final Regulatory Flexibility Analysis and the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

181. *It is further ordered* that the Commission *shall send* a copy of the *Report and Order and Further Notice of Proposed Rulemaking* in MB Docket No. 12–108 in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, *see* 5 U.S.C. 801(a)(1)(A).

List of Subjects in 47 CFR Part 79

Cable television operators, Communications equipment, Multichannel video programming distributors (MVPDs), Satellite television service providers.

Federal Communications Commission.

Sheryl D. Todd,

Deputy Secretary.

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 79 as follows:

PART 79—CLOSED CAPTIONING AND VIDEO DESCRIPTION OF VIDEO PROGRAMMING

■ 1. The authority citation for part 79 continues to read as follows:

Authority: 47 U.S.C. 151, 152(a), 154(i), 303, 307, 309, 310, 330, 544a, 613, 617.

■ 2. Revise the heading to part 79 to read as set forth above.

[158] *See* 5 U.S.C. 801(a)(1)(A).

[159] *See id.* 604(b).

■ 3. Designate §§ 79.100 through 79.106 as Subpart A under the following heading:

Subpart A—Video Programming Owners, Providers, and Distributors

* * * * *

§ 79.101 [Amended]

■ 4. In § 79.101, remove and reserve paragraph (m).

■ 5. Revise § 79.103 section heading to read as follows:

§ 79.103 Closed caption decoder requirements for apparatus.

* * * * *

■ 6. Add Subpart B to part 79 consisting of §§ 79.107 through 79.110 to read as follows:

Subpart B—Apparatus

Sec.
79.107 User interfaces provided by digital apparatus.
79.108 Video programming guides and menus provided by navigation devices.
79.109 Activating accessibility features.
79.110 Complaint procedures for user interfaces, menus and guides, and activating accessibility features on digital apparatus and navigation devices.

Subpart B—Apparatus

§ 79.107 User interfaces provided by digital apparatus.

(a)(1) A manufacturer of digital apparatus manufactured in or imported for use in the United States and designed to receive or play back video programming transmitted in digital format simultaneously with sound, including apparatus designed to receive or display video programming transmitted in digital format using Internet protocol, must ensure that digital apparatus be designed, developed, and fabricated so that control of appropriate built-in functions included in the digital apparatus are accessible to and usable by individuals who are blind or visually impaired. Digital apparatus do not include navigation devices as defined in § 76.1200 of this chapter. Manufacturers must comply with the provisions of this section only if achievable as defined in § 79.107(c)(2).

Note 1 to paragraph (a)(1): The term digital apparatus as used in this section includes the physical device and the video player(s) capable of displaying video programming transmitted in digital format simultaneously with sound that manufacturers install into the devices they manufacture before sale, whether in the form of hardware, software, or a combination of both, as well as any video players capable of displaying video programming in digital format transmitted simultaneously with sound that manufacturers direct consumers to install after sale. The term software includes third-party applications that are pre-installed on a device by the manufacturer or that the manufacturer directs consumers to install after sale.

Note 2 to paragraph (a)(1): This paragraph places no restrictions on the importing, shipping, or sale of digital apparatus manufactured before the applicable compliance deadline for this section.

(2) If on-screen text menus or other visual indicators built in to the digital apparatus are used to access the appropriate built-in apparatus functions, manufacturers of the digital apparatus must ensure that those functions are accompanied by audio output that is either integrated or peripheral to the digital apparatus, so that such menus or indicators are accessible to and usable by individuals who are blind or visually impaired in real time.

(3) For appropriate built-in digital apparatus functions that are not accessed through on screen text menus or other visual indicators, *i.e.,* those that are not required to be accompanied by audio output in accordance with paragraph (a)(2) of this section, manufacturers of digital apparatus must make such functions accessible to individuals who are blind or visually impaired by ensuring that the input, control, and mechanical functions are locatable, identifiable, and operable in accordance with each of the following, assessed independently:

(i) *Operable without vision.* The digital apparatus must provide at least one mode that does not require user vision.

(ii) *Operable with low vision and limited or no hearing.* The digital apparatus must provide at least one mode that permits operation by users with visual acuity between 20/70 and 20/200, without relying on audio output.

(iii) *Operable with little or no color perception.* The digital apparatus must provide at least one mode that does not require user color perception.

(4) Appropriate built-in apparatus functions are those functions that are used for receiving, playing back, or displaying video programming, and include the following functions:

(i) *Power On/Off.* Function that allows the user to turn the device on or off.

(ii) *Volume Adjust and Mute.* Function that allows the user to adjust the volume and to mute or un-mute the volume.

(iii) *Channel/Program Selection.* Function that allows the user to select channels and programs (*e.g.,* via physical numeric or channel up/channel down buttons or via on screen guides and menus).

(iv) *Display Channel/Program Information.* Function that allows the user to display channel or program information.

(v) *Configuration—Setup.* Function that allows the user to access and change configuration or setup options (*e.g.,* configuration of video display and audio settings, selection of preferred language for onscreen guides or menus, etc.).

(vi) *Configuration—CC Control.* Function that allows the user to enable or disable the display of closed captioning.

(vii) *Configuration—CC Options.* Function that allows the user to modify the display of closed caption data (*e.g.,* configuration of the font size, font color, background color, opacity, etc.).

(viii) *Configuration—Video Description Control.* Function that allows the user to enable or disable the output of video description (*i.e.,* allows the user to change from the main audio to the secondary audio stream that contains video description, and from the secondary audio stream back to the main audio).

(ix) *Display Configuration Info.* Function that allows the user to display how user preferences are currently configured.

(x) *Playback Functions.* Function that allows the user to control playback functions (*e.g.,* pause, play, rewind, fast forward, stop, and record).

(xi) *Input Selection.* Function that allows the user to select their preferred input source.

(b) *Compliance deadline.* Compliance with the requirements of this section is required no later than December 20, 2016; except that compliance with the requirements of this section is required no later than December 20, 2021 for the following digital apparatus:

(1) Display-only monitors and video projectors;

(2) Devices that are primarily designed to capture and display still and/or moving images consisting of consumer generated media, or of other images that are not video programming as defined under § 79.4(a)(1) of this part, and that have limited capability to display video programming transmitted simultaneously with sound; and

(3) Devices that are primarily designed to display still images and that have limited capability to display video programming transmitted simultaneously with sound.

(c)(1) *Achievable.* Manufacturers of digital apparatus:

(i) May file a petition seeking a determination from the Commission, pursuant to § 1.41 of this chapter, that compliance with the requirements of this section is not achievable, which the Commission may grant upon a finding that such compliance is not achievable, or

(ii) May raise as a defense to a complaint or Commission enforcement action that a particular digital apparatus does not comply with the requirements of this section because compliance was not achievable, and the Commission may dismiss a complaint or Commission enforcement action upon a finding that such compliance is not achievable.

(2) The petitioner or respondent must support a petition filed pursuant to paragraph (c)(1) of this section or a response to a complaint or Commission enforcement action with sufficient evidence to demonstrate that compliance with the requirements of this section is not ''achievable.'' ''Achievable'' means with reasonable effort or expense. The Commission will consider the following factors when determining whether compliance with the requirements of this section is not ''achievable'' under the factors set out in 47 U.S.C. 617(g):

(i) The nature and cost of the steps needed to meet the requirements of this section with respect to the specific equipment or service in question;

(ii) The technical and economic impact on the operation of the manufacturer or provider and on the operation of the specific equipment or service in question, including on the development and deployment of new communications technologies;

(iii) The type of operations of the manufacturer or provider; and

(iv) The extent to which the service provider or manufacturer in question offers accessible services or equipment containing varying degrees of functionality and features, and offered at differing price points.

§ 79.108 Video programming guides and menus provided by navigation devices.

(a)(1) Manufacturers that place navigation devices, as defined by § 76.1200 of this chapter, into the chain of commerce for purchase by consumers, and multichannel video programming distributors (''MVPDs'') as defined by § 76.1200 of this chapter that lease or sell such devices must ensure that the on-screen text menus and guides provided by navigation devices for the display or selection of multichannel video programming are audibly accessible in real time upon request by individuals who are blind or visually impaired. Manufacturers and MVPDs must comply with the provisions of this section only if doing so is achievable as defined in § 79.108(c)(2).

Note 1 to paragraph (a)(1): This paragraph places no restrictions on the importing, shipping, or sale of navigation devices manufactured before the applicable compliance deadline for this section.

Note 2 to paragraph (a)(1): In determining whether a particular device is considered a ''navigation device'' subject to the requirements of this section, the Commission will look to the device's built-in functionality at the time of manufacture.

(2) The following functions are used for the display or selection of multichannel video programming and must be made audibly accessible by manufacturers of navigation devices and MVPDs covered by this section when included in a navigation device and accessed through on-screen text menus or guides:

(i) *Channel/Program Selection.* Function that allows the user to select channels and programs (*e.g.,* via physical numeric or channel up/channel down buttons or via on screen guides and menus).

(ii) *Display Channel/Program Information.* Function that allows the user to display channel or program information.

(iii) *Configuration—Setup.* Function that allows the user to access and change configuration or setup options (*e.g.,* configuration of video display and audio settings, selection of preferred language for onscreen guides or menus, etc.).

(iv) *Configuration—CC Control.* Function that allows the user to enable or disable the display of closed captioning.

(v) *Configuration—CC Options.* Function that allows the user to modify the display of closed caption data (*e.g.,* configuration of the font size, font color, background color, opacity, etc.).

(vi) *Configuration—Video Description Control.* Function that allows the user to enable or disable the output of video description (*i.e.,* allows the user to change from the main audio to the secondary audio stream that contains video description, and from the secondary audio stream back to the main audio).

(vii) *Display Configuration Info.* Function that allows the user to display how user preferences are currently configured.

(viii) *Playback Functions.* Function that allows the user to control playback functions (*e.g.,* pause, play, rewind, fast forward, stop, and record).

(ix) *Input Selection.* Function that allows the user to select their preferred input source.

(3) Manufacturers of navigation devices and MVPDs covered by this section must ensure that the following functions are made accessible, as defined by § 79.107(a)(3), to individuals who are blind or visually impaired:

(i) *Power On/Off.* Function that allows the user to turn the device on or off.

(ii) *Volume Adjust and Mute.* Function that allows the user to adjust the volume and to mute or un-mute the volume.

(4) With respect to navigation device features and functions:

(i) Delivered in software, the requirements set forth in this section shall apply to the manufacturer of such software; and

(ii) Delivered in hardware, the requirements set forth in this section shall apply to the manufacturer of such hardware.

(5) Manufacturers of navigation devices and MVPDs covered by this section must permit a requesting blind or visually impaired individual to request an accessible navigation device through any means that such covered entities generally use to make available navigation devices to other consumers. Any such means must not be more burdensome to a requesting blind or visually impaired individual than the means required for other consumers to obtain navigation devices. A manufacturer that provides navigation devices at retail to requesting blind or visually impaired consumers must make a good faith effort to have retailers make available compliant navigation devices to the same extent they make available navigation devices to other consumers generally.

(6) Manufacturers of navigation devices and MVPDs covered by this section must provide an accessible navigation device to a requesting blind or visually impaired individual within a reasonable time, defined as a time period comparable to the time that such covered entities generally provide navigation devices to other consumers.

(7) *Compliance through the use of separate equipment or software.* Manufacturers of navigation devices and MVPDs covered by this section may comply with the requirements of paragraphs (a)(1) through (a)(3) of this section through the use of software, a peripheral device, specialized consumer premises equipment, a network-based service or other solution, and shall have maximum flexibility to select the manner of compliance. An entity that chooses to comply with paragraphs (a)(1) through (a)(3) of this section

through the use of separate equipment or software must:

(i) Ensure that any software, peripheral device, equipment, service or solution relied upon achieves the accessibility required by this section. If a navigation device has any functions that are required to be made accessible pursuant to this section, any separate solution must make all of those functions accessible or enable the accessibility of those functions.

(ii) Provide any software, peripheral device, equipment, service or solution in a manner that is not more burdensome to a requesting blind or visually impaired individual than the manner in which such entity generally provides navigation devices to other consumers.

(iii) Provide any software, peripheral device, equipment, service or solution at no additional charge.

(iv) Provide any software, peripheral device, equipment, service or solution within a reasonable time, defined as a time period comparable to the time that such entity generally provides navigation devices to other consumers.

(8) Manufacturers of navigation devices and MVPDs covered by this section shall only be responsible for compliance with the requirements of this section with respect to navigation devices that such covered entities provide to a requesting blind or visually impaired individual.

(b) *Compliance deadline.* Compliance with the requirements of this section is required no later than December 20, 2016; except that compliance with the requirements of this section is required no later than December 20, 2018 for the following covered entities:

(1) MVPD operators with 400,000 or fewer subscribers as of year-end 2012; and

(2) MVPD systems with 20,000 or fewer subscribers that are not affiliated with an operator serving more than 10 percent of all MVPD subscribers as of year-end 2012.

(c)(1) *Achievable.* MVPDs and manufacturers of navigation device hardware or software:

(i) May file a petition seeking a determination from the Commission, pursuant to § 1.41 of this chapter, that compliance with the requirements of this section is not achievable, which the Commission may grant upon a finding that such compliance is not achievable, or

(ii) May raise as a defense to a complaint or Commission enforcement action that a particular navigation device does not comply with the requirements of this section because compliance was not achievable, and the Commission may dismiss a complaint or Commission enforcement action upon a finding that such compliance is not achievable.

(2) The petitioner or respondent must support a petition filed pursuant to paragraph (c)(1) of this section or a response to a complaint or Commission enforcement action with sufficient evidence to demonstrate that compliance with the requirements of this section is not ''achievable.'' ''Achievable'' means with reasonable effort or expense. The Commission will consider the following factors when determining whether compliance with the requirements of this section is not ''achievable'' under the factors set out in 47 U.S.C. 617(g):

(i) The nature and cost of the steps needed to meet the requirements of this section with respect to the specific equipment or service in question;

(ii) The technical and economic impact on the operation of the manufacturer or provider and on the operation of the specific equipment or service in question, including on the development and deployment of new communications technologies;

(iii) The type of operations of the manufacturer or provider; and

(iv) The extent to which the service provider or manufacturer in question offers accessible services or equipment containing varying degrees of functionality and features, and offered at differing price points.

(d) *MVPD notices.* Covered MVPDs must notify consumers that navigation devices with the required accessibility features are available to consumers who are blind or visually impaired upon request as follows:

(1) When providing information about equipment options in response to a consumer inquiry about service, accessibility, or other issues, MVPDs must clearly and conspicuously inform consumers about the availability of accessible navigation devices.

(2) MVPDs must provide notice on their official Web sites about the availability of accessible navigation devices. MVPDs must prominently display information about accessible navigation devices and separate solutions on their Web sites in a way that makes such information available to all current and potential subscribers. The notice must publicize the availability of accessible devices and separate solutions and explain the means for making requests for accessible equipment and the specific person, office or entity to whom such requests are to be made. All information required by this section must be provided in a Web site format that is accessible to people with disabilities.

(e) *Verification of eligibility.* Entities covered by this section may only require consumer verification of eligibility as an individual who is blind or visually impaired to the extent the entity chooses to rely on an accessibility solution that involves providing the consumer with sophisticated equipment and/or services at a price that is lower than that offered to the general public. In this situation, entities covered by this section must allow a consumer to provide a wide array of documentation to verify eligibility for the accessibility solution provided. Entities covered by this section that choose to require verification of eligibility must comply with the requirements of 47 U.S.C. 338(i)(4)(A) and 47 U.S.C. 631(c)(1) to protect personal information gathered from consumers through their verification procedures.

§ 79.109 Activating accessibility features.

(a) *Requirements applicable to digital apparatus.* (1) Manufacturers of digital apparatus designed to receive or play back video programming transmitted in digital format simultaneously with sound, including apparatus designed to receive or display video programming transmitted in digital format using Internet protocol, with built-in closed-captioning capability must ensure that closed captioning can be activated through a mechanism that is reasonably comparable to a button, key, or icon. Digital apparatus do not include navigation devices as defined in § 76.1200 of this chapter.

(2) Manufacturers of digital apparatus designed to receive or play back video programming transmitted in digital format simultaneously with sound, including apparatus designed to receive or display video programming transmitted in digital format using Internet protocol, with built-in video description capability must ensure that video description can be activated through a mechanism that is reasonably comparable to a button, key, or icon. Digital apparatus do not include navigation devices as defined in § 76.1200 of this chapter.

Note 1 to paragraph (a): The term digital apparatus includes the physical device and the video player(s) capable of displaying video programming transmitted in digital format simultaneously with sound that manufacturers install into the devices they manufacture before sale, whether in the form of hardware, software, or a combination of both, as well as any video players capable of displaying video programming in digital format transmitted simultaneously with sound that manufacturers direct consumers to install after sale. The term software

includes third-party applications that are pre-installed on a device by the manufacturer or that the manufacturer directs consumers to install after sale.

Note 2 to paragraph (a): This paragraph places no restrictions on the importing, shipping, or sale of digital apparatus manufactured before the applicable compliance deadline for this section.

(b) *Requirements applicable to navigation devices.* Manufacturers that place navigation devices, as defined in § 76.1200 of this chapter, into the chain of commerce for purchase by consumers, and MVPDs that lease or sell such navigation devices with built in closed-captioning capability must ensure that closed captioning can be activated through a mechanism that is reasonably comparable to a button, key, or icon.

Note 1 to paragraph (b): In determining whether a particular device is considered a ''navigation device'' subject to the requirements of this section, the Commission will look to the device's built-in functionality at the time of manufacture.

Note 2 to paragraph (b): This paragraph places no restrictions on the importing, shipping, or sale of navigation devices manufactured before the applicable compliance deadline for this section.

(c) *Compliance deadline.* Compliance with the requirements of this section is required no later than December 20, 2016; except that compliance with the requirements of this section is required no later than December 20, 2018 for the following covered entities: (1) MVPD operators with 400,000 or fewer subscribers as of year-end 2012; and (2) MVPD systems with 20,000 or fewer subscribers that are not affiliated with an operator serving more than 10 percent of all MVPD subscribers as of year-end 2012.

§ 79.110 Complaint procedures for user interfaces, menus and guides, and activating accessibility features on digital apparatus and navigation devices.

(a) Complaints concerning an alleged violation of the requirements of §§ 79.107, 79.108, or 79.109 must be filed in accordance with this section. For purposes of this section, a covered entity is the entity or entities responsible for compliance with §§ 79.107, 79.108, or 79.109.

(1) Complaints must be filed with the Commission or with the covered entity within 60 days after the date the complainant experiences a problem relating to compliance with the requirements of §§ 79.107, 79.108, or 79.109. A complaint filed with the Commission may be transmitted to the Consumer and Governmental Affairs Bureau by any reasonable means, such as the Commission's online informal complaint filing system, letter, facsimile, telephone (voice/TRS/TTY), email, or some other method that would best accommodate the complainant's disability.

(2) A complaint should include the following information:

(i) The complainant's name, address, and other contact information, such as telephone number and email address;

(ii) The name and contact information of the covered entity;

(iii) Information sufficient to identify the software or digital apparatus/navigation device used;

(iv) The date or dates on which the complainant purchased, acquired, or used, or tried to purchase, acquire, or use the digital apparatus/navigation device;

(v) A statement of facts sufficient to show that the covered entity has violated, or is violating, the Commission's rules;

(vi) The specific relief or satisfaction sought by the complainant;

(vii) The complainant's preferred format or method of response to the complaint; and

(viii) If a complaint pursuant to § 79.108, the date that the complainant requested an accessible navigation device and the person or entity to whom that request was directed.

(3) If a complaint is filed first with the Commission, the Commission will forward a complaint satisfying the above requirements to the named covered entity for its response, as well as to any other entity that Commission staff determines may be involved. The covered entity or entities must respond in writing to the Commission and the complainant within 30 days after receipt of the complaint from the Commission.

(4) If a complaint is filed first with the covered entity, the covered entity must respond in writing to the complainant within 30 days after receipt of a complaint. If the covered entity fails to respond to the complainant within 30 days, or the response does not satisfy the consumer, the complainant may file the complaint with the Commission within 30 days after the time allotted for the covered entity to respond. If the consumer subsequently files the complaint with the Commission (after filing with the covered entity) and the complaint satisfies the above requirements in paragraph 2 of this section, the Commission will forward the complaint to the named covered entity for its response, as well as to any other entity that Commission staff determines may be involved. The covered entity must then respond in writing to the Commission and the complainant within 30 days after receipt of the complaint from the Commission.

(5) In response to a complaint, the covered entity must file with the Commission sufficient records and documentation to prove that it was (and remains) in compliance with the Commission's rules. Conclusory or insufficiently supported assertions of compliance will not carry the covered entity's burden of proof. If the covered entity admits that it was not, or is not, in compliance with the Commission's rules, it must file with the Commission sufficient records and documentation to explain the reasons for its noncompliance, show what remedial steps it has taken or will take, and show why such steps have been or will be sufficient to remediate the problem.

(6) The Commission will review all relevant information provided by the complainant and the covered entity, as well as any additional information the Commission deems relevant from its files or public sources. The Commission may request additional information from any relevant parties when, in the estimation of Commission staff, such information is needed to investigate the complaint or adjudicate potential violations of Commission rules. When the Commission requests additional information, parties to which such requests are addressed must provide the requested information in the manner and within the time period the Commission specifies.

(7) If the Commission finds that a covered entity has violated the requirements of §§ 79.107, 79.108, or 79.109, it may employ the full range of sanctions and remedies available under the Communications Act of 1934, as amended, against any or all of the violators.

(b) *Contact information.* A covered entity must make contact information available for the receipt and handling of complaints. The contact information required must include the name of a person with primary responsibility for accessibility compliance issues. This contact information must also include that person's title or office, telephone number, fax number, postal mailing address, and email address. A covered entity must keep this information current and update it within 10 business days of any change.

[FR Doc. 2013–28098 Filed 12–19–13; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL REGISTER

Vol. 78 Friday,

No. 245 December 20, 2013

Part III

National Archives and Records Administration

Privacy Act of 1974; Notice of Republication and Alteration of Systems of Records Notices (SORNs); Notice

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–2014–008]

Privacy Act of 1974; Notice of Republication and Alteration of Systems of Records Notices (SORNs)

AGENCY: National Archives and Records Administration (NARA).

ACTION: Republication of Systems of Records Notices (SORNs).

SUMMARY: The National Archives and Records Administration (NARA) has reviewed its systems of records and its SORNs, in compliance with the provisions of the Privacy Act of 1974, as amended (5 U.S.C. 552(a)(e)(4)), and OMB Circular A–130, Appendix I. NARA is publishing this notice of proposed changes to its SORNs, and republishing the 41 SORNs in its existing inventory. NARA proposes corrective and administrative changes to reflect a recent agency reorganization. NARA is also removing two SORNs, NARA 29, State Historical Records Advisory Board Members Files, and NARA 38, Project Management Records, for systems that no longer contain Privacy Act-protected information; NARA 10 was deleted during an earlier SORN review and remains reserved.

DATES: Comments on the proposed SORNs must be received by January 21, 2014. The proposed changes and republication will become effective without further notice on February 3, 2014, unless a superseding notice to the contrary is published before then.

ADDRESSES: You may submit written comments, identified by ''NARA–2014–008,'' by any of the following methods:

- *Federal e-Rulemaking Portal: http://www.regulations.gov*. Follow the instructions for submitting comments.
- *Email: Regulation_comments@nara.gov*. Include ''NARA–2014–008'' in the subject line of the message.
- *Fax:* 301–837–0319, Attn: Kimberly Keravuori.
- *Mail:* Attn: Kimberly Keravuori; Strategy Division (SP), Room 4100, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740–6001.

All submissions must include ''NARA–2014–008.'' All comments may be posted online without change, including any personal information provided. 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.

FOR FURTHER INFORMATION CONTACT: Joe Scanlon, NARA Privacy Act Officer, Room 3110, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740–6001.

SUPPLEMENTARY INFORMATION: One of the purposes of the Privacy Act, as stated in section 2(b)(4) of the Act, is to provide people with certain safeguards against an invasion of privacy when personal information is collected, stored, and used by the Federal government. As a result, the Act requires Federal agencies to ensure that any record of identifiable personal information is current and accurate for its intended use, that adequate safeguards are provided to prevent misuse of such information, and that the information is not shared unless such action is for a necessary and lawful purpose. NARA follows these principles in transferring information to another agency or individual as a ''routine use,'' including ensuring that the information is relevant for the purposes for which it is transferred.

NARA has 41 systems of records subject to the Privacy Act. This action republishes all of NARA's active SORNs in one location, including the proposed changes, to provide a current, easily-accessible set in one place. All of these SORNs have previously been published in the **Federal Register** individually. They are available electronically on the Internet at *http://www.archives.gov/foia/privacy-program/inventory.html* or through a **Federal Register** search, and on paper from the Privacy Act Officer, Office of General Counsel (NGC), Room 3110, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740–6001.

The notice for each system of records states the name and location of the system, the authority for and manner of its operation, the categories of people it covers, the types of records it contains, the sources of information in these records, and the uses of the information. Each notice also states the location and system manager of the records covered by the system. Appendix A describes common routine uses for information covered by the SORNs. Appendix B sets out the address of the NARA Privacy Act Officer, to whom requests for access to records should be made, and the locations of the system managers. Appendices A and B apply to all the SORNs.

The NARA SORNs, inventory of routine uses, and contact information (appendices A and B), as amended, are published at the end of this notice.

In accordance with 5 U.S.C. 552a(r), NARA has provided a report of these systems of records to the Office of Management and Budget and to Congress.

Dated: December 17, 2013.

David S. Ferriero,

Archivist of the United States.

NARA 1

SYSTEM NAME:

Researcher Application Files.

SYSTEM LOCATION:

Researcher application files are maintained in the following locations:

(1) Office of Research Services;

(2) Individual Presidential libraries;

(3) Presidential Materials Division; and

(4) The Center for Legislative Archives.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by this system include people who apply to use archival materials for research in NARA facilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Researcher application files may include: researcher applications; related correspondence; and electronic records. These files may contain the following information about an individual: Name; address; telephone number; proposed research topic(s); occupation; name, email address, and mailing address of employer/institutional affiliation; educational level and major field of study; expected result(s) of research; photo; researcher card number; type of records used; and other information furnished by the individual. Electronic systems may also contain additional information related to the application process.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 2108, 2111 note, and 2203(f)(1).

PURPOSE(S):

The information in this system is used to register researchers who wish to gain access to archival materials; to assist NARA in maintaining intellectual control over archival holdings and to refer related information to the Office of Inspector General if archival materials are determined to be missing or mutilated; to disseminate information related to events and programs of interest to NARA's researchers as

appropriate; to facilitate access to wireless internet in NARA facilities; and to measure customer satisfaction with NARA services. Aggregate information from this system may be used for the purposes of review, analysis, planning, and policy formulation related to customer service staffing and facility needs.

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

NARA maintains researcher application files on people to: Register people who apply to use archival materials for research at a NARA facility; register people for wireless internet access; record initial research interests of researchers; determine which archival materials researchers may want to use; contact researchers if additional information related to their research interest is found or if problems with the requested archival materials are discovered; and prepare mailing lists for sending notices of events and programs of interest to researchers (including the fundraising and related activities of NARA-associated foundations and invitations to participate in voluntary customer satisfaction surveys), unless individuals elect that their application information not be used for this purpose. The electronic databases serve as finding aids to the applications. Information in the system is also used by NARA staff to compile statistical and other aggregate reports regarding researcher use of records. The routine use statements A, C, E, F, G, and H, described in Appendix A, also apply to this system of records.

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

STORAGE:

Paper and electronic records.

RETRIEVABILITY:

Information in the records may be retrieved by the individual's name, researcher card number, or any of the fields in the researcher registration database.

SAFEGUARDS:

During normal hours of operation, paper records are maintained in areas accessible to authorized NARA personnel. Electronic records are accessible via password-protected workstations located in attended offices or through a secure remote access network. After hours, buildings have security guards and/or secured doors, and all entrances are monitored by electronic surveillance equipment.

RETENTION AND DISPOSAL:

Researcher application files are temporary records and are destroyed in accordance with the disposition instructions in the NARA Records Schedule (a supplement to the NARA Files Maintenance and Records Disposition Manual). Individuals may request a copy of the disposition instructions from the NARA Privacy Act Officer (at the address listed in Appendix B).

SYSTEM MANAGER(S) AND ADDRESS:

The system managers for researcher application files are:

1. For researchers who apply to use records or archival materials in a Presidential library: The director of the individual Presidential library;
2. For researchers who apply to use records or archival materials in the Presidential Materials Division: Director, Presidential Materials Division;
3. For researchers who apply to use records or archival materials in the Center for Legislative Archives: Director, Center for Legislative Archives; and
4. For researchers who apply to use records or archival materials in any other facility: Executive for Research Services.

The business addresses for these system managers are listed in Appendix B.

NOTIFICATION PROCEDURE:

People interested in inquiring about their records should notify the NARA Privacy Act Officer at the address listed in Appendix B.

RECORD ACCESS PROCEDURES:

People who wish to access their records should submit a request in writing to the NARA Privacy Act Officer at the address listed in Appendix B.

CONTESTING RECORD PROCEDURES:

NARA rules for contesting the contents of a person's records and appealing initial determinations are found in 36 CFR Part 1202.

RECORD SOURCE CATEGORIES:

Information in researcher application files is obtained from researchers and from NARA employees who maintain the files.

NARA 2

SYSTEM NAME:

Reference Request Files.

SYSTEM LOCATION:

Reference request files are maintained in the following locations:

(1) Office of Research Services;
(2) Individual Presidential libraries;
(3) Presidential Materials Division; and
(4) Center for Legislative Archives.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by this system include people who request information from, or access to, records or archival materials in archival custodial units.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reference request files may include: Reference service slips; reference service databases; correspondence control registers and databases; and correspondence, including administrative forms used for routine inquiries and replies, between NARA staff and researchers. These files may contain some or all of the following information about an individual: Name; address; telephone number; email address; position title; name of employer/institutional affiliation; educational background; research topic(s); field(s) of interest; identification of requested records; credit card or purchase order information; and other information furnished by the researcher.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 2108, 2111 note, 2203(f)(2), and 2907.

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

NARA maintains reference request files on individuals to: Maintain control of records and archival materials being used in a research room; establish researcher accountability for records and archival materials; prepare replies to researchers' reference questions; record the status of researchers' requests and NARA replies to those requests; enable future contact with researchers, if necessary; and facilitate the preparation of statistical and other aggregate reports on researcher use of records.

The routine use statements A, C, E, F, G, and H, described in Appendix A, also apply to this system of records.

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

STORAGE:

Paper and electronic records.

RETRIEVABILITY:

Information in reference request files may be retrieved by: The individual's name; the request date; the record group number; collection/series title; or the

name, social security number, or military service number of the former civilian employee/veteran whose record was the subject of the request.

SAFEGUARDS:

During business hours, paper records are maintained in areas accessible to authorized NARA personnel. Electronic records are accessible via password-protected workstations located in attended offices or through a secure remote access network. After business hours, buildings have security guards and/or secured doors, and all entrances are monitored by electronic surveillance equipment.

RETENTION AND DISPOSAL:

Reference request files are temporary records and are destroyed in accordance with the disposition instructions in the NARA Records Schedule (a supplement to the NARA Files Maintenance and Records Disposition Manual). Individuals may request a copy of the disposition instructions from the NARA Privacy Act Officer.

SYSTEM MANAGER(S) AND ADDRESS:

The system managers for reference request files are:

1. For files located in a Presidential library: Director of the individual Presidential library;
2. For files located in the Presidential Materials Division: Director of the Presidential Materials Division;
3. For files located in the Center for Legislative Archives: Director of the Center for Legislative Archives;
4. For files located in the National Historical Publications and Records Commission: Executive Director, National Historical Publications and Records Commission; and
5. For all other reference request files: Executive for Research Services.

The business addresses for these system managers are listed in Appendix B.

NOTIFICATION PROCEDURE:

People interested in inquiring about their records should notify the NARA Privacy Act Officer at the address listed in Appendix B.

RECORD ACCESS PROCEDURES:

People who wish to access their records should submit a request in writing to the NARA Privacy Act Officer at the address listed in Appendix B.

CONTESTING RECORD PROCEDURES:

NARA rules for contesting the contents of a person's records and appealing initial determinations are found in 36 CFR Part 1202.

RECORD SOURCE CATEGORIES:

Information in reference request files is obtained from researchers and from NARA employees who maintain the files.

NARA 3

SYSTEM NAME:

Donors of Historical Materials Files.

SYSTEM LOCATION:

Donors of historical materials files are maintained in the following locations:

(1) Office of Research Services;

(2) Individual Presidential libraries;

(3) Presidential Materials Division;

(4) Center for Legislative Archives; and

(5) Office of Strategy and Communications (NARA Historian).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by this system include donors and potential donors of historical materials and oral history interviews to the National Archives.

CATEGORIES OF RECORDS IN THE SYSTEM:

Categories of records in this system may include: Correspondence; deeds of gift; deposit agreements; accession files; accession cards; accession logs; inventories of museum objects; and oral history use agreements, all of which are related to the solicitation and preservation of donations and oral history interviews. These files may contain the following information about an individual: Name; address; telephone number; occupation; and other biographical data as it relates to the solicitation and donation of historical materials and oral history interviews.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 2111 and 2112.

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

NARA maintains donors of historical materials files on people to: Record deeds of gift and oral history use agreements; administer the solicitation of, accessioning of, and access to, historical materials; maintain control over the accessions program; and facilitate future solicitations of gifts. NARA may disclose these records to other Federal agencies and former presidents and their agents as NARA administers the access provisions of a deed of gift. The routine use statements A, F, G, and H, described in Appendix A, also apply to this system of records.

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

STORAGE:

Paper and electronic records.

RETRIEVABILITY:

Information in donors of historical materials files may be retrieved by the individual's name or by the accession number assigned to the donation, or the database containing this information may searched via keyword or on any of the fields mentioned above.

SAFEGUARDS:

During business hours, paper records are maintained in areas accessible to authorized NARA personnel. Electronic records are accessible via password-protected workstations located in attended offices or through a secure remote access network. After business hours, buildings have security guards and/or secured doors, and all entrances are monitored by electronic surveillance equipment.

RETENTION AND DISPOSAL:

Some donor and historical materials files are permanent records and are transferred to the National Archives of the United States in accordance with the disposition instructions in the NARA Records Schedule (a supplement to the NARA Files Maintenance and Records Disposition Manual). Other files have temporary dispositions and are destroyed in accordance with the instructions in the NARA Records Schedule. Individuals may request a copy of the disposition instructions from the NARA Privacy Act Officer.

SYSTEM MANAGER(S) AND ADDRESS:

The system managers for donors of historical materials files are:

1. For files located in organizational units in the Office of Research Services: Executive for Research Services;
2. For files located in a Presidential library: The director of the individual library;
3. For files located in the Presidential Materials Division: Director, Presidential Materials Division;
4. For files located in the Center for Legislative Archives: Director of the Center for Legislative Archives; and
5. For files located in the NARA Historian's office: Chief Strategy and Communications Officer.

The business addresses for these system managers are listed in Appendix B.

NOTIFICATION PROCEDURE:

People interested in inquiring about their records should notify the NARA

Privacy Act Officer at the address listed in Appendix B.

RECORD ACCESS PROCEDURES:

People who wish to access their records should submit a request in writing to the NARA Privacy Act Officer at the address listed in Appendix B.

CONTESTING RECORD PROCEDURES:

NARA rules for contesting the contents of a person's records and appealing initial determinations are found in 36 CFR Part 1202.

RECORD SOURCE CATEGORIES:

Information in donors of historical materials files may be obtained from: Donors; potential donors; NARA employees who maintain the files and handle solicitations, donations of historical materials, and oral history interviews; associates and family members of donors; associates of former presidents; and published sources.

NARA 4

SYSTEM NAME:

Committee and Foundation Member Files.

SYSTEM LOCATION:

Committee and foundation member files are maintained in the following locations:

(1) Strategy and Communications Office;

(2) Individual Presidential libraries;

(3) Center for Legislative Archives;

(4) Office of Research Services;

(5) Office of Agency Services; and

(6) Committee member files may be maintained in NARA organizational units that provide administrative support to, or oversight of, internal and inter-agency committees, external standards-setting and professional organizations, and NARA's Federal advisory committees.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by this system include NARA employees who serve on committees and current and prospective members of NARA's Federal advisory committees, the National Archives Foundation, and foundations associated with the Presidential libraries.

CATEGORIES OF RECORDS IN THE SYSTEM:

Committee and foundation member files may include: Correspondence; resumes; biographical statements; mailing lists; and travel documents. These files may contain the following information about an individual: Name; address; telephone number; NARA correspondence symbol; educational background; employment history; list of professional accomplishments and awards, titles of publications; and other information furnished by the individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 2104.

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

NARA maintains committee member files to: Review professional qualifications of prospective committee members; document committee members' travel activities related to committee business; record the participation of committee members in committee activities; and contact members about future meetings and events. NARA maintains foundation member files in order to contact members about meetings, conferences, and special events. The routine use statements A, F, G, and H described in Appendix A, also apply to this system of records.

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

STORAGE:

Paper and electronic records.

RETRIEVABILITY:

Information in committee and foundation member files may be retrieved by the individual's name or by the committee or foundation's name.

SAFEGUARDS:

During business hours, paper records are maintained in areas accessible to authorized NARA personnel. Electronic records are accessible via password-protected workstations located in attended offices or through a secure remote access network. After business hours, buildings have security guards and/or secured doors, and all entrances are monitored by electronic surveillance equipment.

RETENTION AND DISPOSAL:

Some committee member files are permanent records and are transferred to the National Archives of the United States in accordance with the disposition instructions in the NARA Records Schedule (a supplement to the NARA Files Maintenance and Records Disposition Manual). Other committee and foundation member files have temporary dispositions and are destroyed in accordance with the instructions in the NARA Records Schedule. Individuals may request a copy of the disposition instructions from the NARA Privacy Act Officer.

SYSTEM MANAGER(S) AND ADDRESS:

The system managers for committee and foundation member files are:

1. For Advisory Committee on Presidential Library-Foundation Partnerships member files: Director of the Office of Presidential Libraries;

2. For Advisory Committee on the Records of Congress member files: Director of the Center for Legislative Archives;

3. For Founding Fathers Advisory Committee member files: Executive Director of National Historic Publications and Records Commission (NHPRC);

4. For National Industrial Security Program Policy Advisory Committee member files and State, Local, Tribal, and Private Sector Policy Advisory Committee member files: Executive for Agency Services;

5. For Foundation for the National Archives member files and for other committee member files: Chief Strategy and Communications Officer; and

6. For working group member files: Executive for Research Services.

The business addresses for these system managers are listed in Appendix B.

NOTIFICATION PROCEDURE:

People interested in inquiring about their records should notify the NARA Privacy Act Officer at the address listed in Appendix B.

RECORD ACCESS PROCEDURES:

People who wish to access their records should submit a request in writing to the NARA Privacy Act Officer at the address listed in Appendix B.

CONTESTING RECORD PROCEDURES:

NARA rules for contesting the contents of a person's records and appealing initial determinations are found in 36 CFR Part 1202.

RECORD SOURCE CATEGORIES:

Information in committee, working group, and foundation member files is obtained from NARA employees, current and prospective members of Federal advisory committees, working groups, foundations, and references furnished by such people.

NARA 5

SYSTEM NAME:

Conference, Workshop, and Training Course Files.

SYSTEM LOCATION:

Conference, workshop, and training course files may be maintained in the following locations:

(1) Office of Human Capital;

(2) Office of Research Services;
(3) Office of Strategy and Communications;
(4) Office of Agency Services;
(5) Office of Business Support Services;
(6) Individual Presidential libraries; and
(7) Center for Legislative Archives, Exhibits Division, and Education and Public Programs Division.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by this system include attendees and speakers at NARA-sponsored conferences, workshops, and training courses.

CATEGORIES OF RECORDS IN THE SYSTEM:

Conference, workshop, and training course files maintained on attendees may include: Standard Form 182, Request, Authorization, Agreement, and Certification of Training; application/registration forms; evaluations; other administrative forms; and copies of payment records. Files maintained on speakers may include correspondence; biographical statements; and resumes. These files may contain some or all of the following information about an individual: Name; home address; business address; home and/or business email address; home telephone number; business telephone number; social security number; birth date; position title; name of employer/organization; employment history; professional awards; areas of expertise; research interests; reason(s) for attendance; titles of publications; and other information furnished by the attendee or speaker.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 2104, 2109, and 2904

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

NARA maintains files on attendees and speakers to: Register attendees for conferences, workshops, training courses, and other events; contact attendees for follow-up discussions; plan, publicize, and document interest in current and future NARA-sponsored conferences, workshops, training courses, and special events; and prepare mailing lists in order to disseminate information on future events and publications of related interest. Information in the records is also used to prepare statistical and other reports on conferences, workshops, training courses, and other events sponsored by NARA.

NARA may disclose information on individuals in the files to other attendees, to the public, and to outside organizations that co-sponsor conferences, workshops, training courses, and other events for purposes of administering the course or event, providing attendance lists, and contacting individuals after the event. NARA may disclose information on an individual to the organization or agency that funded the individual's attendance. The routine use statements F and H, described in Appendix A, also apply to this system of records.

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

STORAGE:

Paper and electronic records.

RETRIEVABILITY:

Information in paper records may be retrieved by either the title or the date of the conference, workshop, training course, or event, and in some cases, by the individual's name. Information in electronic records may be retrieved by the individual's name, date of the event, or by searching other categories of the information provided.

SAFEGUARDS:

During business hours, paper records are maintained in areas accessible to authorized NARA personnel. Electronic records are accessible via password-protected workstations located in attended offices or through a secure remote access network. After business hours, buildings have security guards and/or secured doors, and all entrances are monitored by electronic surveillance equipment.

RETENTION AND DISPOSAL:

Some of the conference, workshop, and training course files are permanent records and are transferred to the National Archives of the United States in accordance with the disposition instructions in the NARA Records Schedule (a supplement to the NARA Files Maintenance and Records Disposition Manual). Other files have temporary dispositions and are destroyed in accordance with the instructions in the NARA Records Schedule. Individuals may request a copy of the disposition instructions from the NARA Privacy Act Officer.

SYSTEM MANAGER(S) AND ADDRESS:

The system managers for conference, workshop, and training course files are:

1. For files located in the Office of Research Services: Executive for Research Services;
2. For files located in the Office of Agency Services: Executive for Agency Services;
3. For files located in the Strategy and Communications Office: Chief Strategy and Communications Officer;
4. For files maintained in NARA's electronic Learning Management System: Chief Human Capital Officer;
5. For files located in the Office of Business Support Services: Executive for Business Support Services;
6. For files located in a Presidential library: Director of the individual Presidential library; and
7. For files located in the Center for Legislative Archives, Exhibits Division, and Education and Public Programs Division: Executive for Legislative Archives, Presidential Libraries, and Museum Services.

The business addresses for these system managers are listed in Appendix B.

NOTIFICATION PROCEDURE:

People interested in inquiring about their records should notify the NARA Privacy Act Officer at the address listed in Appendix B.

RECORD ACCESS PROCEDURES:

People who wish to access their records should submit a request in writing to the NARA Privacy Act Officer at the address listed in Appendix B.

CONTESTING RECORD PROCEDURES:

NARA rules for contesting the contents of a person's records and appealing initial determinations are found in 36 CFR Part 1202.

RECORD SOURCE CATEGORIES:

Information in the files may be obtained from speakers, attendees, and potential speakers and attendees at NARA-sponsored conferences, workshops, and training courses, and from references provided by those individuals.

NARA 6

SYSTEM NAME:

Mailing List Files.

SYSTEM LOCATION:

Mailing list files may be maintained in the following NARA locations:
(1) National Historical Publications and Records Commission;
(2) Office of Human Capital;
(3) Office of Business Support Services;
(4) Office of Legislative Archives, Presidential Libraries, and Museum Services;
(5) Individual Presidential libraries;
(6) Center for Legislative Archives;
(7) Office of Research Services;
(8) Office of Agency Services; and
(9) Office of the Federal Register.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by this system may include: Members of the media; members of Congress; members of the National Historical Publications and Records Commission; members of the Foundation for the National Archives; members of a Federal advisory committee or advisory board; members of a private local support foundation for a Presidential library; volunteers; local, political, and other dignitaries; researchers and records managers; historians, archivists, librarians, documentary editors, and other professionals in related fields; educators; authors; subscribers to free and fee publications and newsletters; buyers of NARA products; vendors; and other persons with an interest in National Archives programs, exhibits, conferences, training courses, and other events.

CATEGORIES OF RECORDS IN THE SYSTEM:

In addition to names and addresses, mailing lists may include any of the following information about an individual: home/business telephone number; Home/business email address; position title; name of employer; organization; and/or institutional affiliation; events attended; and subscription information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 2104, 2307 and 2904(c).

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

NARA maintains mailing lists to: disseminate electronic and regular mailings of NARA publications, newsletters, press releases, and announcements of meetings, conferences, workshops, training courses, public and educational programs, special events, and procurements; send invitations for exhibit openings, lectures, and other special events; and send customers updated information about NARA holdings and about methods of requesting copies of accessioned and non-current records. The routine use statements F and H, described in Appendix A, also apply to this system of records.

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

STORAGE:

Electronic records from which paper records may be printed.

RETRIEVABILITY:

Information about individuals maintained in mailing lists may be retrieved by: The individual's name; an employer or institutional/organizational affiliation name; the individuals/organizations category on mailing lists; the city or zip code; or by any other of the other categories of information that the individual provided.

SAFEGUARDS:

During business hours, paper records are maintained in areas accessible to authorized NARA personnel. Electronic records are accessible via password-protected workstations located in attended offices or through a secure remote access network. After business hours, buildings have security guards and/or secured doors, and all entrances are monitored by electronic surveillance equipment.

RETENTION AND DISPOSAL:

When maintained for programs and functions for which the records have been scheduled, mailing lists are categorized as temporary records and are destroyed in accordance with the instructions in the NARA Records Schedule (a supplement to the NARA Files Maintenance and Records Disposition Manual). Organizational units update these lists and purge outdated information as needed for the purposes previously cited. For those programs and functions for which mailing lists and all other records have not yet been scheduled, NARA is in the process of identifying and scheduling these records. Individuals may request a copy of the disposition instructions from the NARA Privacy Act Officer.

SYSTEM MANAGER(S) AND ADDRESS:

The system managers for mailing list files are:

(1) For files located at the National Historical Publications and Records Commission: Executive Director, National Historical Publications and Records Commission;

(2) For files located in the Human Capital Office: Chief Human Capital Officer;

(3) For files located in the Office of Business Support Services: Executive for Business Support Services;

(4) For files located in the Office of Legislative Archives, Presidential Libraries, and Museum Services: Executive for Legislative Archives, Presidential Libraries, and Museum Services;

(5) For files located at a Presidential library: director of the individual library;

(6) For files located at the Center for Legislative Archives: Director of the Center for Legislative Archives;

(7) For files located in the Office of Research Services: Executive for Research Services;

(8) For files located in the Office of Agency Services: Executive for Agency Services; and

(9) For files located at the Office of the Federal Register: Director of the Federal Register.

The business addresses for these system managers are listed in Appendix B.

NOTIFICATION PROCEDURE:

People interested in inquiring about their records should notify the NARA Privacy Act Officer at the address listed in Appendix B.

RECORD ACCESS PROCEDURES:

People who wish to access their records should submit a request in writing to the NARA Privacy Act Officer at the address listed in Appendix B.

CONTESTING RECORD PROCEDURES:

NARA rules for contesting the contents of a person's records and appealing initial determinations are found in 36 CFR Part 1202.

RECORD SOURCE CATEGORIES:

Information in mailing lists is obtained from individuals whose names are recorded on mailing lists for the purposes previously cited or from NARA employees who maintain the lists.

NARA 7

SYSTEM NAME:

Freedom of Information Act (FOIA) and Mandatory Review of Classified Documents Request Files.

SYSTEM LOCATION:

Freedom of Information Act (FOIA) and mandatory review request files are maintained in the following locations:

(1) Office of the Federal Register;
(2) Office of the Inspector General;
(3) Office of General Counsel;
(4) Office of Research Services;
(5) Office of Agency Services;
(6) Individual Presidential libraries;
(7) Presidential Materials Division; and
(8) Center for Legislative Archives.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by this system include people who cite the FOIA to request access to records and people who request the mandatory review of security-classified materials under Executive Order 13526 or predecessor orders.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files for requests made under the FOIA and the mandatory review provisions of Executive Order 13526 (or predecessor orders) may include: correspondence control registers, logs, and databases; requests for access or mandatory review; appeal letters from requestors; NARA replies to original requests and appeals, and supporting documents; Certificates of Citizenship; and other administrative forms used in the process. These files may also contain information or determinations furnished by, and correspondence with, other Federal agencies. FOIA and mandatory review request files may contain some or all of the following information about an individual: name; address; telephone number; position title; name of employer/institutional affiliation; marital status; birthplace; birth date; citizenship; research interests; other information provided by the requestor; and copies of documents furnished to the requestor.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 13526 and its predecessor and successor orders governing access to national security classified information; and 5 U.S.C. 552, as amended

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

NARA maintains FOIA and mandatory review request files on individuals to record: requests for records under the FOIA; requests for access to security-classified materials under the mandatory review provisions of Executive Order 13526, as amended, and predecessor orders, and appeals of denials of access; actions taken on requests and appeals; and the status of requests and appeals in logs and databases. The records are also used to facilitate the preparation of statistical and other reports regarding use of the FOIA and the mandatory review provisions of Executive Order 13526.

NARA may disclose information in request files to agencies that have equity in the requested records in order for those agencies to review records for possible declassification and release or in response to a request for information. The routine use statements A, E, F, G, and H, described in Appendix A, also apply to this system of records.

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

STORAGE:

Paper and electronic records.

RETRIEVABILITY:

Information in FOIA and mandatory review request files may be retrieved by one or more of the following data elements: the individual's name; an alphanumeric case file number; a project number assigned to the request; the record group number; collection/series title, the type of request (FOIA or mandatory review); or the name, social security number, or military service number of the former civilian employee/veteran whose record was the subject of the request at the National Personnel Records Center.

SAFEGUARDS:

During business hours, paper records are maintained in areas accessible to authorized NARA personnel. Electronic records are accessible via identity authentication at workstations located in attended offices or through a secure remote access network. After business hours, buildings have security guards and/or secured doors, and all entrances are monitored by electronic surveillance equipment.

RETENTION AND DISPOSAL:

Some of the FOIA and mandatory review of classified documents request files are permanent records and are transferred to NARA in accordance with the disposition instructions in the NARA Records Schedule (a supplement to the NARA Files Maintenance and Records Disposition Manual). Other files have temporary dispositions and are destroyed in accordance with the instructions in the NARA Records Schedule. Individuals may request a copy of the disposition instructions from the NARA Privacy Act Officer.

SYSTEM MANAGER(S) AND ADDRESS:

For FOIA and mandatory review request files, the system managers are:

(1) For FOIA request files maintained by the Office of Federal Register: Director of the Federal Register;

(2) For FOIA request files maintained by the Office of the Inspector General: Inspector General;

(3) For FOIA request files for NARA's operational records: General Counsel;

(4) For FOIA and mandatory review request files maintained by organizational units within the Office of Research Services: Executive for Research Services;

(5) For FOIA request files pertaining to non-accessioned military and civilian personnel records located at the National Personnel Records Center (within the Office of Agency Services) records: Director of the National Personnel Records Center;

(6) For FOIA request files pertaining to accessioned military personnel records located at the National Archives at St. Louis (within the Office of Research Services): Access Coordinator, National Archives at St, Louis;

(7) For FOIA and mandatory review request files maintained by individual Presidential libraries: director of the individual library;

(8) For FOIA and mandatory review request files maintained by the Presidential Materials Division: Director of the Presidential Materials Division; and

(9) For FOIA and mandatory review request files maintained by the Center for Legislative Archives: Director of the Center for Legislative Archives.

The business addresses for these system managers are listed in Appendix B.

NOTIFICATION PROCEDURE:

People interested in inquiring about their records should notify the NARA Privacy Act Officer at the address listed in Appendix B.

RECORD ACCESS PROCEDURES:

People who wish to access their records should submit a request in writing to the NARA Privacy Act Officer at the address listed in Appendix B.

CONTESTING RECORD PROCEDURES:

NARA rules for contesting the contents of a person's records and appealing initial determinations are found in 36 CFR Part 1202.

RECORD SOURCE CATEGORIES:

Information in FOIA and mandatory review request files is obtained from people who cite the FOIA to request access to records; researchers who request mandatory review of security-classified records; NARA employees who maintain the files and handle FOIA and mandatory review requests and appeals; and other agencies that have reviewed the requested records.

NARA 8

SYSTEM NAME:

Restricted and Classified Records Access Authorization Files.

SYSTEM LOCATION:

Restricted and classified records access authorization files are maintained in the following locations:

(1) Office of Business Support Services (Security Management Division);

(2) Office of Research Services;

(3) Individual Presidential libraries;

(4) Presidential Materials Division;

(5) Center for Legislative Archives; and

(6) Office of General Counsel.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by the system include people who ask to use agency-restricted, donor-restricted, and security-classified records or materials in the custody of organizational units located in the Washington, DC, area, Presidential libraries, and archival custodial units located in the field. This includes records requested for the purpose of conducting statistical, social science, or biomedical research in accordance with 36 CFR 1256.

CATEGORIES OF RECORDS IN THE SYSTEM:

Access authorization files include: applications for access to restricted and classified records; letters of authorization from sponsoring agencies; other documentation related to security clearance levels; and information in an electronic database. These files may include some or all of the following information about an individual: name; address; telephone number; birth date; birthplace; citizenship; Social Security number; occupation; name of employer/institutional affiliation; security clearance level; basis of clearance; name of sponsoring agency; field(s) of interest; intention to publish; type of publication; subject(s) of restricted or classified records to be reviewed; the expiration date for authorization to review the records; and other information furnished by the requestor, including reference letters that may contain identifying information concerning a third party.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 2108 and 2204

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

NARA maintains restricted and classified records access authorization files on individuals to: maintain a record of requests for access to restricted and classified records; authorize and control access to restricted and classified records and materials; and facilitate preparation of statistical and other reports.

NARA may disclose information in these access authorization files to other agencies that have equity in the restricted or classified records in order for agency officials to review access authorization requests. The routine use statements A, F, G, and H, described in Appendix A, also apply to this system of records.

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

STORAGE:

Paper and electronic records.

RETRIEVABILITY:

Information in restricted and classified records access authorization files may be retrieved by some or all of the following: the individual's name; the sponsoring agency's names; record group number; or collection title.

SAFEGUARDS:

During business hours, paper records are maintained in areas accessible to authorized NARA personnel. Electronic records are accessible via password-protected workstations located in attended offices or through a secure remote access network. After business hours, buildings have security guards and/or secured doors, and all entrances are monitored by electronic surveillance equipment.

RETENTION AND DISPOSAL:

Restricted and classified records access authorization files are temporary records and are destroyed in accordance with the disposition instructions in the NARA Records Schedule (a supplement to the NARA Files Maintenance and Records Disposition Manual). Individuals may request a copy of the disposition instructions from the NARA Privacy Act Officer.

SYSTEM MANAGER(S) AND ADDRESS:

For restricted and classified records access authorization files the system managers are:

(1) For files maintained by the Security Management Division: Executive for Business Support Services;

(2) For files maintained by organizational units within the Office of Research Services: Executive for Research Services;

(3) For files maintained by a Presidential library: director of the individual library;

(4) For files maintained by the Presidential Materials Division: Director of the Presidential Materials Division;

(5) For files maintained by the Center for Legislative Archives: Director of the Center for Legislative Archives; and

(6) For files located in the Office of General Counsel: General Counsel.

The business addresses for these system managers are listed in Appendix B.

NOTIFICATION PROCEDURE:

People interested in inquiring about their records should notify the NARA Privacy Act Officer at the address listed in Appendix B.

RECORD ACCESS PROCEDURES:

People who wish to access their records should submit a request in writing to the NARA Privacy Act Officer at the address listed in Appendix B.

CONTESTING RECORD PROCEDURES:

NARA rules for contesting the contents of a person's records and appealing initial determinations are found in 36 CFR Part 1202.

RECORD SOURCE CATEGORIES:

Information in these files is obtained from people who request to use restricted and classified records; NARA employees who maintain the files; employers of requestors; and sponsoring agency officials.

NARA 9

SYSTEM NAME:

Authors' Files.

SYSTEM LOCATION:

Authors' files are maintained in the Office of Strategy and Communications (Communications and Marketing Division).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by this system include authors who have submitted manuscripts for publication in *Prologue: Quarterly of the National Archives* or in other NARA publications.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files on authors may include: correspondence; resumes; biographical statements; and manuscript copies of articles. These records may contain some or all of the following information about an individual: name; address; telephone number; educational background; professional experience and awards; research interests; and titles of previous publications.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 2307

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

NARA maintains files on individual authors in order to: select authors' manuscripts for publishing in *Prologue: Quarterly of the National Archives* or in other NARA publications; maintain a record of authors' manuscripts; contact authors concerning re-publication of manuscripts; and other related issues. The routine use statement F and H, described in Appendix A, also apply to this system of records.

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

STORAGE:

Paper and electronic records.

RETRIEVABILITY:

Information in authors' files may be retrieved by the publication's issue date and then by the individual's name.

SAFEGUARDS:

During business hours, paper records are maintained in areas accessible to authorized NARA personnel. Electronic records are accessible via password-protected workstations located in attended offices or through a secure remote access network. After business hours, buildings have security guards and/or secured doors, and all entrances are monitored by electronic surveillance equipment.

RETENTION AND DISPOSAL:

Authors' files are temporary records and are destroyed in accordance with the disposition instructions in the NARA Records Schedule (a supplement to the NARA Files Maintenance and Records Disposition Manual). Individuals may request a copy of the disposition instructions from the NARA Privacy Act Officer.

SYSTEM MANAGER(S) AND ADDRESS:

The system manager is the Chief Strategy and Communications Officer. The business address for this system manager is listed in Appendix B.

NOTIFICATION PROCEDURE:

People interested in inquiring about their records should notify the NARA Privacy Act Officer at the address listed in Appendix B.

RECORD ACCESS PROCEDURES:

People who wish to access their records should submit a request in writing to the NARA Privacy Act Officer at the address listed in Appendix B.

CONTESTING RECORD PROCEDURES:

NARA rules for contesting the contents of a person's records and appealing initial determinations are found in 36 CFR Part 1202.

RECORD SOURCE CATEGORIES:

Information in authors' files is obtained from authors or their agents.

NARA 10 [RESERVED]

NARA 11

SYSTEM NAME:

Credentials and Passes.

SYSTEM LOCATION:

Records related to credentials and passes are maintained at the following locations:

(1) Office of Business Support Services (Security Management Division and Field Support Management Division);

(2) Office of the Federal Register;

(3) Individual Presidential libraries;

(4) Washington National Records Center;

(5) National Personnel Records Center; and

(6) NARA Continuity Facility.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by this system may include: NARA employees, volunteers, and contractors at all NARA facilities; and employees or contractors of other federal agencies temporarily stationed at NARA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Credentials and passes may include: copies of official passport records; copies of identification badges; and administrative forms and information in electronic databases used to generate NARA identification badges and access cards and to issue room and stack area keys and parking space permits. Credentials and passes may contain some or all of the following information about an individual:

1. Official passport records: copies of passport application records which include: name; photograph; name of agency (NARA); address; telephone number; Social Security number; position title; grade; birth date; height; weight; color of hair and eyes; passport number; passport issue and expiration dates;

2. Copies of identification badges and administrative forms and information in electronic databases used to generate NARA identification badges and access cards: name; photograph; NARA correspondence symbol; office telephone number; Social Security number; position title; grade; name of agency or firm (contractors only); birth date; height; weight; color of hair and eyes; identification/access card number; card issue and expiration dates; building locations, time zones, and reasons for required access; signatures of the individual and authorized officials; and dates of signatures;

3. Administrative forms and information in electronic databases used to issue room and stack area keys: name; NARA correspondence symbol; office telephone number; building room number/stack area; type of key issued (single door or stack master); key tag number; signatures of the individual and authorized official; and dates of signatures; and

4. Administrative forms and electronic database used to control parking locations: name; address; office telephone number; name of agency; make, year, and license number of vehicle; signatures of carpool members; and dates of signatures.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 2104

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

NARA maintains records on individuals to facilitate issuing and controlling Government passports, NARA identification badges, access cards, room and stack area keys, and parking space permits. At the National Archives at College Park, information in an electronic database is used to generate single badges that identify individuals and electronically allow individuals to enter and exit secured and non-secured areas of the building. Routine use statements A, B, C, D, E, F, G, and H, described in Appendix A, also apply to this system of records.

STORAGE:

Paper and electronic records.

RETRIEVABILITY:

Information in credentials and passes may be retrieved by the individual's name, identification card number, and/or social security number.

SAFEGUARDS:

During business hours, paper records are maintained in areas accessible to authorized NARA personnel. Electronic records are accessible via password-protected workstations located in attended offices or through a secure remote access network. After business hours, buildings have security guards and/or secured doors, and all entrances are monitored by electronic surveillance equipment.

RETENTION AND DISPOSAL:

Credentials and passes are temporary records and are destroyed in accordance with the disposition instructions in the NARA Records Schedule (a supplement to the NARA Files Maintenance and Records Disposition Manual). Individuals may request a copy of the disposition instructions from the NARA Privacy Act Officer.

SYSTEM MANAGER(S) AND ADDRESS:

The system managers for the following types of credentials and passes are:

1. For official passport records: Executive for Business Support Services;

2. For records used for NARA employee and volunteer identification badges and access cards in the Washington, DC, area, and for records used for contractor identification badges and access cards, key issuance, and parking control at the National Archives Building and the National Archives at College Park: Executive for Business Support Services;

3. For records used for NARA contractor identification badges and access cards, key issuance, and parking control at the Washington National Records Center: Director, Washington National Records Center;

4. For records used for key issuance and parking control at the Office of the Federal Register: Director of the Federal Register;

5. For records used for NARA identification badges and access cards, key issuance, and parking control at the National Personnel Records Center: Director of the National Personnel Records Center;

6. For records used for NARA identification badges and access cards, key issuance, and parking control at a Presidential library: director of individual library;

7. For records used for NARA identification badges and access cards, key issuance, and parking control at the NARA Continuity Facility: Executive for Business Support Services; and

8. For records used for NARA identification badges and access cards, key issuance, and parking control at all other NARA facilities: Executive for Business Support Services.

The business addresses for these system managers are listed in Appendix B.

NOTIFICATION PROCEDURE:

People interested in inquiring about their records should notify the NARA Privacy Act Officer at the address listed in Appendix B.

RECORD ACCESS PROCEDURES:

People who wish to access their records should submit a request in writing to the NARA Privacy Act Officer at the address listed in Appendix B.

CONTESTING RECORD PROCEDURES:

NARA rules for contesting the contents of a person's records and appealing initial determinations are found in 36 CFR Part 1202.

RECORD SOURCE CATEGORIES:

Information in credentials and passes is obtained from individuals being issued credentials and passes from authorized issuing officials.

NARA 12

SYSTEM NAME:

Emergency Notification Files and Employee Contact Information.

SYSTEM LOCATION:

Records related to emergency notification and employee contact information files are maintained at the following locations:

(1) Emergency notification lists and NARA field operations emergency facility contact lists are maintained in the Office of Business Support Services (Security Management Division) at the National Archives at College Park;

(2) Local emergency notification files are maintained in all NARA facilities nationwide; and

(3) Other personal contact information for employees may be maintained by supervisors at all NARA facilities and in NARA's employee locator database.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by this system include NARA employees who have provided personal contact information to NARA to enable continuity of operations planning, to access systems remotely, or to receive updates from the agency in the event of an unexpected closure.

CATEGORIES OF RECORDS IN THE SYSTEM:

Emergency notification files include: lists of names of NARA officials; cover memoranda; and administrative forms. These files may contain some or all of the following information about an individual: name; correspondence symbol or organization code; home address; business, home, and cellular telephone numbers; business and personal email addresses; position title; and emergency assignments.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 2104

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

NARA maintains current directory information on designated NARA employees to contact outside of business hours in case of emergencies involving NARA facilities, including records storage areas, and to notify these employees of emergencies that would result in the closing of government offices. The routine use statements A, D, F, and H, described in Appendix A, also apply to this system of records.

NARA also maintains this information to allow employees to more easily access NARA's information management and technology systems remotely by having a one-time use PIN number sent to them at a phone or email address they have provided.

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

STORAGE:

Paper and electronic records maintained in NARA's employee locator, identity management systems, and by supervisors within the agency.

RETRIEVABILITY:

Information in emergency notification files may be retrieved by the individual's name, facility, or office.

SAFEGUARDS:

During business hours, paper records are maintained in areas accessible to authorized NARA personnel. Electronic records are accessible via password-protected workstations located in attended offices or through a secure remote access network. After business hours, buildings have security guards and/or secured doors, and all entrances are monitored by electronic surveillance equipment. Authorized individuals may maintain copies in additional locations.

RETENTION AND DISPOSAL:

Emergency notification files are unscheduled records and, therefore, are retained until the Archivist of the United States approves dispositions. NARA is in the process of scheduling emergency notification records.

SYSTEM MANAGER(S) AND ADDRESS:

The system managers for emergency notification and employee contact information files are:

1. For NARA-wide and Washington, DC,-area emergency or after-hours notification lists: Executive for Business Support Services;

2. For local emergency notification and other employee personal contact information files: all executives and staff directors, supervisors, and field support officers in all NARA facilities; and

3. For remote access information for NARA's information management and technology systems: Executive for Information Services.

The business addresses for these system managers are listed in Appendix B.

NOTIFICATION PROCEDURE:

People interested in inquiring about their records should notify the NARA Privacy Act Officer at the address listed in Appendix B.

RECORD ACCESS PROCEDURES:

People who wish to access their records should submit a request in writing to the NARA Privacy Act Officer at the address listed in Appendix B.

CONTESTING RECORD PROCEDURES:

NARA rules for contesting the contents of a person's records and appealing initial determinations are found in 36 CFR Part 1202.

RECORD SOURCE CATEGORIES:

Information in emergency notification files is obtained from the NARA employees whose names appear on emergency notification lists and forms.

NARA 13

SYSTEM NAME:

Records of Defunct Agencies.

SYSTEM LOCATION:

Records of defunct agencies may be located in the Washington, DC area or at Federal Records Centers nationwide.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by this system include employees of a defunct agency and those people who may have had dealings with the agency prior to the agency's termination.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system includes those records of an agency whose existence has been terminated with no successor in function. This system also contains those records that were maintained by a defunct agency in an internal Privacy Act system of records. Categories of personal information maintained on individuals in these records are described in the Privacy Act system notices previously published by the originating agency. Records of defunct agencies that are located in Federal Records Centers may be temporary records or permanent records that have not yet been transferred to the custody of the Archivist of the United States.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 2104, 2107, 2108, 2907, 2908, and 3104

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

If records of a defunct agency are unscheduled, NARA may review the records during the appraisal process in order to determine the disposition of the records. NARA may disclose the records, while providing reference service on the records, in accordance with the routine uses in the Privacy Act notices previously published by the defunct agency. The routine use statements A, F, G, and H, described in Appendix A, also apply to this system of records.

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

STORAGE:

Paper, electronic, and microfilm records.

RETRIEVABILITY:

Information in records of a defunct agency may be retrieved by the name of the individual or by other identifier established by the defunct agency when the records were maintained by that agency.

SAFEGUARDS:

During business hours, paper records are maintained in areas accessible to authorized NARA personnel. Electronic records are accessible via password-protected workstations located in attended offices or through a secure remote access network. After business hours, buildings have security guards and/or secured doors, and all entrances are monitored by electronic surveillance equipment.

RETENTION AND DISPOSAL:

Records of a defunct agency that are appraised as temporary are destroyed in accordance with the records disposition instructions approved by the Archivist of the United States. Records of a defunct agency that are appraised as permanent are transferred to the National Archives of the United States.

SYSTEM MANAGER(S) AND ADDRESS:

The system manager for records of defunct agencies is the Chief Records Officer. The business address for this system manager is listed in Appendix B.

NOTIFICATION PROCEDURE:

People interested in inquiring about their records should notify the NARA Privacy Act Officer at the address listed in Appendix B.

RECORD ACCESS PROCEDURES:

People who wish to access their records should submit a request in writing to the NARA Privacy Act Officer at the address listed in Appendix B.

CONTESTING RECORD PROCEDURES:

NARA rules for contesting the contents of a person's records and appealing initial determinations are found in 36 CFR Part 1202.

RECORD SOURCE CATEGORIES:

Upon termination of an agency with no successor in function, the agency transfers its records to NARA's custody. Prior to termination, the agency has described record source categories in its Privacy Act system notices for that agency's records.

NARA 14

SYSTEM NAME:

Payroll, Attendance, Leave, Retirement, Benefits, and Electronic Reporting System Records.

SYSTEM LOCATION:

1. Payroll, attendance, leave, retirement, benefits, and electronic reporting system records for current employees are located in the Office of Human Capital (Labor Employee Relations Benefit Branch) and NARA organizational units nationwide that employ timekeepers;

2. The Interior Business Center (IBC) maintains an electronic record-keeping system for NARA in Denver, CO; and

3. Retired personnel files are located at NARA's National Personnel Records Center (NPRC) in St. Louis, MO.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by this system include current and former NARA employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

Payroll, attendance, leave, retirement, benefits, and electronic reporting system files may include: Office of Personnel Management (OPM) Form 71, Request for Leave or Approved Absence; GSA Form 873, Annual Attendance Record; NA Form 3004, Intermittent Employees Attendance Record; NA Form 3032A or B, Time and Attendance Log; leave restriction documents; medical and other documentation for Family and Medical Leave Act and voluntary leave transfer program applications; teleworking agreements and supporting documentation; prior government service records and ''buy-back'' documents; retirement documents; student loan repayment program documents; direct deposit information; other benefits information; various summary materials received in computer printout form; awards information; recruitment, relocation, or retention bonuses; training information; and the electronic system. These paper and electronic records may contain some or all of the following information about an individual: Name; address; correspondence symbol; telephone number; social security number; birth date; position title; grade; hours and location of duty; salary, payroll, related information (e.g., withholding status, voluntary deductions, allotments,

financial institution, union dues, taxes, charities, wage garnishments, Flexible Spending Account, Long Term Care Insurance, Thrift Savings Plan, and other benefit information), attendance information, medical diagnoses, treatments, and limitations, payment receipts, government service record verification, and other information provided by the employee. This system does not include the official personnel records maintained by NARA, which are described in the system notices published by the Office of Personnel Management (OPM/GOVT–1 and OPM/GOVT–2).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 2101 through 8901 is the authority for the overall system. Executive Order 9397, 26 CFR 31.6011(b)2, and 26 CFR 31.6109–1 contain specific authority for use of social security numbers. Additional authorities: 4 U.S.C. Ch. 63, 5 U.S.C. 83–84, 5 CFR Part 630, and 29 CFR Part 825.

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

NARA and IBC maintain payroll, attendance, leave, retirement, benefits, and electronic reporting system records on individual NARA employees to conduct NARA's fiscal operations for payroll, time and attendance, leave, insurance, tax, retirement, qualifications, and benefits; to prepare related reports to other Federal agencies; and to carry out labor/employee relations and benefits functions.

To the extent necessary, NARA and IBC may disclose information in these records to outside entities as part of grievance proceedings, EEO complaints, adverse actions, and mediation counseling sessions. NARA, IBC, and other NARA agents may disclose information in the files to state unemployment offices in connection with unemployment compensation claims filed by NARA employees, to the Department of Labor for worker's compensation cases; to any Federal, state, or local government entity compiling tax withholding, retirement contributions, or allotments to charities, labor unions, wage garnishments, and other authorized recipients; to the Office of Child Support Enforcement, Administration for Children and Families, Department of Health and Human Services, the Federal Parent Locator System and the Federal Tax Offset System to (a) locate individuals, (b) identify income sources, (c) establish paternity, (d) verify social security numbers or employment, (e) issue, modify, or enforce orders of support, or (f) administer the Federal Earned Income Tax Credit Program; and to a commercial contractor in connection with benefit programs administered by the contractor on NARA's behalf, including, but not limited to, supplemental health, dental, disability, life and other benefit programs. NARA and IBC may disclose information in this system of records to the Office of Management and Budget in connection with the review of private relief legislation. NARA and IBC may disclose information in these records to the Office of Personnel Management for its production of summary descriptive statistics or for related work studies; while published statistics and studies do not contain individual identifiers, the selection of elements of data included in studies may be structured in a way that makes individuals identifiable by inference. The routine use statements A, B, C, D, E, F, G, and H described in Appendix A, also apply to this system of records.

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

STORAGE:

Paper, microfiche, and electronic records.

RETRIEVABILITY:

Information in payroll, attendance, leave, retirement, benefits, and electronic reporting system records may be retrieved by the name of the individual, office, supervisor, or by social security number.

SAFEGUARDS:

During business hours, paper records are maintained in areas accessible to authorized personnel. Electronic records are accessible via password-protected workstations located in attended offices or through a secure remote access network. After business hours, buildings have security guards and/or secured doors, and all entrances are monitored by electronic surveillance equipment. Records maintained by IBC are managed in accordance with government-wide security rules.

RETENTION AND DISPOSAL:

Payroll, attendance, leave, retirement, and benefit paper records are temporary records and are destroyed in accordance with the disposition instructions in the NARA Records Schedule (a supplement to the NARA Files Maintenance and Records Disposition Manual). Electronic records are temporary records whose disposition is governed by the General Records Schedules. Individuals may request a copy of the disposition instructions from the NARA Privacy Act Officer.

SYSTEM MANAGER(S) AND ADDRESS:

The system managers for payroll, attendance, leave, retirement, benefits, and electronic reporting system records are:

1. For Washington, DC,-area employees: executives and staff directors of individual offices and staffs;
2. For Presidential library employees: director of the individual library;
3. For Federal Records Center employees and Research Services employees outside the Washington, DC, area, and for unemployment compensation records: Executive for Business Support Services;
4. For Office of the Chief Records Officer employees outside the Washington, DC, area: Chief Records Officer; and
5. For records located in the Office of Human Capital (Labor/Employee Relations and Benefit Branch): Chief Human Capital Officer.

The business addresses for these system managers are listed in Appendix B.

NOTIFICATION PROCEDURE:

People interested in inquiring about their records should notify the NARA Privacy Act Officer at the address listed in Appendix B.

RECORD ACCESS PROCEDURES:

People who wish to access their records should submit a request in writing to the NARA Privacy Act Officer at the address listed in Appendix B.

CONTESTING RECORD PROCEDURES:

NARA rules for contesting the contents of a person's records and appealing initial determinations are found in 36 CFR Part 1202.

RECORD SOURCE CATEGORIES:

Information in payroll and time and attendance reporting system records is obtained from: current and former NARA employees themselves, timekeepers, supervisors of employees, payroll specialists, and other Federal agencies for which the individual worked.

NARA 15

SYSTEM NAME:

Freelance Editor/Indexer Files.

SYSTEM LOCATION:

Freelance editor/indexer files are located in the Office of Strategy and Communications (Publications and Creative Development staffs).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by this system include freelance editors and indexers with whom NARA has contracted for editing and indexing services or who have expressed an interest in performing such services for NARA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Freelance editor/indexer files may include: correspondence; resumes; biographical statements; evaluations; examples of previous work; invoices; and certifications for payment. These records may contain some or all of the following information about an individual: Name; address; email address; telephone number; educational background; professional experience and awards; research interests; titles of publications; and other information furnished by the individual.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 2104, 2109, and 2307.

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

NARA maintains freelance editor/indexer files on individuals to: Review professional qualifications of editors and indexers; provide referral to NARA offices when freelancers are needed to handle their service projects; make assignments and indicate assignment completion dates; evaluate the quality of work performed during assignments; and document editing and indexing expenditures for budgetary purposes. The routine use statements A, F, G, and H, described in Appendix A, also apply to this system of records.

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

STORAGE:

Paper records and electronic records.

RETRIEVABILITY:

Information in freelance editor/indexer files may be retrieved by the individual's name.

SAFEGUARDS:

During business hours, paper records are maintained in areas accessible to authorized NARA personnel. Electronic records are accessible via password-protected workstations located in attended offices or through a secure remote access network. After business hours, buildings have security guards and/or secured doors, and all entrances are monitored by electronic surveillance equipment.

RETENTION AND DISPOSAL:

Freelance editor/indexer files are temporary records and are destroyed in accordance with the disposition instructions in the NARA Records Schedule (a supplement to the NARA Files Maintenance and Records Disposition Manual). Individuals may request a copy of the disposition instructions from the NARA Privacy Act Officer.

SYSTEM MANAGER(S) AND ADDRESS:

The system manager is the Chief Strategy and Communications Officer. The business address for this system manager is listed in Appendix B.

NOTIFICATION PROCEDURE:

People interested in inquiring about their records should notify the NARA Privacy Act Officer at the address listed in Appendix B.

RECORD ACCESS PROCEDURES:

People who wish to access their records should submit a request in writing to the NARA Privacy Act Officer at the address listed in Appendix B.

CONTESTING RECORD PROCEDURES:

NARA rules for contesting the contents of a person's records and appealing initial determinations are found in 36 CFR Part 1202.

RECORD SOURCE CATEGORIES:

Information in freelance editor/indexer files may be obtained from: Freelance editors and indexers with whom NARA has contracted to perform editing and indexing services; freelance editors and indexers who have expressed an interest in performing services for NARA; NARA employees who maintain the files; and references furnished by freelance editors and indexers.

NARA 16

SYSTEM NAME:

Library Circulation Files.

SYSTEM LOCATION:

Library circulation files are located at the National Archives Library in Washington, DC, College Park, MD, and at individual Presidential libraries.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by this system include all NARA employees and researchers who have borrowed books and other materials from the National Archives Library and/or the Presidential libraries collections.

CATEGORIES OF RECORDS IN THE SYSTEM:

Library circulation files contain the following information about an individual: Name; correspondence symbol or address; telephone number; email address; titles and call numbers of items borrowed; and dates that the items were borrowed.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 2104.

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

NARA maintains library circulation files on individuals in order to control the circulation of library books, periodicals, and other materials in NARA's library collections. The routine use statements A F, G, and H, described in Appendix A, also apply to this system of records.

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

STORAGE:

Paper and electronic records.

RETRIEVABILITY:

Information in library circulation files may be retrieved by the individual's name, by the title of the item charged out, or by the call number for the item.

SAFEGUARDS:

During business hours, paper records are maintained in areas accessible to authorized NARA personnel. Electronic records are accessible via password-protected workstations located in attended offices or through a secure remote access network. After business hours, buildings have security guards and/or secured doors, and all entrances are monitored by electronic surveillance equipment.

RETENTION AND DISPOSAL:

Library circulation files are temporary records and are destroyed in accordance with the disposition instructions in the NARA Records Schedule (a supplement to the NARA Files Maintenance and Records Disposition Manual). Individuals may request a copy of the disposition instructions from the NARA Privacy Act Officer.

SYSTEM MANAGER(S) AND ADDRESS:

The system managers for library circulation files are:

1. For files in the Washington, DC, area: Executive for Research Services; and

2. For files in a Presidential library: director of the individual library.

The business addresses for these system managers are listed in Appendix B.

NOTIFICATION PROCEDURE:

People interested in inquiring about their records should notify the NARA Privacy Act Officer at the address listed in Appendix B.

RECORD ACCESS PROCEDURES:

People who wish to access their records should submit a request in writing to the NARA Privacy Act Officer at the address listed in Appendix B.

CONTESTING RECORD PROCEDURES:

NARA rules for contesting the contents of a person's records and appealing initial determinations are found in 36 CFR Part 1202.

RECORD SOURCE CATEGORIES:

Information in library circulation files is obtained from NARA employees and researchers who borrow books and other materials from the library collections of the National Archives Library and/or the Presidential libraries.

NARA 17

SYSTEM NAME:

Grievance Records.

SYSTEM LOCATION:

Grievance records are maintained in the Office of Human Capital (Labor/Employee Relations and Benefits Branch locations at the National Archives at College Park, MD, and St. Louis, MO).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by this system include current and former NARA employees who have submitted grievances to NARA in accordance with Office of Personnel Management (OPM) regulations (5 CFR Part 771) or in accordance with internal negotiated grievance procedures.

CATEGORIES OF RECORDS IN THE SYSTEM:

Grievance records may include: statements of witnesses; reports of interviews and hearings; findings and recommendations of examiners; copies of the original and final decisions; and related correspondence and exhibits. These files may contain some or all of the following information about an individual: Name; address; social security number; correspondence symbol; telephone number; occupation; grade; salary information; educational background; employment history; medical information; and names of supervisors and witnesses.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 1302, 3301, 3302, and 7121; Executive Order 10577 (3 CFR 1954 through 1958); and Executive Order 10987 (3 CFR 1959 through 1963).

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

NARA maintains grievance records on individuals in order to process grievances submitted by or on behalf of NARA employees in accordance with OPM regulations or internal negotiated grievance procedures.

NARA may disclose only enough information in grievance records to any source from which additional information is requested in the course of processing a grievance to: identify the source to the extent necessary; inform the source of the purpose(s) of the request; and identify the type of information requested from the source. NARA may also disclose information in grievance files to officials of labor organizations recognized under the Civil Service Reform Act when the information is relevant to the officials' duties of exclusive representation concerning personnel policies, practices, and matters affecting work conditions. The routine use statements A, D, E, F, G, and H, described in Appendix A, also apply to this system of records.

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

STORAGE:

Paper and electronic records.

RETRIEVABILITY:

Information in grievance records may be retrieved by the individual's name.

SAFEGUARDS:

During business hours, paper records are maintained in areas accessible to authorized NARA personnel. Electronic records are accessible via password-protected workstations located in attended offices or through a secure remote access network. After business hours, buildings have security guards and/or secured doors, and all entrances are monitored by electronic surveillance equipment.

RETENTION AND DISPOSAL:

Grievance files are temporary records and are destroyed in accordance with the disposition instructions in the NARA Records Schedule (a supplement to the NARA Files Maintenance and Records Disposition Manual). Individuals may request a copy of the disposition instructions from the NARA Privacy Act Officer.

SYSTEM MANAGER(S) AND ADDRESS:

The system manager is the Chief Human Capital Officer. The business address for this system manager is listed in Appendix B.

NOTIFICATION PROCEDURE:

People interested in inquiring about their records should notify the NARA Privacy Act Officer at the address listed in Appendix B.

RECORD ACCESS PROCEDURES:

People who wish to access their records should submit a request in writing to the NARA Privacy Act Officer at the address listed in Appendix B.

CONTESTING RECORD PROCEDURES:

Review of requests from individuals seeking amendment of their records that have been the subject of a judicial or quasi-judicial action will be limited in scope. Review of amendment requests of these records will be restricted to determine if the record accurately documents the action of the NARA ruling on the case and will not include a review of the merits of the action, determination, or finding. NARA rules for contesting the contents and appealing initial determinations are found in 36 CFR Part 1202.

RECORD SOURCE CATEGORIES:

Information in grievance records may be obtained from: individuals on whom records are maintained; witnesses; NARA officials; and NARA payroll and personnel specialists.

NARA 18

SYSTEM NAME:

General Law Files.

SYSTEM LOCATION:

Records are located in the Office of the General Counsel.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by this system include: Current and former NARA employees; other Federal agency employees; individual members of the public; witnesses in litigation; people who have requested records under the Freedom of Information Act (FOIA) and/or the Privacy Act; people about whom requests under the FOIA and/or the Privacy Act have been made; and people involved in administrative actions or litigation to which NARA is a party or to which NARA has relevant records.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in the system may contain some or all of the following information about an individual: Name; social security number; position description; grade; salary; work history; complaint; credit ratings; medical diagnoses and prognoses; and doctor's bills. The system may also contain other records such as: Case history files; copies of

applicable law(s); working papers of attorneys; testimony of witnesses; background investigation materials; correspondence; damage reports; contracts; accident reports; pleadings; affidavits; estimates of repair costs; invoices; litigation reports; financial data; contact information for individuals related to the litigation or matter; and other data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 552; 5 U.S.C. 552a; 5 U.S.C., Part II; 5 U.S.C., Chapter 33; 5 U.S.C. 5108, 5314–5316 and 42 U.S.C. 20003, et seq.; 5 U.S.C. 7151–7154; 5 U.S.C. 7301; 5 U.S.C. 7501, note (adverse actions); 5 U.S.C., Chapter 77; 5 U.S.C. App.; 28 U.S.C. 1291, 1346(b)(c), 1402(b), 1504, 2110; 31 U.S.C. 3701, 3711, 3713, 3717, 3718, 3721.

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

Records are used to: give general legal advice, as requested, throughout NARA; prepare attorneys for hearings and trials; reference past actions; and maintain internal statistics. Information may be disclosed to the Department of Justice in review, settlement, defense, and prosecution of claims, complaints, and lawsuits involving contracts, torts, debts, bankruptcy, personnel adverse action, EEO, unit determination, unfair labor practices, and Freedom of Information and Privacy Act requests. Information may be disclosed to the Office of Government Ethics (OGE) to obtain OGE advice on an ethics issue, to refer possible ethics violations to OGE, or during an OGE evaluation of NARA's Ethics Program. The routine use statements A, B, C, D, E, F, G, and H, described in Appendix A, also apply to this system of records.

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

STORAGE:

Paper and electronic records.

RETRIEVABILITY:

Information may be obtained by the individual's name or by a case number assigned by the court or agency hearing the complaint or appeal, or other key words within the file.

SAFEGUARDS:

During business hours, paper records are maintained in areas accessible to authorized NARA personnel. Electronic records are accessible via password-protected workstations located in attended offices or through a secure remote access network. After business hours, buildings have security guards and/or secured doors, and all entrances are monitored by electronic surveillance equipment.

RETENTION AND DISPOSAL:

Most files are temporary records and are destroyed in accordance with disposition instructions in the NARA Records Schedule (a supplement to the NARA Files Maintenance and Records Disposition Manual). Significant litigation files are permanent records that are eventually transferred to the National Archives of the United States. Individuals may request a copy of the disposition instructions from the NARA Privacy Act Officer.

SYSTEM MANAGER(S) AND ADDRESS:

The system manager is the General Counsel. The business address for this system manager is listed in Appendix B.

NOTIFICATION PROCEDURE:

People interested in inquiring about their records should notify the NARA Privacy Act Officer at the address listed in Appendix B.

RECORD ACCESS PROCEDURES:

People who wish to access their records should submit a request in writing to the NARA Privacy Act Officer at the address listed in Appendix B.

CONTESTING RECORD PROCEDURES:

NARA rules for contesting the contents of a person's records and appealing initial determinations are found in 36 CFR Part 1202.

RECORD SOURCE CATEGORIES:

Information in this system of records comes from one or more of the following sources: Federal employees and private parties involved in torts and employee claims, contracts, personnel actions, unfair labor practices, and debts concerning the Federal government; witnesses; and doctors and other health professionals.

NARA 19

SYSTEM NAME:

Workers' Compensation Case Files.

SYSTEM LOCATION:

Workers' compensation case files are located in the Office of Human Capital, and in the administrative offices of facilities nationwide.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by this system include NARA employees and former employees who have reported work-related injuries or other occupational health problems on forms CA–1 or CA–2, or the equivalent.

CATEGORIES OF RECORDS IN THE SYSTEM:

Workers' compensation case files may include: accident reports, including CA–1 & 2, Federal Employees Notice of Injury or Occupational Disease, CA–4, Claims For Compensation for Injury or Occupation Disease, and CA–8, Claims for Continuance of Compensation on Account of Disability; time and attendance reports; and medical reports from physicians and other health care professionals. These files may contain some or all of the following information about an individual: Name; address; email address; correspondence symbol; telephone number; occupation; birth date; names of supervisors and witnesses; and medical information related to work-related accidents or other occupational health problems.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 7902 and Chapter 81.

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

NARA maintains workers' compensation case files on individuals in order to identify and record information about those NARA employees who have sustained injuries or reported other occupational health problems, and to facilitate the preparation of statistical and other reports regarding work-related injuries or other occupational health problems. NARA may disclose to a Federal, state, or local public health service agency information in the files that concerns individuals who have contracted certain communicable diseases or conditions. NARA may disclose information in the files to the Department of Labor for purposes of administering the workers' compensation program. NARA may disclose information in the files to the Occupational Safety and Health Administration for the purpose of monitoring workplace health and safety issues. The routine use statements A, B, C, D, E, F, G, and H, described in Appendix A, also apply to this system of records.

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

STORAGE:

Paper and electronic records.

RETRIEVABILITY:

Information in workers' compensation case files may be retrieved by the individual's name or by other information contained within the file.

SAFEGUARDS:

During business hours, paper records are maintained in areas accessible to

authorized NARA personnel. Electronic records are accessible via password-protected workstations located in attended offices or through a secure remote access network. After business hours, buildings have security guards and/or secured doors, and all entrances are monitored by electronic surveillance equipment.

RETENTION AND DISPOSAL:

Workers' compensation case files are temporary records and are destroyed in accordance with the disposition instructions in the NARA Records Schedule (a supplement to the NARA Files Maintenance and Records Disposition Manual). Individuals may request a copy of the disposition instructions from the NARA Privacy Act Officer.

SYSTEM MANAGER(S) AND ADDRESS:

The system manager is the Chief Human Capital Officer. The business address for this system manager is listed in Appendix B.

NOTIFICATION PROCEDURE:

People interested in inquiring about their records should notify the NARA Privacy Act Officer at the address listed in Appendix B.

RECORD ACCESS PROCEDURES:

People who wish to access their records should submit a request in writing to the NARA Privacy Act Officer at the address listed in Appendix B.

CONTESTING RECORD PROCEDURES:

NARA rules for contesting the contents of a person's records and appealing initial determinations are found in 36 CFR Part 1202.

RECORD SOURCE CATEGORIES:

Information in workers' compensation case files may be obtained from: Individuals to whom the records pertain; NARA supervisors; NARA personnel specialists; physicians; others providing health care services; and the Department of Labor.

NARA 20

SYSTEM NAME:

Reviewer/Consultant Files.

SYSTEM LOCATION:

Reviewer/consultant files are located at the National Historical Publications and Records Commission.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by the system include people who have expressed an interest in, or have served as reviewers or consultants for, the NHPRC records or publications grant programs.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reviewer/consultant files may include: Resumes; biographical statements; correspondence; and lists containing some or all of the following information about an individual: Name; address; email address; telephone number; educational background; professional experience and awards; and titles of publications.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 2501–2506.

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

NHPRC maintains reviewer/consultant files on individuals in order to select reviewers who will evaluate proposals received for the records and publications grant programs, and to recommend archival consultants for those state and non-state organizations that have received grants for records and publications projects. NARA may disclose to grant recipients the lists of names of potential consultants in order for the recipients to contact individuals who have expressed an interest in serving as consultants on grant projects. The routine use statements F and H, described in Appendix A, also apply to this system of records.

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

STORAGE:

Paper and electronic records.

RETRIEVABILITY:

Information in reviewer/consultant files may be retrieved by the individual's name or the proposal evaluated by the reviewer.

SAFEGUARDS:

During business hours, paper records are maintained in areas accessible to authorized NARA personnel. Electronic records are accessible via password-protected workstations located in attended offices or through a secure remote access network. After business hours, buildings have security guards and/or secured doors, and all entrances are monitored by electronic surveillance equipment.

RETENTION AND DISPOSAL:

Reviewer/consultant files are temporary records and are destroyed in accordance with the disposition instructions in the NARA Records Schedule (a supplement to the NARA Files Maintenance and Records Disposition Manual). Individuals may request a copy of the disposition instructions from the NARA Privacy Act Officer.

SYSTEM MANAGER(S) AND ADDRESS:

The system manager for reviewer/consultant files is the Executive Director, National Historical Publications and Records Commission. The business address for this system manager is listed in Appendix B.

NOTIFICATION PROCEDURE:

People interested in inquiring about their records should notify the NARA Privacy Act Officer at the address listed in Appendix B.

RECORD ACCESS PROCEDURES:

People who wish to access their records should submit a request in writing to the NARA Privacy Act Officer at the address listed in Appendix B.

CONTESTING RECORD PROCEDURES:

NARA rules for contesting the contents of a person's records and appealing initial determinations are found in 36 CFR Part 1202.

RECORD SOURCE CATEGORIES:

Information in reviewer/consultant files may be obtained from reviewers and consultants and from references furnished by them.

NARA 21

SYSTEM NAME:

National Historical Publication and Records Commission Grant, Fellowship, and Editing Institute Application Files.

SYSTEM LOCATION:

Grant, Fellowship, and Editing Institute application files are located at the National Historical Publications and Records Commission.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by this system include applicants for NHPRC grants, fellowships in archival administration, and advanced historical editing, and individuals who applied for the annual Institute for the Editing of Historical Documents prior to 2011.

CATEGORIES OF RECORDS IN THE SYSTEM:

Grant, fellowship, and Editing Institute application files may include: application forms; correspondence; resumes; college transcripts; and evaluations. These records may contain some or all of the following information about an individual: Name; address; email address; telephone number; educational background; professional experience and awards; archival and historical records experience; project proposals; titles of publications; and

other information provided in letters of reference furnished by applicants and in evaluations completed by fellowship institutions and documentary editing projects. Grant application information is submitted to NHPRC through an online grants application system for Federal agencies.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 2504 and 2506.

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

NHPRC maintains grant, fellowship, and Editing Institute application files on individuals in order to: Evaluate the preliminary eligibility of applicants for grants and fellowships; jointly select, with the director of the Editing Institute, applicants to attend the Institute for the Editing of Historical Documents; and oversee grant-making and grant administration programs. NHPRC discloses copies of individuals' grant and fellowship application files to officials of fellowship institutions and documentary editing projects for the purposes of selecting fellows and administering fellowships in archival administration and advanced historical editing. NHPRC discloses copies of individuals' Editing Institute applications to the director of the Editing Institute to select applicants to attend the annual Institute and to determine the most useful areas of instruction for successful applicants. The routine use statements A, F, and H, described in Appendix A, also apply to this system of records.

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

STORAGE:

Paper and electronic records.

RETRIEVABILITY:

Information in grant, fellowship, and Editing Institute application files may be retrieved by the individual's name and by other information the applicant provided.

SAFEGUARDS:

During business hours, paper records are maintained in areas accessible to authorized NARA personnel. Electronic records are accessible via password-protected workstations located in attended offices or through a secure remote access network. After business hours, buildings have security guards and/or secured doors, and all entrances are monitored by electronic surveillance equipment.

RETENTION AND DISPOSAL:

Nearly all grant and fellowship application files, and all Editing Institute application files, are temporary records and are destroyed in accordance with the disposition instructions in the NARA Records Schedule (a supplement to the NARA Files Maintenance and Records Disposition Manual). As of 2011, NARA is no longer collecting new Editing Institute applications. However, on occasion, files for accepted fellowship applications may be selected by the Executive Director for inclusion in grant case files that have met established criteria for permanent retention in the National Archives of the United States. Individuals may request a copy of the disposition instructions from the NARA Privacy Act Officer.

SYSTEM MANAGER(S) AND ADDRESS:

The system manager is the Executive Director, National Historical Publications and Records Commission. The business address for this system manager is listed in Appendix B.

NOTIFICATION PROCEDURE:

People interested in inquiring about their records should notify the NARA Privacy Act Officer at the address listed in Appendix B.

RECORD ACCESS PROCEDURES:

People who wish to access their records should submit a request in writing to the NARA Privacy Act Officer at the address listed in Appendix B.

CONTESTING RECORD PROCEDURES:

NARA rules for contesting the contents of a person's records and appealing initial determinations are found in 36 CFR Part 1202.

RECORD SOURCE CATEGORIES:

Information in grant, fellowship, and Editing Institute application files may be obtained from: Applicants for fellowships in archival administration or advanced historical editing under the NHPRC grant program; applicants for the Institute for the Editing of Historical Documents; references furnished by applicants; and officials of fellowship institutions, documentary editing projects, and the Institute for the Editing of Historical Documents.

NARA 22

SYSTEM NAME:

Employee-Related Files.

SYSTEM LOCATION:

Employee-related files may be maintained in supervisory or administrative offices at all NARA facilities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by this system include former and current NARA employees and relatives of employees of the National Personnel Records Center (NPRC).

CATEGORIES OF RECORDS IN THE SYSTEM:

Employee-related files consist of a variety of employee-related records maintained for the purpose of administering personnel matters. These files may contain some or all of the following information about an individual: Name; email address, home and emergency addresses and telephone numbers; social security number; birth date; professional qualifications, training, awards, and other recognition; employment history; and information about congressional employee relief bills, conduct, and work assignments. Employee-related records may also include data on the existence of military service records of employees of the NPRC and their relatives (captured using NA Form 13108, Military Service Data of Employee and Relatives). The form is maintained within NPRC employee personnel files to ensure records security and integrity at the Center. Employee-related files do not include official personnel files, which are covered by Office of Personnel Management systems of records OPM/GOVT–1 through 10.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. generally, and 31 U.S.C. generally.

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

NARA maintains employee-related files on individuals in order to document NARA employee travel and outside employment activities, and to carry out personnel management responsibilities in general. The routine use statements A, B, C, D, E, F, G, and H, described in Appendix A, also apply to this system of records.

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

STORAGE:

Paper and electronic records.

RETRIEVABILITY:

Information in employee related files may be retrieved primarily by the individual's name, but also by the other categories of information provided, and may, where electronically stored, be full-text searchable.

SAFEGUARDS:

During business hours, paper records are maintained in areas accessible to authorized NARA personnel. Electronic records are accessible via identity authentication at workstations located in attended offices or through a secure remote access network. After business hours, buildings have security guards and/or secured doors, and all entrances are monitored by electronic surveillance equipment.

RETENTION AND DISPOSAL:

Employee-related files are temporary records and are destroyed in accordance with the disposition instructions in the NARA Records Schedule (a supplement to the NARA Files Maintenance and Records Disposition Manual). Individuals may request a copy of the disposition instructions from the NARA Privacy Act Officer.

SYSTEM MANAGER(S) AND ADDRESS:

The system managers for employee-related files are:

1. For files on Washington, DC,-area employees: executive or staff director of the employee's respective office or staff;

2. For files on employees outside the Washington, DC,-area: executive of the employee's respective office; and

3. For files on employees in the Presidential libraries: directors of the individual libraries.

The business addresses for these system managers are listed in Appendix B.

NOTIFICATION PROCEDURE:

People interested in inquiring about their records should notify the NARA Privacy Act Officer at the address listed in Appendix B.

RECORD ACCESS PROCEDURES:

People who wish to access their records should submit a request in writing to the NARA Privacy Act Officer at the address listed in Appendix B.

CONTESTING RECORD PROCEDURES:

NARA rules for contesting the contents of a person's records and appealing initial determinations are found in 36 CFR Part 1202.

RECORD SOURCE CATEGORIES:

Information in employee-related files may be obtained from NARA employees and supervisors, and personnel and administrative records.

NARA 23

SYSTEM NAME:

Office of Inspector General Investigative Case Files.

SECURITY CLASSIFICATION:

Some of the material contained in this system of records has been classified in the interests of national security pursuant to Executive Orders 12958, as amended, and 13142.

SYSTEM LOCATION:

Investigative case files are located in the Office of Inspector General, and are held for long-term storage at Federal Records Centers.

CATEGORIES OF INDIVIDUALS IN THE SYSTEM:

Individuals covered by this system of records may include: People who have been the source of a complaint or an allegation that has been brought to the OIG, witnesses having information or evidence concerning an investigation, and suspects in criminal, administrative, civil, or other actions. Current and former NARA employees, NARA contract employees, members of NARA's Federal advisory committees, contractors, and members of the public are covered under this system of records when they become subjects of, witnesses to, or are otherwise involved in authorized investigations.

CATEGORIES OF RECORDS IN THE SYSTEM:

Investigative case files may include: Statements of alleged administrative, ethical, or criminal wrongdoing; reports; related correspondence; exhibits; copies of forms and decisions; summaries of hearings and meetings; notes; attachments; and other working papers. These records may contain some or all of the following information about an individual: name; address; correspondence symbol; telephone number; birth date; birthplace; citizenship; educational background; employment history; medical history; identifying numbers such as social security and driver's license numbers; insurance information; and other information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. App. 3.

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

Pursuant to the Inspector General Act of 1978, Public Law 95–452, and Inspector General Reform Act of 2008, Public Law 110–409, (codified as amended at 5 U.S.C. App. 3), NARA maintains investigative case files on individuals to: Examine allegations and/or complaints of fraud, waste, abuse, and irregularities and violations of laws and regulations; make determinations resulting from these authorized investigations; and facilitate the preparation of statistical and other reports by the Office of Inspector General (OIG). As described in Appendix A, the routine use statements A, B, C, D, E, G, and H also apply to this system of records.

In addition to the disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act of 1974 and the specified routine uses described in Appendix A, information in this system may be disclosed pursuant to 5 U.S.C. 552a(b)(3) according to following the routine uses:

1. To qualified individuals or organizations, including, but not limited to, the Council of the Inspectors General on Integrity and Efficiency, authorized Department of Justice officials, and the Federal Bureau of Investigation, performing peer reviews, qualitative assessment reviews, other studies of internal safeguards and management procedures employed in the operation of the OIG, or investigations of actions taken by the OIG.

2. To a court, magistrate, or administrative tribunal in the course of presenting evidence, including disclosures to opposing counsel or witnesses, in the course of civil discovery, litigation, or settlement negotiations, in connection with criminal law proceedings, or in response to a subpoena where arguably relevant to a proceeding.

3. To the Department of Justice for the purpose of litigating an action or seeking legal advice, or for the purpose of obtaining its advice on Freedom of Information Act matters.

4. To third parties during the course of an investigation to the extent necessary to obtain information pertinent to the investigation.

5. To a congressional office in response to an inquiry made at the request of the individual to whom the record pertains; or in accordance with the OIG's duties described in the Inspector General Act of 1978, as amended.

6. To an individual or individuals who are in danger in situations involving imminent danger of death or physical injury.

7. To independent auditors or other private firms or individuals with which the OIG has contracted to carry out an independent audit, or to provide support for audits, reviews, investigations, or other inquiries. These contractors will be required to maintain Privacy Act safeguards with respect to such records.

8. To inform complainants, victims, and witnesses of the results of an investigation or inquiry.

9. To a Federal agency responsible for considering debarment or suspension

action if the record would be relevant to such action.

10. To the Office of Management and Budget for the purpose of obtaining its advice on Privacy Act matters.

11. To the Office of Government Ethics to comply with agency reporting requirements established by the Office of Government Ethics in 5 CFR part 2638, subpart F.

12. To the White House, Office of Management and Budget, and other organizations in the Executive Office of the President regarding matters inquired of.

13. To a contractor, subcontractor, or grantee firm or institution, to the extent that the disclosure is in NARA's interest and is relevant and necessary in order that the contractor, subcontractor, or grantee is able to take administrative or corrective action.

14. To the news media and general public, unless the Inspector General determines disclosure to constitute an unwarranted invasion of personal privacy, if:

a. The matter under investigation has become public knowledge;

b. The Inspector General determines that such disclosure is necessary to preserve confidence in the integrity of the OIG investigative process or demonstrate the accountability of NARA officers, employees, or other individuals covered by this system; or

c. A legitimate public interest exists (e.g., to provide information on events in the criminal process, to assist in the location of fugitives, or where necessary for protection from imminent threat of life or property).

15. To individuals performing functions for the OIG while not technically having the status of agency employees, including, but not limited to, student volunteers or individuals working under a personal services contract, if they need access to the records in order to perform their assigned agency functions.

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

STORAGE:

Paper records and networked electronic media system with removable media.

RETRIEVABILITY:

Information in investigative case files may be retrieved by the primary investigator's name, case title (which may or may not include the subject's or other individuals' names), or case file number.

SAFEGUARDS:

During business hours, paper records are maintained in areas accessible only to authorized NARA personnel. Electronic records are accessible via password-protected workstations located in attended offices or through a secure remote access network. After business hours, buildings have security guards and/or secured doors, and all entrances are monitored by electronic surveillance equipment.

RETENTION AND DISPOSAL:

Nearly all investigative case files are temporary records and are destroyed in accordance with the disposition instructions in the NARA records schedule contained in FILES 203, the NARA Files Maintenance and Records Disposition Manual. However, the retention and disposal of significant investigative case files, such as those that result in national media attention, congressional investigation, and/or substantive changes in agency policy or procedure, are determined on a case-by-case basis. Individuals may request a copy of the disposition instructions from the NARA Privacy Act Officer.

SYSTEM MANAGER(S) AND ADDRESS:

The system manager is the Inspector General. The business address for this system manager is listed in Appendix B.

NOTIFICATION PROCEDURE:

People interested in inquiring about their records should notify the NARA Privacy Act Officer at the address listed in Appendix B.

RECORD ACCESS PROCEDURES:

People who wish to access their records should submit a request in writing to the NARA Privacy Act Officer at the address listed in Appendix B.

CONTESTING RECORD PROCEDURES:

NARA rules for contesting the contents of a person's records and appealing initial determinations are found in 36 CFR Part 1202.

RECORD SOURCE CATEGORIES:

Information in investigative case files may be obtained from any source, such as current and former NARA employees, NARA contract employees, members of NARA's Federal advisory committees, researchers, law enforcement agencies, other Government agencies, informants, educational institutions, the public, and from individuals' employers, references, co-workers, and neighbors.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

In accordance with 5 U.S.C. 552a(j)(2), this system of records, to the extent it pertains to the enforcement of criminal laws, is exempted from all provisions of the Privacy Act of 1974, 5 U.S.C. 552a, except subsections (b), (c)(1) and (c)(2), (e)(4)(A) through (F), (e)(6), (7), (9), (10), and (11), and (i). This exemption applies to those records and information contained in the system of records pertaining to the enforcement of criminal laws.

In accordance with 5 U.S.C. 552a(k)(1), (k)(2), and (k)(5), this system of records is exempt from subsections (c)(3); (d); (e)(1); (e)(4)(G) and (H); and (f) of the Privacy Act of 1974 if the system of records is:

(1) Subject to the provisions of § 552(b)(1) of this title;

(2) Investigatory material compiled for law enforcement purposes; however, if any individual is denied any right, privilege, or benefit to which the individual would otherwise be entitled by Federal law or otherwise eligible as a result of the maintenance of such material, the material will be provided to that individual, except to the extent that the disclosure of the material would reveal the identity of a source who furnished information to the government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of the Act, under an implied promise that the identity of the source would be held in confidence; or

(3) Investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified material, but only to the extent that the disclosure of such material would reveal the identity of a source who furnished information to the Government under an express promise that the identity of the source would be held in confidence, or, prior to the effective date of the Act, under an implied promise that the identity of the source would be held in confidence.

NARA 24

SYSTEM NAME:

Personnel Security Files.

SECURITY CLASSIFICATION:

Some of the material contained in this system of records has been classified in the interests of national security pursuant to Executive Orders 12958, as amended, and 13142.

SYSTEM LOCATION:

Personnel security records are located in the Office of Business Support Services (Security Management Division).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by the system include: current and former NARA employees; applicants for employment with NARA; contract employees performing services under NARA jurisdiction; and private and Federal agency researchers, experts, and consultants who request access to security-classified records.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel security files may include questionnaires, correspondence, summaries of reports, and electronic logs of individuals' security clearance status. These records may contain the following information about an individual: Name, current address, telephone number, birth date, birthplace, Social Security number, educational background, employment and residential history, background investigative material, and security clearance data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 10450; Executive Order 12958, as amended; Executive Order 12968; Executive Order 13142; and 5 U.S.C. 301.

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

NARA maintains personnel security records on individuals to make suitability determinations for Federal or contractual employment and to issue and decertify security clearances. Routine use statements A, C, D, F, G, and H, described in Appendix A, apply to this system of records.

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

STORAGE:

Paper and electronic records.

RETRIEVABILITY:

Information in the records may be retrieved by the individual's name or social security number.

SAFEGUARDS:

During business hours, paper records are maintained in locked rooms and/or in three-way combination dial safes with access limited to authorized employees. Electronic records are accessible via password-protected workstations located in secured offices. Information is released to officials on a need-to-know basis only. After hours, buildings have security guards and/or doors are secured, and all entrances are monitored by electronic surveillance equipment.

RETENTION AND DISPOSAL:

Personnel security files are temporary records and are destroyed in accordance with the disposition instructions in the NARA Records Schedule (a supplement to the NARA Files Maintenance and Records Disposition Manual). Individuals may request a copy of the disposition instructions from the NARA Privacy Act Officer.

SYSTEM MANAGER(S) AND ADDRESS:

The system manager is the Executive for Business Support Services. The business address for this system manager is listed in Appendix B.

NOTIFICATION PROCEDURE:

People interested in inquiring about their records should notify the NARA Privacy Act Officer at the address listed in Appendix B.

RECORD ACCESS PROCEDURES:

People who wish to access their records should submit a request in writing to the NARA Privacy Act Officer at the address listed in Appendix B.

CONTESTING RECORD PROCEDURES:

NARA rules for contesting the contents of a person's records and appealing initial determinations are found in 36 CFR Part 1202.

RECORD SOURCE CATEGORIES:

Information in personnel security files may be obtained from: NARA employees; applicants for employment; contractor employees; private and Federal agency researchers, experts, and consultants; law enforcement agencies; other government agencies; intelligence sources; informants; educational institutions; and individuals' employers, references, co-workers, and neighbors.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

In accordance with 5 U.S.C. 552a(k)(1), (k)(2), and (k)(5), the personnel security case files in this system of records are exempt from subsections (c)(3); (d); (e)(1); (e)(4)(G), (H), and (I); and (f) of the Privacy Act of 1974, as amended. The system is exempt:

a. To the extent that the system consists of investigatory material compiled for law enforcement purposes; however, if any individual is denied any right, privilege, or benefit to which the individual would otherwise be eligible as a result of the maintenance of such material, the material will be provided to that individual, except to the extent that the disclosure of the material would reveal the identity of a person who furnished information to the government under an express promise that the identity of the person would be held in confidence, or, prior to the effective date of the Act, under an implied promise that the identity of the person would be held in confidence; and

b. To the extent that the system consists of investigatory material compiled solely for the purpose of determining suitability, eligibility, or qualifications for Federal civilian employment, military service, Federal contracts, or access to classified material, but only to the extent that the disclosure of such material would reveal the identity of a person who furnished information to the government under an express promise that the identity of the person would be held in confidence, or, prior to the effective date of the Act, under an implied promise that the identity of the person would be held in confidence. This system has been exempted to maintain the efficacy and integrity of lawful investigations conducted pursuant to NARA's responsibilities in the areas of Federal employment, government contracts, and access to security-classified information.

NARA 25

SYSTEM NAME:

Order Fulfillment and Accounting System (OFAS) Records.

SYSTEM LOCATION:

Order Fulfillment and Accounting System (OFAS) records are maintained in the following locations:

(1) Office of Research Services;

(2) Office of Legislative Archives, Presidential Libraries, and Museum Services;

(3) Office of the Federal Register; and

(4) Office of Business Support Services (Office of the Chief Financial Officer, National Archives Trust Fund Branch).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by this system include: Researchers who order records reproductions at Washington, DC-area facilities, Presidential libraries, and archival custodial units nationwide or online via the archives.gov Web site; and customers who order NARA inventory items, such as microform and printed publications, mementos, and other specialty products from NARA catalogues and other marketing publications.

CATEGORIES OF RECORDS IN THE SYSTEM:

OFAS records may include: Ordering forms; correspondence; copies of checks, money orders, credit card

citations, and other remittances; invoices; and order and accounting information in the electronic system. These records may contain some or all of the following information about an individual: Name, address, telephone number, record(s) or item(s) ordered, and credit card or purchase order information. OFAS records also include user profile data, reproduction order form data, transaction data, and credit card payment data transmitted from NARA Online Ordering System, NARA 37, via an automated XML (Extensible Markup Language) interface that operates within NARA's secure internal network.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 2116(c) and 2307.

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

NARA maintains OFAS records on individuals to: Receive, maintain control of, and process orders for Point of Sale and other fee items; bill customers for orders; maintain payment records for orders; process refunds; and provide individuals with information on other NARA products. Customer order information may be initially disclosed to a NARA agent, a bank that collects and deposits payments in a lockbox specifically used for crediting order payments to the National Archives Trust Fund. NARA may also disclose information in OFAS records to process customer refunds to the Bureau of Public Debt (BPD), which provides NARA's financial and accounting system under a cross-servicing agreement. The routine use statements A, E, F, and H, described in Appendix A, also apply to this system of records.

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

STORAGE:

Paper and electronic records.

RETRIEVABILITY:

Information in OFAS records may be retrieved by the individual's name or the OFAS transaction number. Information in electronic records may also be retrieved by the invoice number or zip code.

SAFEGUARDS:

During business hours, paper records are maintained in areas accessible to authorized NARA personnel. Electronic records are accessible via password-protected workstations located in attended offices. Credit card information is compartmentalized so that it is available only to those NARA employees responsible for posting and billing credit card transactions. After hours, buildings have security guards and/or doors are secured and all entrances are monitored by electronic surveillance equipment.

RETENTION AND DISPOSAL:

OFAS records are temporary records and are destroyed in accordance with the disposition instructions in the NARA Records Schedule (a supplement to the NARA Files Maintenance and Records Disposition Manual). Individuals may request a copy of the disposition instructions from the NARA Privacy Act Officer.

SYSTEM MANAGER(S) AND ADDRESS:

For OFAS records: Executive for Business Support Services.

The business address for this system manager is listed in Appendix B.

NOTIFICATION PROCEDURE:

People interested in inquiring about their records should notify the NARA Privacy Act Officer at the address listed in Appendix B.

RECORD ACCESS PROCEDURES:

People who wish to access their records should submit a request in writing to the NARA Privacy Act Officer at the address listed in Appendix B.

CONTESTING RECORD PROCEDURES:

NARA rules for contesting the contents of a person's records and appealing initial determinations are found in 36 CFR Part 1202.

RECORD SOURCE CATEGORIES:

Information in OFAS records is obtained from customers, NARA employees or agents who are involved in the order process, and BPD employees who process refunds.

NARA 26

SYSTEM NAME:

Volunteer and Unpaid Student Intern Files.

SYSTEM LOCATION:

Volunteer and unpaid student intern files may be maintained in supervisory or administrative offices at all NARA facilities that use volunteer or student workers.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by this system include people who have applied to be NARA volunteers or unpaid student interns.

CATEGORIES OF RECORDS IN THE SYSTEM:

Volunteer or unpaid student intern files consist of a variety of records maintained by operating officials to administer personnel matters affecting volunteers and unpaid student interns. Records may include: applications for volunteer/unpaid intern service and for building passes, registration forms, other administrative forms, correspondence, resumes, letters of recommendation, college transcripts and forms, performance assessments, and copies of timesheets. Volunteer/unpaid student intern files may include some or all of the following information about an individual: Name; email address; home and emergency addresses and telephone numbers; Social Security number; birth date; professional qualifications, training, awards, and other recognition; employment history; information about injuries, conduct, attendance, years of service; forms related to the volunteer code of conduct; and work assignments. This system of records does not include official personnel files, which are covered by Office of Personnel Management systems of records OPM/GOVT–1 through 10.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 2105(d); and generally, 5 and 31 U.S.C.

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

NARA maintains volunteer/unpaid student intern files on individuals to: evaluate individuals who apply to serve as volunteers, docents, interns, and work study students at NARA facilities; assign work and monitor performance; and carry out personnel management responsibilities that affect those volunteers. NARA may disclose volunteer information to volunteer associations or NARA support foundations that support and help organize volunteers. NARA may disclose attendance and performance information on interns and work study students to colleges and universities that oversee those individuals in student internships and work study programs. The routine use statements A, B, C, D, F, G, and H, described in Appendix A, also apply to this system of records.

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

STORAGE:

Paper and electronic records.

RETRIEVABILITY:

Information in volunteer/unpaid student intern files may be retrieved primarily by the individual's name.

SAFEGUARDS:

During business hours, paper records are maintained in areas accessible to authorized NARA personnel. Electronic records are accessible via password-protected workstations located in attended offices or through a secure remote access network. After business hours, buildings have security guards and/or secured doors, and all entrances are monitored by electronic surveillance equipment.

RETENTION AND DISPOSAL:

Volunteer/unpaid student intern files are temporary records and are destroyed in accordance with the disposition instructions in the NARA Records Schedule (a supplement to the NARA Files Maintenance and Records Disposition Manual). Individuals may request a copy of the disposition instructions from the NARA Privacy Act Officer.

SYSTEM MANAGER(S) AND ADDRESS:

The system managers for volunteer and unpaid student intern files are:

1. For files located in a Presidential library: director of the individual library;
2. For files on Washington, DC,-area volunteers/unpaid student interns: executive or staff director of the volunteer/intern's respective office or staff; and
3. For files on volunteers/unpaid student interns outside the Washington, DC,-area: executive of the volunteer/intern's respective office.

The business addresses for these system managers are listed in Appendix B.

NOTIFICATION PROCEDURE:

People interested in inquiring about their records should notify the NARA Privacy Act Officer at the address listed in Appendix B.

RECORD ACCESS PROCEDURES:

People who wish to access their records should submit a request in writing to the NARA Privacy Act Officer at the address listed in Appendix B.

CONTESTING RECORD PROCEDURES:

NARA rules for contesting the contents of a person's records and appealing initial determinations are found in 36 CFR Part 1202.

RECORD SOURCE CATEGORIES:

Information in volunteer files is obtained from the volunteers themselves, NARA supervisors, people listed as references in applications submitted by volunteers, and educational institutions.

NARA 27

SYSTEM NAME:

Contracting Officer and Contracting Officer's Representative (COR) Designation Files.

SYSTEM LOCATION:

Contracting officer and contracting officer's representative (COR) designation files are maintained in the Office of Business Support Services (Office of the Chief Financial Officer, Acquisitions Services Branch).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by this system include current and former NARA employees who have been appointed as NARA contracting officers, government credit card holders, and CORs in accordance with Federal Acquisition Regulations (FAR) and internal procurement procedures.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contracting officer and COR designation files may include: Standard Forms 1402, Letter of Appointment; correspondence; copies of training course certificates; copies of training forms; and lists. These files may contain some or all of the following information about an individual: Name, address, NARA correspondence symbol, telephone number, position title, grade, procurement authorities, and information about procurement training and government credit cards issued.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 2104; and 48 CFR 1.603 generally.

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

NARA maintains contracting officer and COR designation files in order to administer procurement certification and training programs for NARA contracting officers, credit card holders, and CORs in accordance with the FAR and internal procurement procedures. The routine use statements A, F, and H, described in Appendix A, also apply to this system of records.

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

STORAGE:

Paper and electronic records.

RETRIEVABILITY:

Information in contracting officer and COR designation files may be retrieved by the Individual's name or by NARA correspondence symbol.

SAFEGUARDS:

During business hours, records are maintained in areas accessible to authorized NARA personnel. Electronic records are accessible via password-protected workstations located in attended offices. After business hours, buildings have security guards and/or secured doors, and all entrances are monitored by electronic surveillance equipment.

RETENTION AND DISPOSAL:

Contracting officer and COR designation files are temporary records and are destroyed in accordance with the disposition instructions in the NARA Records Schedule (a supplement to the NARA Files Maintenance and Records Disposition Manual). Electronic files are periodically updated and purged of outdated information. Individuals may request a copy of the disposition instructions from the NARA Privacy Act Officer.

SYSTEM MANAGER(S) AND ADDRESS:

The system manager for contracting officer and COR designation files is the Executive for Business Support Services. The business address for this system manager is listed in Appendix B.

NOTIFICATION PROCEDURE:

People interested in inquiring about their records should notify the NARA Privacy Act Officer at the address listed in Appendix B.

RECORD ACCESS PROCEDURES:

People who wish to access their records should submit a request in writing to the NARA Privacy Act Officer at the address listed in Appendix B.

CONTESTING RECORD PROCEDURES:

NARA rules for contesting the contents of a person's records and appealing initial determinations are found in 36 CFR Part 1202.

RECORD SOURCE CATEGORIES:

Information in contracting officer and COR designation files may be obtained from the individuals on whom records are maintained, NARA supervisors, and organizations that provide procurement training or issue government credit cards.

NARA 28

SYSTEM NAME:

Tort and Employee Claim Files.

SYSTEM LOCATION:

Records are located in the Office of General Counsel.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by this system include: current and former NARA employees, other Federal agency employees, and individual members of the public who have filed a legal claim (e.g., tort claim or a personnel claim) against NARA or are the subject of a case file.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in the system may contain some or all of the following information about an individual: Name, Social Security number, position description, grade, salary, work history, complaint, credit ratings, medical diagnoses and prognoses, and doctor's bills. The system may also contain other records such as: case history files, copies of applicable law(s), attorney working papers, testimony of witnesses, background investigation materials, correspondence, damage reports, contracts, accident reports, pleadings, affidavits, estimates of repair costs, invoices, financial data, and other data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 552; 5 U.S.C. 552a; 5 U.S.C., Part II; and 28 U.S.C. 1291, 1346(b)(c), 1402(b), 1504, 2110, 2401(b), 2402, 2411(b), 2412(c), 2671–2680.

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

Records are used to make determinations on tort and employee claims and for internal statistical reports. Information may be disclosed to: another Federal agency to process payments for approved claims; and the Department of Justice for review, settlement, defense, and prosecution of claims and law suits arising from those claims. The routine use statements A, B, C, E, F, and G, described in Appendix A, also apply to this system of records.

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

STORAGE:

Paper and electronic records.

RETRIEVABILITY:

Information may be retrieved by the individual's name or, when stored electronically, may be full-text searched and retrieved through relevant search results.

SAFEGUARDS:

During business hours, paper records are maintained in areas accessible to authorized NARA personnel. Electronic records are accessible via password-protected workstations located in attended offices or a through a secure remote access network. After business hours, buildings have security guards and/or secured doors, and all entrances are monitored by electronic surveillance equipment.

RETENTION AND DISPOSAL:

Tort and employee claim files are temporary records and are destroyed in accordance with disposition instructions in the NARA Records Schedule (a supplement to the NARA Files Maintenance and Records Disposition Manual). Individuals may request a copy of the disposition instructions from the NARA Privacy Act Officer.

SYSTEM MANAGER(S) AND ADDRESS:

The system manager is the General Counsel. The business address for this system manager is listed in Appendix B.

NOTIFICATION PROCEDURE:

People interested in inquiring about their records should notify the NARA Privacy Act Officer at the address listed in Appendix B.

RECORD ACCESS PROCEDURES:

People who wish to access their records should submit a request in writing to the NARA Privacy Act Officer at the address listed in Appendix B.

CONTESTING RECORD PROCEDURES:

NARA rules for contesting the contents of a person's records and appealing initial determinations are found in 36 CFR Part 1202.

RECORD SOURCE CATEGORIES:

Information in this system of records comes from one or more of the following sources: Federal employees and private parties involved in torts and employee claims, witnesses, and doctors and other health professionals.

NARA 29 [DELETED & RESERVED]

NARA 30

SYSTEM NAME:

Garnishment Files.

SYSTEM LOCATION:

Records are located in the Office of General Counsel.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by this system include current and former NARA employees against whom a garnishment order has been filed.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records in the system may contain some or all of the following information about an individual: Name, Social Security number, address or other contact information, position title and NARA unit, salary, debts, and creditors.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. Part II; 42 U.S.C. 659; 11 U.S.C. 1325; and 5 U.S.C. 15512 to 5514, 5517, 5520.

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

Records are used to process garnishment orders. Information is disclosed to the National Business Center, acting as NARA's payroll agent, to process withholdings for garnishments. The routine use statements E, F, and H, described in Appendix A, also apply to this system of records.

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

STORAGE:

Paper and electronic records.

RETRIEVABILITY:

Information may be retrieved by the individual's name or, when stored electronically, may be full-text searched and retrieved through relevant search results.

SAFEGUARDS:

During business hours, paper records are maintained in areas accessible to authorized NARA personnel. Electronic records are accessible via password-protected workstations located in attended offices or through a secure remote access network. After business hours, buildings have security guards and/or secured doors, and all entrances are monitored by electronic surveillance equipment.

RETENTION AND DISPOSAL:

Garnishment files are temporary records and are destroyed in accordance with disposition instructions in the NARA Records Schedule (a supplement to the NARA Files Maintenance and Records Disposition Manual). Individuals may request a copy of the disposition instructions from the NARA Privacy Act Officer.

SYSTEM MANAGER(S) AND ADDRESS:

The system manager is the General Counsel. The business address for this system manager is listed in Appendix B.

NOTIFICATION PROCEDURE:

People interested in inquiring about their records should notify the NARA Privacy Act Officer at the address listed in Appendix B.

RECORD ACCESS PROCEDURES:

People who wish to access their records should submit a request in writing to the NARA Privacy Act Officer at the address listed in Appendix B.

CONTESTING RECORD PROCEDURES:

NARA rules for contesting the contents of a person's records and appealing initial determinations are found in 36 CFR Part 1202.

RECORD SOURCE CATEGORIES:

Information in this system of records comes from courts that have issued a garnishment order and NARA personnel records.

NARA 31

SYSTEM NAME:

Ride Share Locator Database.

SYSTEM LOCATION:

The ride share locator database is maintained by the Office of Business Support Services (Facility and Property Management Division).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by this system include NARA employees whose duty station is or may become College Park, MD, and who have expressed an interest in the NARA Ride Share Program.

CATEGORIES OF RECORDS IN THE SYSTEM:

The ride share locator database contains the following information about an individual: Name; city, county, state, and zip code of residence; NARA unit; and NARA work phone number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 2104.

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

NARA maintains the ride share locator database to provide employees with the names and residential information of other employees who have expressed an interest in sharing rides for daily commuting to the National Archives at College Park, MD. The routine use statements F and H, described in Appendix A, also apply to this system.

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

STORAGE:

Electronic records and paper records.

RETRIEVABILITY:

Information in the ride share locator database may be retrieved by the individual's name, city, state, and/or zip code.

SAFEGUARDS:

During business hours, paper records are maintained in areas accessible to authorized NARA personnel. Electronic records are accessible via password-protected workstations located in attended offices or through a secure remote access network. After business hours, buildings have security guards and/or secured doors, and all entrances are monitored by electronic surveillance equipment.

RETENTION AND DISPOSAL:

Records in the ride share locator database are temporary records and are destroyed in accordance with the disposition instructions in the NARA Records Schedule (a supplement to the NARA Files Maintenance and Records Disposition Manual). Individuals may request a copy of the disposition instructions from the NARA Privacy Act Officer.

SYSTEM MANAGER(S) AND ADDRESS:

The system manager for the ride share locator database is the Executive for Business Support Services. The business address for this system manager is listed in Appendix B.

NOTIFICATION PROCEDURE:

People interested in inquiring about their records should notify the NARA Privacy Act Officer at the address listed in Appendix B.

RECORD ACCESS PROCEDURES:

People who wish to access their records should submit a request in writing to the NARA Privacy Act Officer at the address listed in Appendix B.

CONTESTING RECORD PROCEDURES:

NARA rules for contesting the contents of a person's records and appealing initial determinations are found in 36 CFR Part 1202.

RECORD SOURCE CATEGORIES:

Information in the ride share locator database is obtained from individuals who have furnished information to the NARA Ride Share Program.

NARA 32

SYSTEM NAME:

Alternate Dispute Resolution Files.

SYSTEM LOCATION:

Alternate Dispute Resolution (ADR) files are maintained by the Office of General Counsel.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by this system include NARA staff and former staff who participate in the ADR process, the agency's Dispute Resolution Specialist and Deputy Dispute Resolution Specialist, the agency's RESOLVE contact, members of the ADR panel (representatives from the equal employment opportunity office, the diversity program, the Human Capital Office, and the local American Federation of Government Employees (AFGE) union and contractor personnel used as mediators in the ADR process.

CATEGORIES OF RECORDS IN THE SYSTEM:

ADR files may include: Written and electronic (sometimes sensitive) communication between the employee or former employee, participant representative(s), Dispute Resolution Specialist and Deputy Dispute Resolution Specialist, the agency's RESOLVE contact, members of the ADR panel, and the contracted mediator; procurement data; invoices for services; and ADR case files. The system may contain the following information about an individual: Name, home and office addresses, telephone number, social security number, dollar value of services rendered by the contractor, previous employment disputes, and the contractor's education and employment experience.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Public Laws 101–552 and 104–320, as amended.

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

NARA maintains ADR files in order to facilitate the Alternative Dispute Resolution program at the agency. These records may be used by an employee or former employee in the course of resolving a dispute, by members of the dispute resolution staff facilitating dispute resolution and payment of contractors, and by the contract mediators performing services and invoicing for an ADR case. The routine use statements A, F, and H, described in Appendix A, also apply to this system of records.

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

STORAGE:

Paper and electronic records.

RETRIEVABILITY:

Information in the records may be retrieved by: The individual's name; the work site location; a numeric case file number; or the type of request.

SAFEGUARDS:

During business hours, paper records are maintained in areas accessible to

authorized NARA personnel. Electronic records are accessible via password-protected workstations located in attended offices or through a secure remote access network. After hours, buildings have security guards and/or doors are secured and all entrances are monitored by electronic surveillance equipment.

RETENTION AND DISPOSAL:

Agency Alternate Dispute Resolution files are temporary records and are destroyed in accordance with the disposition instructions in the NARA Records Schedule (a supplement to the NARA Files Maintenance and Records Disposition Manual). Individuals may request a copy of the disposition instructions from the NARA Privacy Act Officer.

SYSTEM MANAGER(S) AND ADDRESS:

The system manager for ADR program files is the General Counsel. The business address for this system manager is listed in Appendix B.

NOTIFICATION PROCEDURE:

People interested in inquiring about their records should notify the NARA Privacy Act Officer at the address listed in Appendix B.

RECORD ACCESS PROCEDURES:

People who wish to access their records should submit a request in writing to the NARA Privacy Act Officer at the address listed in Appendix B.

CONTESTING RECORD PROCEDURES:

NARA rules for contesting the contents of a person's records and appealing initial determinations are found in 36 CFR Part 1202.

RECORD SOURCE CATEGORIES:

Information in the agency Alternate Dispute Resolution program files is obtained from NARA staff and former staff, participant representative(s), the dispute resolution staff, the ADR panel, and the contracted mediators.

NARA 33

SYSTEM NAME:

Development and Donor Files.

SYSTEM LOCATION:

The agency's development and donor files are maintained by the Office of Strategy and Communications (Development Staff), and the Office of Business Support Services (Office of Chief Financial Officer, National Archives Trust Fund Division).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by this system include people who donate money or other gifts to NARA, the Foundation for the National Archives, and prospective donors and other people contacted by the development staff, the Archivist of the United States, and other NARA officials.

CATEGORIES OF RECORDS IN THE SYSTEM:

Development and donor files may include: Individual's and organization's contact, biographical, and demographic information; donor background information, interests, affiliations, and giving history, including their relationship and participation with the agency and its stakeholders; prospect management data such as interests, affiliations, cultivation and solicitation of gifts, strategy reports, and talking points; information on gifts and pledges and miscellaneous information about each gift; and record of acknowledgment packages and solicitation letters, including membership cards, receipts, reminders, renewal notices, program notices, and invitations and attendance at special events.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 2112(g)(1) and 2305.

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

NARA maintains development and donor files in order to facilitate the Archivist of the United State's gift solicitation and receipt authority on behalf of NARA. The information in these files may be shared, but not for redistribution, with the member (must be personal to the member, not shared between members) and staff, Foundation Board directors, and contractors of the Foundation for the National Archives, which is a non-governmental, 501(c)(3) organization that supports NARA programs and activities by soliciting, receiving, expending, and otherwise utilizing monetary donations and other gifts on behalf of NARA programs. The routine use statements A, E, F, G, and H described in Appendix A, also apply to this system of records.

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

STORAGE:

Paper and electronic records.

RETRIEVABILITY:

Information in the records may be retrieved by the individual's name or the organization, interest, project, or gift level with which the individual is associated.

SAFEGUARDS:

During business hours, paper records are maintained in areas accessible to authorized NARA personnel. Electronic records are accessible via password-protected workstations located in attended offices or through a secure remote access network. After hours, buildings have security guards and/or doors are secured and all entrances are monitored by electronic surveillance equipment.

RETENTION AND DISPOSAL:

Development and donor files are temporary records and are destroyed in accordance with the disposition instructions in the NARA Records Schedule (a supplement to the NARA Files Maintenance and Records Disposition Manual). Individuals may request a copy of the disposition instructions from the NARA Privacy Act Officer.

SYSTEM MANAGER(S) AND ADDRESS:

The system managers for development and donor files are:

1. For files relating to the activities of the Foundation for the National Archives: Chief Strategy and Communications Officer; and
2. For files relating to the activities of the National Archives Trust Fund Board: Executive for Business Support Services.

The business addresses for these system managers are listed in Appendix B.

NOTIFICATION PROCEDURE:

People interested in inquiring about their records should notify the NARA Privacy Act Officer at the address listed in Appendix B.

RECORD ACCESS PROCEDURES:

People who wish to access their records should submit a request in writing to the NARA Privacy Act Officer at the address listed in Appendix B.

CONTESTING RECORD PROCEDURES:

NARA rules for contesting the contents of a person's records and appealing initial determinations are found in 36 CFR Part 1202.

RECORD SOURCE CATEGORIES:

Information in the development and donor files is obtained from the Foundation for the National Archives and by the Center for the National Archives Experience in its daily business activities, including communications with, and cultivation and solicitation of, prospective donors and members and publicly-available NARA sources.

NARA 34

SYSTEM NAME:

Agency Ethics Program Files.

SYSTEM LOCATION:

The agency's ethics program files are maintained by the Office of General Counsel (Designated Agency Ethics Official).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by this system include NARA employees and former employees who request ethics guidance from the agency's ethics staff.

CATEGORIES OF RECORDS IN THE SYSTEM:

Ethics program files may include: Employee memoranda and correspondence, notes taken by the ethics staff, memoranda summarizing oral advice, information about outside employment, and electronic records. These files may contain the following information about an individual: Name, address, email address, position, job duties, supervisor information, telephone number, and other information collected by NGC from the employee in the course of providing ethics advice or answering employee questions.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Orders 12674 and 12731; and 5 CFR Parts 2638 and 7601.

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

NARA maintains ethics program files on employees to document advice and opinions provided by NGC on ethics matters, and to maintain a historical record of ethics opinions that may be used in future ethics cases. Routine use statements A, D, E, G, and H, described in Appendix A, also apply to this system of records.

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

STORAGE:

Paper and electronic records.

RETRIEVABILITY:

Information in agency ethics program files may be retrieved by the employee's name or date.

SAFEGUARDS:

During business hours, paper records are maintained in areas accessible to authorized NARA personnel. Electronic records are accessible via password-protected workstations located in attended offices or through a secure remote access network. After business hours, buildings have security guards and/or secured doors, and all entrances are monitored by electronic surveillance equipment.

RETENTION AND DISPOSAL:

Agency ethics program files are temporary records and are destroyed in accordance with the disposition instructions in the NARA Records Schedule (a supplement to the NARA Files Maintenance and Records Disposition Manual). Individuals may request a copy of the disposition instructions from the NARA Privacy Act Officer.

SYSTEM MANAGER(S) AND ADDRESS:

The system manager for ethics program files is the Designated Agency Ethics Official. The business address for this system manager is listed in Appendix B.

NOTIFICATION PROCEDURE:

People interested in inquiring about their records should notify the NARA Privacy Act Officer at the address listed in Appendix B.

RECORD ACCESS PROCEDURES:

People who wish to access their records should submit a request in writing to the NARA Privacy Act Officer at the address listed in Appendix B.

CONTESTING RECORD PROCEDURES:

NARA rules for contesting the contents of a person's records and appealing initial determinations are found in 36 CFR Part 1202.

RECORD SOURCE CATEGORIES:

Information in ethics program files is obtained from NARA employees, former employees, and the agency's ethics staff.

NARA 35

SYSTEM NAME:

Case Management and Reporting System (CMRS).

SYSTEM LOCATION:

This automated system includes data hosted on a dedicated server located at the National Archives in College Park, MD. Its users are located in the National Personnel Records Center (NPRC) and the National Archives at St. Louis in St. Louis, MO.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by this system include those who request information from, or access to, inactive military personnel, medical, and organizational records in the NPRC (Military Personnel Records Division) and the National Archives at St. Louis' physical custody. People who are the subjects of these inactive records are also covered. In addition, this system covers current and former Federal civilian employees whose paper personnel records have been transferred to the NPRC (Civilian Personnel Records Division) for scanning, transmission to OPM's electronic personnel (eOPF) system, and/or storage at the NPRC (Civilian Personnel Records Division) or the National Archives at St. Louis.

CATEGORIES OF RECORDS IN THE SYSTEM:

CMRS files may include: Correspondence, including administrative forms used for routine inquiries and replies, between NARA staff and requesters; stored copies of frequently requested documents from individual official military personnel files (OMPFs); production and response time data used for internal reporting purposes; and databases used to respond to requests. These files may contain some or all of the following information about an individual: Name, address, telephone number, position title, name of employer, institutional affiliation, requested records' identification numbers, Social Security number/service number, previous military assignments, and other information furnished by the requester. CMRS files may also include the name and social security number of the subject of the Federal civilian employee personnel file.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 2108, 2110, and 2907.

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

NARA maintains CMRS files to: Maintain control of records being requested for either internal or external use, establish employee and requester accountability for records, prepare replies to requesters' reference questions, record the status of requesters' requests and NARA replies to those requests, and facilitate the preparation of statistical and other aggregate reports on employee performance and requester satisfaction. The routine use statements A, C, D, E, F, G, and H, described in Appendix A, also apply to this system of records.

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

STORAGE:

Electronic records.

RETRIEVABILITY:

Information in CMRS files may be retrieved by the subject of the record's

name, or social security/military service number. By use of a querying capability, information may also be retrieved by a system-assigned request number, by a veteran's name and date of birth, and by requester-supplied information, such as name and address, phone number, or email address.

SAFEGUARDS:

During business hours, paper records are maintained in areas accessible to authorized NARA personnel. Electronic records are accessible to authorized NARA personnel via password-protected workstations located in attended offices. After business hours, buildings have security guards and/or secured doors, and all entrances are monitored by electronic surveillance equipment.

RETENTION AND DISPOSAL:

CMRS system records are temporary records and are destroyed in accordance with the disposition instructions in the NARA Records Schedule (a supplement to the NARA Files Maintenance and Records Disposition Manual). Individuals may request a copy of the disposition instructions from the NARA Privacy Act Officer.

SYSTEM MANAGER(S) AND ADDRESS:

The CMRS system manager is the Director, National Personnel Records Center. The business address for this system manager is listed in Appendix B.

NOTIFICATION PROCEDURE:

People interested in inquiring about their records should notify the NARA Privacy Act Officer at the address listed in Appendix B.

RECORD ACCESS PROCEDURES:

People who wish to access their records should submit a request in writing to the NARA Privacy Act Officer at the address listed in Appendix B.

CONTESTING RECORD PROCEDURES:

NARA rules for contesting the contents of a person's records and appealing initial determinations are found in 36 CFR Part 1202.

RECORD SOURCE CATEGORIES:

CMRS file information is obtained from requesters, NARA employees who maintain the file, the military service or department in which the subject of the record served, and from the Federal agency with which the subject of the record was/is employed.

NARA 36

SYSTEM NAME:

Public Transit Subsidy Program (PTSP) Files

SYSTEM LOCATION:

The transit subsidy program files are maintained in the Office of Business Support Services (Facility and Property Management Division).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All NARA employees who have enrolled in the PTSP are covered by this system, including: Full-time employees; part-time employees; intermittent employees; temporary employees; and students.

CATEGORIES OF RECORDS IN THE SYSTEM:

PTSP files contain information on NARA employees that is used to document the distribution of transportation subsidies. These files contain information submitted by both current and non-current participants on NA Form 6041, Application—Public Transit Subsidy Program, and NA Form 6041a, Expense Worksheet. They include: Name; email address; home address; last four digits of Social Security number; NARA unit; and NARA work phone number.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 2104; and Executive Order 13150.

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

NARA maintains PTSP files on individuals in order to: Provide the Department of Transportation with the names, last four digits of Social Security numbers, and addresses of NARA employees who have enrolled in the PTSP or are members of qualified vanpools; and to verify employee compliance with the rules of the program. The routine use statements A, F, and H, described in Appendix B, also apply to this system.

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

STORAGE:

Paper forms (NA 6041, Application—Public Transit Subsidy Program) and electronic records.

RETRIEVABILITY:

Information in PTSP files may be retrieved by the individual's name.

SAFEGUARDS:

During business hours, paper records are maintained in areas accessible to authorized NARA personnel. Electronic records are accessible to authorized personnel via password-protected workstations located in attended offices or through a secure remote access network. After business hours, buildings have security guards and/or secured doors, and all entrances are monitored by electronic surveillance equipment.

RETENTION AND DISPOSAL:

Records in the PTSP files are temporary records and are destroyed in accordance with the disposition instructions in the NARA Records Schedule (a supplement to NARA Files Maintenance and Records Disposition Manual). Individuals may request a copy of the disposition instructions from the NARA Privacy Act Officer.

SYSTEM MANAGER(S) AND ADDRESS:

The system manager for PTSP files is the Executive for Business Support Services. The business address for this system manager is listed in Appendix B.

NOTIFICATION PROCEDURE:

People interested in inquiring about their records should notify the NARA Privacy Act Officer at the address listed in Appendix B.

RECORD ACCESS PROCEDURES:

People who wish to access their records should submit a request in writing to the NARA Privacy Act Officer at the address listed in Appendix B.

CONTESTING RECORD PROCEDURES:

NARA rules for contesting the contents of a person's records and appealing initial determinations are found in 36 CFR Part 1202.

RECORD SOURCE CATEGORIES:

PTSP file information is obtained from individuals who have furnished information to the NARA PTSP.

NARA 37

SYSTEM NAME:

Order Online! (NARA Online Ordering System).

SYSTEM LOCATION:

Order Online! is an automated application hosted in NARA's data center in College Park, Maryland.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by this system include researchers who order reproductions of NARA archival materials at *www.archives.gov.*

CATEGORIES OF RECORDS IN THE SYSTEM:

Order Online! records may include: User login data (i.e., user ID and password; user profile data (e.g., name, address, phone number); credit card payment data (e.g., card type, card number, expiration date); reproduction order form data (e.g., detailed

information describing the requested archival record); and transaction data (e.g., system-generated order identification information such as order number, order date, order type).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 2116(c), 2307, and 3504.

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

Records maintained in the system are used only for order entry, order validation, order processing, payment processing, and order fulfillment. The public may use the Order Online! system to complete and submit a reproduction order to NARA. Each night, Order Online! submissions are sent to NARA's Order Fulfillment and Accounting System (OFAS—NARA 25) via an automated XML (extensible markup language) interface that operates within NARA's secure internal network. Order Online! maintains profile data (e.g., name, address, phone number) for researchers who initiate reproduction orders. The profile data is used to automatically complete the payment and/or shipping address sections of the order form so that customers do not have to manually re-enter the information. Neither NARA nor its agents use Order Online! customer profile data for other purposes. The routine use statements A, E, and F, described in Appendix A, apply to this system of records.

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

STORAGE:

Electronic records.

RETRIEVABILITY:

Information in the Order Online! records may be retrieved by the NARA customer using his or her user ID and password. Also, summary order data (order number, master number [OFAS order number]), status (e.g., received, processing, shipped, cancelled) and submission date) may be retrieved by the customer or the NARA customer service agent using the order number.

SAFEGUARDS:

Access to the data center that houses the Order Online! system is restricted to approved systems administrators and, with the exception of a limited number of operations staff, is limited to normal business hours. Electronic records are accessible only on a ''need to know basis'' using controlled logins and passwords from terminals located in attended offices. Credit card information is compartmentalized so that it is available only to those NARA employees responsible for posting and billing credit card transactions. The National Archives at College Park has 24-hour security guards, controlled entrances, and electronic surveillance.

RETENTION AND DISPOSAL:

Order Online! records are temporary records and are destroyed in accordance with the disposition instructions in the NARA records schedule contained in FILES 203, the NARA Files Maintenance and Records Disposition Manual. Individuals may request a copy of the disposition instructions from the NARA Privacy Act Officer.

SYSTEM MANAGER(S) AND ADDRESS:

The system manager for Order Online! records is the Executive for Research Services. The business address for this system manager is listed in Appendix B.

NOTIFICATION PROCEDURE:

People interested in inquiring about their records should notify the NARA Privacy Act Officer at the address listed in Appendix B.

RECORD ACCESS PROCEDURES:

People who wish to access their records should submit a request in writing to the NARA Privacy Act Officer at the address listed in Appendix B.

CONTESTING RECORD PROCEDURES:

NARA rules for contesting the contents of a person's records and appealing initial determinations are found in 36 CFR part 1202.

RECORD SOURCE CATEGORIES:

Information in Order Online! records is obtained from NARA customers, employees, or agents who are involved in the order process, and General Services Administration (GSA) employees who process refunds.

NARA 38 [DELETED & RESERVED]

NARA 39

SYSTEM NAME:

Visitor Ticketing Application (VISTA) Files.

SYSTEM LOCATION:

Visitor Ticketing Application Files are maintained at individual Presidential libraries.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by this system include people who purchase tickets to Presidential libraries, serve as points of contact for groups visiting the Presidential libraries, and are invited guests to special events at the libraries.

CATEGORIES OF RECORDS IN THE SYSTEM:

VISTA files may include the following information on an individual: Name, mailing address, telephone number, email address, and credit card information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

44 U.S.C. 2108, 2111 note, and 2203(f)(1).

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

NARA maintains the VISTA files on individuals to: Store information on groups that interact with the library; conduct outreach with the points of contact in these groups in order to maintain visitor levels and improve service; study visitor data over time; and store information on those attending special events. The information may be disclosed to support foundations of the Presidential libraries. The routine use statements A, C, E, F, G, and H, described in Appendix A, also apply to this system of records.

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

STORAGE:

Electronic records.

RETRIEVABILITY:

Information in the records may be retrieved by the individual's name or any of the other categories of information in the database.

SAFEGUARDS:

Electronic records are accessible via password-protected workstations located in attended offices or through a secure remote access network. After business hours, buildings have security guards and/or secured doors, and all entrances are monitored by electronic surveillance equipment.

RETENTION AND DISPOSAL:

The majority of VISTA files are temporary records and are destroyed in accordance with the disposition instructions in the NARA Records Schedule (a supplement to the NARA Files Maintenance and Records Disposition Manual). Credit card data files and museum admission and facility rental payment records are unscheduled records and therefore are retained until the Archivist of the United States approves dispositions.

SYSTEM MANAGER(S) AND ADDRESS:

The system managers for the VISTA files are the directors of the individual Presidential libraries. The business addresses for these system managers are listed in Appendix B.

NOTIFICATION PROCEDURE:

People interested in inquiring about their records should notify the NARA Privacy Act Officer at the address listed in Appendix B.

RECORD ACCESS PROCEDURES:

People who wish to access their records should submit a request in writing to the NARA Privacy Act Officer at the address listed in Appendix B.

CONTESTING RECORD PROCEDURES:

NARA rules for contesting the contents of a person's records and appealing initial determinations are found in 36 CFR Part 1202.

RECORD SOURCE CATEGORIES:

Information in the VISTA files is obtained from visitors and from NARA employees who maintain the files.

NARA 40

SYSTEM NAME:

The Office of Government Information Services (OGIS) Case Files.

SYSTEM LOCATION:

The OGIS case files are maintained in the Office of Agency Services (Office of Government Information Services).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by this system include people who request OGIS assistance in connection with filing a Freedom of Information Act (FOIA) or Privacy Act request or appeal to any Federal department or agency.

CATEGORIES OF RECORDS IN THE SYSTEM:

The OGIS case files include: Correspondence, case notes, FOIA and Privacy Act request letters, appeal letters, agency replies to original requests and appeals, supporting documents, research, and other administrative forms used in the process. These files may also contain information or determinations furnished by, and correspondence with, other Federal agencies. OGIS case files may contain some or all of the following information about an individual: Name, address, telephone number, email address, Federal inmate register number, research interests, other information provided by the requester and by other agencies, and copies of documents furnished to the requester.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 552a(a)(3), as amended.

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

OGIS maintains case files on individuals to record: Requests for assistance, actions taken on cases, and the status of cases in logs and databases.

In addition, OGIS also serves as the FOIA Ombudsman in connection with its mission to review agency compliance with the FOIA. In this role, OGIS captures and addresses systematic problems in FOIA administration. In facilitation of this role, individual case problems may serve as one of the bases to establish current systematic trends in the process. For this function, OGIS removes personal information and uses the remaining information anonymously for statistical purposes.

OGIS may disclose information in case files to agencies that have an equity in the subject FOIA or Privacy Act request or appeal in order for those agencies to participate in informal or formal mediation efforts. The routine use statements A, E, F, G and H, described in Appendix A, also apply to this system of records.

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

STORAGE:

Paper and electronic records.

RETRIEVABILITY:

Information in OGIS case files may be retrieved by the individual's name or an alphanumeric case file number.

SAFEGUARDS:

OGIS case files are at all times maintained in buildings with security guards or secured doors, and all entrances are monitored by electronic surveillance equipment. During business hours, paper records are accessible only by authorized NARA personnel. Electronic records are accessible via password-protected terminals located in attended offices or via a secure remote access system. After business hours, or when OGIS personnel are not present in the offices, the OGIS offices are secured in addition to building security.

RETENTION AND DISPOSAL:

OGIS case files are temporary records and are destroyed in accordance with the disposition instructions in the NARA records schedule (a supplement to the NARA Files Maintenance and Records Disposition Manual). Individuals may request a copy of the disposition instructions from the NARA Privacy Act Officer.

SYSTEM MANAGER(S) AND ADDRESS:

For OGIS case files, the system manager is the Executive for Agency Services. The business address for this system manager is listed at Appendix B.

NOTIFICATION PROCEDURE:

People interested in inquiring about their records should notify the NARA Privacy Act Officer at the address listed in Appendix B.

RECORD ACCESS PROCEDURES:

People who wish to access their records should submit a request in writing to the NARA Privacy Act Officer at the address listed in Appendix B.

CONTESTING RECORD PROCEDURES:

NARA rules for contesting the contents of a person's records and appealing initial determinations are found in 36 CFR Part 1202.

RECORD SOURCE CATEGORIES:

Information in OGIS case files is obtained from people who request assistance in connection with the submission of a FOIA or Privacy Act request or appeal to a Federal agency, and from agencies that have acted on the request or appeal.

NARA 41

SYSTEM NAME:

Use of Space in Presidential Libraries and Grounds Case Files.

SYSTEM LOCATION:

Use of space case files are maintained at the individual Presidential library that received the request for use.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by this system include people who request permission to use Presidential libraries and grounds and people sponsoring, promoting, conducting, or supervising activities associated with such requests.

CATEGORIES OF RECORDS IN THE SYSTEM:

Use of space case files include: Applications, correspondence, supporting documents, research, and other administrative forms used in the process. Case files may contain some or all of the following information about individuals: Names, addresses, telephone numbers, email addresses, credit card information, copies of documents furnished to the requester, and any additional information provided by the requester.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 552a(a)(3), as amended; and 44 U.S.C. 2104(a), as amended.

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

NARA maintains the application forms and related information concerning applicants and other

involved people, actions taken on requests, and schedules and status information concerning approved events.

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

STORAGE:

Paper and electronic records.

RETRIEVABILITY:

Information in these case files may be retrieved by the event's name or date.

SAFEGUARDS:

During business hours, paper records are maintained in areas accessible to authorized NARA personnel. Electronic records are accessible via password-protected workstations located in attended offices or through a secure remote access network. After business hours, buildings have security guards and/or secured doors, and all entrances are monitored by electronic surveillance equipment.

RETENTION AND DISPOSAL:

NARA case files are temporary records and are destroyed in accordance with the disposition instructions in the NARA Records Schedule supplement to FILES 203, the NARA Files Maintenance and Records Disposition Manual. Individuals may request a copy of the disposition instructions from the NARA Privacy Act Officer.

SYSTEM MANAGER(S) AND ADDRESS:

For these case files, the system managers are the directors of the individual Presidential libraries.

NOTIFICATION PROCEDURE:

People interested in inquiring about their records should notify the NARA Privacy Act Officer at the address listed in Appendix Bat the address listed in Appendix B.

RECORD ACCESS PROCEDURES:

People who wish to access their records should submit a request in writing to the NARA Privacy Act Officer at the address listed in Appendix B.

CONTESTING RECORD PROCEDURES:

NARA rules for contesting the contents of a person's records and appealing initial determinations are found in 36 CFR Part 1202.

RECORD SOURCE CATEGORIES:

Information in these case files is obtained from people who request use of the Presidential libraries and grounds and people sponsoring, promoting, conducting, or supervising activities associated with such requests.

NARA 42

SYSTEM NAME:

Contestant Application Files.

SYSTEM LOCATION:

The contestant application files are maintained in the regional archives, Presidential library, or NARA headquarters facility that organized the competition, contest, or challenge. Contestant application information may also be maintained electronically on the Web site through which the contest was conducted, such as *www.challenge.gov*.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by this system include people who entered contests conducted by NARA.

CATEGORIES OF RECORDS IN THE SYSTEM:

Contestant applications files may contain some or all of the following information: The user name under which the entry was submitted, name, email address, mailing address, phone number, contestant submission, prize information if one was awarded, parental or legal guardian information in the event the applicant was a minor, grant of license to use intellectual property associated with the contest submission, and any additional information provided by the contestant related to the administration of the competition.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 552a(a)(3), as amended, 42 U.S.C. 1861, as amended, and 44 U.S.C. 2104(a)

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

NARA maintains contest applicant information and related information to conduct contests, competitions, and challenges. Routine uses A, B, C, D, E, F, G, and H listed in Appendix A apply to this system.

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

STORAGE:

Paper and electronic records.

RETRIEVABILITY:

Information in these case files may be retrieved by the contestant's user name or location, contest information, or other field provided by the electronic platform on which the contest is hosted.

SAFEGUARDS:

The case files are at all times maintained in buildings with secured doors. During business hours records are accessible by authorized NARA personnel. Electronic records are accessible via secure user names and passwords. After business hours, or when NARA personnel are not present in the offices, the paper records are secured in locked filing cabinets.

RETENTION AND DISPOSAL:

NARA contestant application files are temporary records and are destroyed in accordance with the disposition instructions in the NARA Records Schedule supplement to FILES 203, the NARA Files Maintenance and Records Disposition Manual. Individuals may request a copy of the disposition instructions from the NARA Privacy Act Officer.

SYSTEM MANAGER(S) AND ADDRESS:

For these case files, the system manager is Chief Innovation Officer. The business address for this system manager is listed in Appendix B.

NOTIFICATION PROCEDURE:

People interested in inquiring about their records should notify the NARA Privacy Act Officer at the address listed in Appendix B.

RECORDS ACCESS PROCEDURES:

People who wish to access their records should submit a request in writing to the NARA Privacy Act Officer at the address listed in Appendix B.

CONTESTING RECORD PROCEDURES:

NARA rules for contesting the contents of a person's records and appealing initial determinations are found in 36 CFR Part 1202.

RECORDS SOURCE CATEGORIES:

Information in these contestant application files is obtained from people who participate in contests organized by NARA.

NARA 43

SYSTEM NAME:

Internal Collaboration Network (ICN).

SYSTEM LOCATION:

ICN files are maintained electronically on servers under the control of the National Technical Information Center as part of the Department of Commerce. NTIS servers are located in Alexandria, Virginia.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by this system include all ICN users, who are solely National Archives employees.

CATEGORIES OF RECORDS IN THE SYSTEM:

ICN files may include any of the following information about users in the

user profile: Name, title, department, home address, work address, home phone, work phone, mobile phone, hire date, biography, expertise, personal email, and official duty station. Users are not required to share information other than name and work email. Users may collaborate on the network to create other files including: discussion threads, interest groups, project plans, tasks, ideas, and documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 552a(a)(3), as amended, and 44 U.S.C. 2104(a), as amended.

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

NARA maintains ICN files for the benefit and use of all ICN users to enhance communication and collaboration among all users and to facilitate the work flow among all NARA locations and offices. The routine use statements A, B, C, D, E, F, G, and H described in Appendix A apply to this system of records.

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

STORAGE:

Electronic records.

RETRIEVABILITY:

Information in these case files may be retrieved by keyword or the individual's name. All content is fully searchable and indexed.

SAFEGUARDS:

The files are at all times maintained in a secure network environment, in compliance with the Federal Information Management and Security Act system security requirements at a moderate-impact system level.

RETENTION AND DISPOSAL:

NARA ICN files are unscheduled at this time.

SYSTEM MANAGER(S) AND ADDRESS:

The system manager is the Chief Innovation Officer. The business address for this system manager is listed in Appendix B

NOTIFICATION PROCEDURE:

People interested in inquiring about their records should notify the NARA Privacy Act Officer at the address listed in Appendix B.

RECORD ACCESS PROCEDURES:

People who wish to access their records should submit a request in writing to the NARA Privacy Act Officer at the address listed in Appendix B.

CONTESTING RECORD PROCEDURES:

NARA rules for contesting the contents of a person's records and appealing initial determinations are found in 36 CFR Part 1202.

RECORDS SOURCE CATEGORIES:

Information in the ICN is obtained directly from the ICN users, except in cases of name and work email address, which is populated automatically by the system.

NARA 44

SYSTEM NAME:

Reasonable Accommodation Request Records.

SYSTEM LOCATION:

Reasonable accommodation request files are maintained in the Office of Equal Employment Opportunity. Files may also be maintained in the Office of Human Capital (Labor/Employee Relations and Benefit Branch).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered by this system include current and former NARA employees and applicants who request reasonable accommodation under the Rehabilitation Act, and any family member, health professional, or other person making such a request as a representative of a NARA employee or applicant.

CATEGORIES OF RECORDS IN THE SYSTEM:

Reasonable accommodation request records may contain some or all of the following records: Requests for reasonable accommodation, including medical records, notes, or records made during consideration of requests; and decisions on requests. These records may contain: The employee or applicant's name, email address, mailing address, phone number, medical information, and any additional information provided by the employee related to processing the request. If an accommodation request is made by a family member, health professional, or other representative of a NARA employee or applicant, the records may also contain the requestor's name, email address, mailing address, phone number, and any additional information provided by the requestor related to processing the request.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 552a(a)(3), as amended, 29 U.S.C. 791, 44 U.S.C. 2104(a), as amended, the Americans with Disabilities Act of 1990, as amended, Executive Order 13164, and 29 CFR Part 1614.

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

Routine uses A, B, C, D, E, F, G, and H listed in Appendix A apply to this system.

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

STORAGE:

Paper and electronic records.

RETRIEVABILITY:

Information in these case files may be retrieved by the employee or applicant's name, or request number.

SAFEGUARDS:

During business hours, paper records are maintained in areas accessible to authorized NARA personnel. Electronic records are accessible via password-protected workstations located in attended offices or through a secure remote access network. After business hours, buildings have security guards and/or secured doors, and all entrances are monitored by electronic surveillance equipment.

RETENTION AND DISPOSAL:

NARA reasonable accommodation request records are temporary records and are destroyed in accordance with the disposition instructions in the NARA Records Schedule supplement to FILES 203, the NARA Files Maintenance and Records Disposition Manual. Individuals may request a copy of the disposition instructions from the NARA Privacy Act Officer.

SYSTEM MANAGER AND ADDRESS:

1. For reasonable accommodation files located in the EEO office: Director, Office of Equal Employment Opportunity; and
2. For reasonable accommodation files located in the Labor and Employee Relations Branch: Chief Human Capital Officer.

The business address for these system managers are listed at Appendix B.

NOTIFICATION PROCEDURE:

Individuals interested in inquiring about their records should notify the NARA Privacy Act Officer at the Privacy Act Office, Room 3110, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740–6001.

NOTIFICATION PROCEDURE:

People interested in inquiring about their records should notify the NARA Privacy Act Officer at the address listed in Appendix B.

RECORD ACCESS PROCEDURES:

People who wish to access their records should submit a request in writing to the NARA Privacy Act Officer at the address listed in Appendix B.

CONTESTING RECORD PROCEDURES:

NARA rules for contesting the contents of a person's records and appealing initial determinations are found in 36 CFR Part 1202.

RECORDS SOURCE CATEGORIES:

Information in these reasonable accommodation files is obtained from NARA employees and applicants who request reasonable accommodation under the Rehabilitation Act, any family member, health professional, or other person making such a request as a representative of a NARA employee or applicant, and any health professional or other person providing information on behalf of a NARA employee or applicant.

Appendix A

The following routine use statements will apply to National Archives and Records Administration notices where indicated:

A. Routine Use—Law Enforcement: In the event that a system of records maintained by this agency to carry out its functions indicates a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records, may be referred, as a routine use, to the appropriate agency, whether Federal, State, local, or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, or rule, regulation or order issued pursuant thereto.

B. Routine Use—Disclosure When Requesting Information: A record from this system of records may be disclosed as a routine use to a Federal, State, or local agency maintaining civil, criminal or other relevant enforcement information or other pertinent information, such as current licenses, if necessary, to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

C. Routine Use—Disclosure of Requested Information: A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, conducting a security or suitability investigation, classifying a job, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter.

D. Routine Use—Grievance, Complaint, Appeal: A record from this system of records may be disclosed to an authorized appeal or grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator, or other duly authorized official engaged in investigation or settlement of a grievance, complaint, or appeal filed by an employee. A record from this system of records may be disclosed to the United States Office of Personnel Management, the Merit Systems Protection Board, Federal Labor Relations Authority, or the Equal Employment Opportunity Commission when requested in the performance of their authorized duties. To the extent that official personnel records in the custody of NARA are covered within the system of records published by the Office of Personnel Management as Government wide records, those records will be considered as a part of that Government wide system. Other records covered by notices published by NARA and considered to be separate systems of records may be transferred to the Office of Personnel Management in accordance with official personnel programs and activities as a routine use.

E. Routine Use—Congressional Inquiries: A record from this system of records may be disclosed as a routine use to a Member of Congress or to a Congressional staff member in response to an inquiry of the Congressional office made at the request of the individual about whom the record is maintained.

F. Routine Use—NARA Agents: A record from this system of records may be disclosed as a routine use to an expert, consultant, agent, or a contractor of NARA to the extent necessary for them to assist NARA in the performance of its duties. Agents include, but are not limited to, GSA or other entities supporting NARA's payroll, finance, and personnel responsibilities.

G. Routine Use—Department of Justice/Courts: A record from this system of records may be disclosed to the Department of Justice or in a proceeding before a court or adjudicative body before which NARA is authorized to appear, when: (a) NARA, or any component thereof; or, (b) any employee of NARA in his or her official capacity; or, (c) any employee of NARA in his or her individual capacity where the Department of Justice or NARA has agreed to represent the employee; or (d) the United States, where NARA determines that litigation is likely to affect the agency or any of its components, is a party to litigation or has an interest in such litigation, and the use of such records by the Department of Justice or by NARA before a court or adjudicative body is deemed by NARA to be relevant and necessary to the litigation, provided, however, that in each case, NARA determines that disclosure of the records is a use of the information contained in the records that is compatible with the purpose for which the records were collected.

H. Routine Use—Data breach: A record from this system of records may be disclosed to appropriate agencies, entities, and persons when (1) it is suspected or confirmed that the security or confidentiality of information in the system of records has been compromised; (2) NARA has determined that as a result of the suspected or confirmed compromise there is a risk of harm to economic or property interests, identity theft or fraud, or harm to the security or integrity of this system or other systems or programs (whether maintained by NARA of another agency or entity) that rely upon the compromised information; and (3) the disclosure is made to such agencies, entities, and persons who are reasonably necessary to assist in connection with NARA's efforts to respond to the suspected or confirmed compromise and prevent, minimize, or remedy such harm.

Appendix B

Records inquiries and requests:

To inquire about your records or to gain access to your records, you should submit your request in writing to: NARA Privacy Act Officer; Office of the General Counsel (NGC); National Archives and Records Administration; 8601 Adelphi Road, Room 3110; College Park, MD 20740–6001.

System managers:

If the system manager is the Chief Human Capital Officer, the business address is: Office of Human Capital; National Archives and Records Administration; 8601 Adelphi Road, Room 1200; College Park, MD 20740–6001.

If the system manager is the Chief Information Officer, the business address is: Office of Information Services; National Archives and Records Administration; 8601 Adelphi Road, Room 4400; College Park, MD 20740–6001.

If the system manager is the Chief Innovation Officer, the business address is: Office of Innovation; National Archives and Records Administration; 8601 Adelphi Road, Room 3200; College Park, MD 20740–6001.

If the system manager is the Chief Records Officer, the business address is: Office of the Chief Records Officer; National Archives and Records Administration; 8601 Adelphi Road, Room 2100; College Park, MD 20740.

If the system manager is the Chief Strategy and Communications Officer, the business address is: Office of Strategy and Communications; National Archives and Records Administration; 8601 Adelphi Road, Room 4100; College Park, MD 20740–6001.

If the system manager is the Designated Agency Ethics Official, the business address is: Office of the General Counsel; National Archives and Records Administration; 8601 Adelphi Road, Room 3110; College Park, MD 20740–6001.

If the system manager is the Director, National Personnel Records Center, the business address is: National Personnel Records Center, 1 Archives Drive, St. Louis, MO 63138.

If the system manager is the director of an individual Presidential library, the business address is the relevant Presidential library:

George H.W. Bush Library, 1000 George Bush Drive West, College Station, TX 77845.

George W. Bush Library, 2943 SMU Boulevard, Dallas, TX 75205.

Jimmy Carter Library, 441 Freedom Parkway, Atlanta, GA 30307–1498.

William J. Clinton Library, 1200 President Clinton Avenue, Little Rock, AR 72201.

Dwight D. Eisenhower Library, 200 SE 4th Street, Abilene, KS 67410–2900.

Gerald R. Ford Library, 1000 Beal Avenue, Ann Arbor, MI 48109–2114.

Herbert Hoover Library, 210 Parkside Drive, P.O. Box 488, West Branch, IA 52358–0488.

Lyndon B. Johnson Library, 2313 Red River Street, Austin, TX 78705–5702.

John F. Kennedy Library, Columbia Point, Boston, MA 02125–3398.

Richard Nixon Library, 1800 Yorba Linda Boulevard, Yorba Linda, CA 92886.

Ronald Reagan Library, 40 Presidential Drive, Simi Valley, CA 93065–0600.

Franklin D. Roosevelt Library, 4079 Albany Post Road, Hyde Park, NY 12538–1999.

Harry S. Truman Library, 500 West U.S. Highway 24, Independence, MO 64050–1798.

If the system manager is the Director, Office of Equal Employment Opportunity, the business address is: Office of Equal Employment Opportunity, National Archives and Records Administration, 8601 Adelphi Road, Room 3310, College Park, MD 20740–6001.

If the system manager is the Director of the Center for Legislative Archives, the business address is: The Center for Legislative Archives, National Archives and Records Administration, 700 Pennsylvania Ave. NW., Washington, DC 20408–0001.

If the system manager is the Director of the Federal Register, the business address is: Office of the Federal Register, National Archives and Records Administration, 800 North Capitol Street NW., Washington, DC 20002.

If the system manager is the Director of the Office of Presidential Libraries, the business address is the Office of Presidential Libraries, National Archives and Records Administration, 8601 Adelphi Road, Room 2200, College Park, MD 20740–6001.

If the system manager is the Director of the Presidential Materials Division, the business address is: Presidential Materials Division, National Archives and Records Administration, 700 Pennsylvania Ave. NW., Room 104, Washington, DC 20408–0001.

If the system manager is the Director of the Washington National Records Center, the records are located at the following address: Washington National Records Center, National Archives and Records Administration, 4205 Suitland Road, Suitland, MD 20746–8001.

If the system manager is the Executive Director of the National Historical Publications and Records Commission, the business address is: National Historical Publications and Records Commission, National Archives and Records Administration, 700 Pennsylvania Avenue NW., Room 114, Washington, DC 20408–0001.

If the system manager is the Executive for Agency Services, the business address is: Office of Agency Services, National Archives and Records Administration, 8601 Adelphi Road, Room 3600, College Park, MD 20740–6001.

If the system manager is the Executive for Business Support Services, the business address is: Office of Business Support Services, National Archives and Records Administration, 8601 Adelphi Road, Room 5100, College Park, MD 20740–6001.

If the system manager is the Executive for Information Services, the business address is: Office of Information Services, National Archives and Records Administration, 8601 Adelphi Road, Room 4400, College Park, MD 20740–6001.

If the system manager is the Executive for Legislative Archives, Presidential Libraries, and Museum Services, the business address is the Office of Legislative Archives, Presidential Libraries, and Museum Services, National Archives and Records Administration, 700 Pennsylvania Avenue NW., Room 104, Washington, DC 20408–0001.

If the system manager is the Executive for Research Services, the business address is: Office of Research Services, National Archives and Records Administration, 8601 Adelphi Road, Room 3400, College Park, MD 20740–6001.

If the system manager is the General Counsel, the business address is: Office of the General Counsel, National Archives and Records Administration, 8601 Adelphi Road, Room 3110, College Park, MD 20740–6001.

If the system manager is the Inspector General, the business address is: Office of the Inspector General, National Archives and Records Administration, 8601 Adelphi Road, Room 1300, College Park, MD 20740–6001.

[FR Doc. 2013–30311 Filed 12–19–13; 8:45 am]

BILLING CODE 7515–01–P

FEDERAL REGISTER

Vol. 78 Friday,

No. 245 December 20, 2013

Part IV

Department of the Interior

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Arctostaphylos franciscana (Franciscan Manzanita); Final Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS–R8–ES–2012–0067; 4500030114]

RIN 1018–AY63

Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for *Arctostaphylos franciscana* (Franciscan Manzanita)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: We, the U.S. Fish and Wildlife Service, designate critical habitat for *Arctostaphylos franciscana* (Franciscan manzanita) under the Endangered Species Act. In total, approximately 230.2 acres (93.1 hectares) in San Francisco County, California, fall within the boundaries of the final critical habitat designation. The effect of this regulation is to designate critical habitat for *A. franciscana* under the Endangered Species Act.

DATES: This rule is effective on January 21, 2014.

ADDRESSES: This final rule is available on the Internet at *http://www.regulations.gov.* Comments and materials received, as well as supporting documentation used in preparing this final rule, are available for public inspection, by appointment, during normal business hours, at the U.S. Fish and Wildlife Service, Sacramento Fish and Wildlife Office, 2800 Cottage Way, W–2605, Sacramento, CA 95825; telephone 916–414–6600; facsimile 916–414–6612.

The coordinates or plot points, or both, from which the maps are generated are included in the record for this critical habitat designation and are available at *http://www.regulations.gov* at Docket No. FWS–R8–ES–2012–0067, and at the Sacramento Fish and Wildlife Office at *http://www.fws.gov/Sacramento* (see **FOR FURTHER INFORMATION CONTACT**). Any additional tools or supporting information that we developed for this critical habitat designation will also be available at the Fish and Wildlife Service Web site and field office set out above, and may also be included in the preamble or at *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Karen Leyse, Listing Coordinator, U.S. Fish and Wildlife Service, Sacramento Fish and Wildlife Office, 2800 Cottage Way, W–2605, Sacramento, CA 95825; telephone 916–414–6600; facsimile 916–414–6612. If you use a telecommunications device for the deaf (TDD), call the Federal Information Relay Service (FIRS) at 800–877–8339.

SUPPLEMENTARY INFORMATION:

Executive Summary

Why we need to publish a rule. This is a final rule to designate critical habitat for *Arctostaphylos franciscana.* Under the Endangered Species Act (Act), any species that is determined to be an endangered or threatened species requires critical habitat to be designated, to the maximum extent prudent and determinable. Designations and revisions of critical habitat can only be completed by issuing a rule.

We listed *Arctostaphylos franciscana* as an endangered species on September 5, 2012 (77 FR 54434). On the same date we also proposed critical habitat for the species (77 FR 54517). We subsequently received new information on additional areas that contain the physical and biological features needed by the species, and we revised the proposed critical habitat on June 28, 2013 (78 FR 38897).

Section 4(b)(2) of the Act states that the Secretary shall designate critical habitat on the basis of the best available scientific data after taking into consideration the economic impact, national security impact, and any other relevant impact of specifying any particular area as critical habitat. The Secretary can exclude an area from critical habitat if he determines the benefits of exclusion outweigh the benefits of designation, unless the exclusion will result in the extinction of the species. The critical habitat areas we are designating in this rule constitute our current best assessment of the areas that meet the definition of critical habitat for *Arctostaphylos franciscana.* In total, we are designating approximately 230.2 acres (ac) (93.1 hectares (ha)), in 12 units in San Francisco County, California, as critical habitat for the species. A total of 13.9 ac (5.7 ha) (Unit 5) were occupied by the species at the time of listing; the remaining designation was not occupied at the time of listing, although an additional unit, Unit 2 (21.6 ac (8.7 ha)), is now considered occupied due to the recent reintroduction of *A. franciscana* to the unit.

We have prepared an economic analysis of the designation of critical habitat. In order to consider economic impacts, we have prepared an analysis of the economic impacts of the critical habitat designations and related factors. We announced the availability of the draft economic analysis (DEA) in the **Federal Register** on June 28, 2013 (78 FR 38897), allowing the public to provide comments on our analysis. We have reviewed and incorporated the comments into this rule as necessary and have completed the final economic analysis (FEA) concurrently with this final determination.

Peer review and public comment. We sought comments from independent specialists to ensure that our designation is based on scientifically sound data and analyses. We obtained peer reviews from five knowledgeable individuals with scientific expertise to review our technical assumptions and analysis, and to determine whether or not we had used the best available information. We received responses from all five of the peer reviewers. These peer reviewers generally concurred with our methods and conclusions and provided additional information, clarifications, and suggestions to improve this final rule. Information we received from peer review is incorporated in this final designation. We also considered all comments and information we received from the public during the comment period.

Previous Federal Actions

On September 5, 2012, we published in the **Federal Register** the final rule to list the species as endangered under the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (Act) (77 FR 54434). On the same date, we also published the proposed rule to designate critical habitat for *Arctostaphylos franciscana* (77 FR 54517; September 5, 2012). On June 28, 2013, we published a document in the **Federal Register** making available the DEA and reopening the comment period on the proposed critical habitat (78 FR 38897). In addition, we corrected the acreage calculations for our September 5, 2012, proposal due to a mapping error, and increased the proposed designation of critical habitat by approximately 73 ac (30 ha).

Background

It is our intent to discuss below only those topics directly relevant to designating final critical habitat for *Arctostaphylos franciscana* in this rule. For additional background information, please see the September 8, 2011, combined 12-month finding and proposed listing rule (76 FR 55623), the September 5, 2012, final listing rule for the species (77 FR 54434), and the September 5, 2012, proposed rule to designate of critical habitat for *A. franciscana* (77 FR 54517), available at *http://ecos.fws.gov.*

Summary of Comments and Recommendations

We requested written comments from the public on the proposed designation of critical habitat for *Arctostaphylos franciscana* during two comment periods. The first comment period began with the publication of the proposed rule on September 5, 2012 (77 FR 54517), and closed on November 5, 2012. We also requested comments on our revisions to the proposed critical habitat designation and associated draft economic analysis during a comment period that opened June 28, 2013, and closed on July 29, 2013 (78 FR 38897). We did not receive any requests for a public hearing. We also contacted appropriate Federal, State, and local agencies; scientific organizations; and other interested parties and invited them to comment on the proposed rule and draft economic analysis during these comment periods.

During the first comment period, we received 425 comment letters directly addressing the proposed critical habitat designation. During the second comment period, we received 4,499 comment letters, of which 4,450 were form letters, addressing the proposed critical habitat designation or the draft economic analysis. All substantive information provided during the comment periods has either been incorporated directly into this final determination or is addressed below. Comments we received are addressed in the following summary and incorporated into the final rule as appropriate.

Peer Review

In accordance with our peer review policy published on July 1, 1994 (59 FR 34270), we solicited expert opinions from five knowledgeable individuals with scientific expertise that included familiarity with *Arctostaphylos franciscana,* its habitat, and biological needs; the geographic region in which the species occurs; and principles of conservation biology. We received responses from all of the peer reviewers.

We reviewed all comments we received from the peer reviewers for substantive issues and new information regarding critical habitat for *Arctostaphylos franciscana.* The peer reviewers generally concurred with our methods and conclusions and provided additional information, clarifications, and suggestions to improve the final critical habitat rule. Peer reviewer comments are addressed in the following summary and incorporated into the final rule as appropriate.

Peer Reviewer Comments

(1) *Comment:* All peer reviewers provided comments on conservation measures, recommendations for the recovery plan, information on threats to the species, or research needs for *Arctostaphylos franciscana.*

Our Response: We appreciate the comments we received on conservation measures, recommendations for the recovery plan, threats to *Arctostaphylos franciscana,* and research needs for *A. franciscana.* These comments will be considered fully in the development of our recovery plan.

(2) *Comment:* One peer reviewer stated that some critical habitat units may be or may become unsuitable for *Arctostaphylos franciscana* because of soilborne pathogens or other reasons over time and that, as a result, it is important to designate as many independent units as feasible to increase the odds that at least some of these would remain free of these pathogens into the near future. The same peer reviewer stated that by identifying the maximum number of critical habitat units, the odds would increase of locating sites where the disease potential would be manageable even if pathogenic *Phytophthora* species were introduced.

Our Response: We selected areas of sufficient size and configuration to sustain natural ecosystem components, functions, and processes, while designating multiple units to represent a variety of suitable habitat while also providing for redundancy across the species' historical range.

(3) *Comment:* One peer reviewer suggested that, if critical habitat is designated, the Golden Gate National Recreation Area (GGNRA), the Presidio Trust, the San Francisco Natural Areas Program, and possibly others could develop a joint *Arctostaphylos franciscana* ecosystem management program to coordinate agency efforts.

Our Response: Critical habitat receives protection under section 7 of the Act through the requirement that Federal agencies ensure, in consultation with the Service, that any action they authorize, fund, or carry out is not likely to result in the destruction or adverse modification of critical habitat. The designation of critical habitat does not affect land ownership or establish a refuge, wilderness, reserve, preserve, or other conservation area. Such designation does not allow the government or public to access private lands. Such designation does not require implementation of restoration, recovery, or enhancement measures. However, we expect to work collaboratively with others, including the agencies mentioned by the commenter, in developing a recovery plan for the species, which could consider collaboration on a joint *Arctostaphylos franciscana* ecosystem management program.

(4) *Comment:* One peer reviewer noted that the threat from nonnative, root-rotting *Phytophthora* species is much greater than that posed by the introduction of nonnative plants or nutrient deposition. This reviewer suggested language be incorporated into the *Special Management Considerations or Protections* section of the rule. The peer reviewer stated that in the section, *Application of ''Adverse Modification'' Standard,* we also failed to explicitly indicate how various actions may result in the introduction of pathogenic *Phytophthora* species.

Our Response: This information has been incorporated into this final rule to the extent possible. Please see the *Special Management Considerations or Protections* and the *Application of ''Adverse Modification'' Standard* sections for the revised language.

(5) *Comment:* One peer reviewer provided information about Edgewood County Park, which is located approximately 23 miles (mi) (36 kilometers (km)) south of San Francisco, in San Mateo County, and suggested that the serpentine chaparral at this park be considered as a potential critical habitat site that occurs beyond the known historic distribution of *Arctostaphylos franciscana.* The peer reviewer suggested that including an experimental population in a place such as Edgewood County Park would provide the opportunity to see if situating *A. franciscana* in pre-existing chaparral might help to facilitate the Franciscan manzanita's establishment and long-term survival.

Our Response: We appreciate the suggestions; however, the Act allows for areas that were not occupied by the species at the time of listing to be designated as critical habitat only if they are considered essential to the conservation of the species. During our development of the proposed rule and this final rule, we did consider including areas outside the known historic range of the species as critical habitat. However, after considering the benefits of including these areas or limiting the designation to the historically known range, we determined that it was most appropriate not to include areas outside the known historical range of the species. This is reflected in our criteria and methods for determining the areas essential to and for the conservation of the species (see

Criteria Used To Identify Critical Habitat section). The introduction of the species outside its historically known range may cause additional concerns such as hybridization with other rare manzanitas, or exposing the species to other known and unknown threats. To our knowledge, *Arctostaphylos franciscana* has never occurred in San Mateo County. We checked information in our files that identified two other *Arctostaphylos* species as occurring at Edgewood Park. Introducing *A. franciscana* to the area may lead to hybridization of all three species in the area. We also considered the potential threat posed by nitrogen deposition at the park (Weiss 1999, pp. 1477, 1484). Additionally, there would not be connectivity between a unit at Edgewood Park and the units in San Francisco County. As a result, we have determined that areas such as Edgewood County Park, that are outside the species' historically known range, are not essential for the conservation of the species.

(6) *Comment:* A peer reviewer commented that research into microclimates available at additional suggested sites, such as Starr King Open Space, would be needed to seriously consider the sites for designation and to assess the potential impacts due to recreational use.

Our Response: Although we agree that it would be helpful to have information about the microclimates available at the suggested sites, we have not received any such information during the public comment period and we are not aware that any exist. We will consider future research needs in the development of the recovery plan for *Arctostaphylos franciscana.*

(7) *Comment:* One peer reviewer suggested that we include a fifth primary constituent element (PCE) ''specific to self-sustaining populations'' to highlight the importance of botanical gardens to the long-term recovery of *Arctostaphylos franciscana,* suggesting that, in effect, botanical gardens that host different individual genotypes that will contribute to restoring genetic diversity in new populations of *A. franciscana* are themselves ''critical habitat'' for the future recovery of this species. The reviewer suggested that if the botanical garden specimens of *A. franciscana* are recognized as a PCE, more work could be done to determine the provenance of these individuals and to begin propagating them for future establishment of *A. franciscana* individuals.

Our Response: We appreciate the reviewer's suggestion, but refer to agency guidelines for identifying PCEs, which are listed in the *Criteria Used To Identify Critical Habitat* section below. As such, PCEs are elements of physical and biological features of the habitat, rather than specific areas of habitat, that are essential to the conservation of the species. The importance of botanical garden specimens in recovering *Arctostaphylos franciscana* will be addressed in the recovery plan.

The designation of botanical gardens as critical habitat would not afford additional funds for research as critical habitat applies only to Federal actions or actions that are permitted or funded by a Federal agency. In our listing of *Arctostaphylos franciscana,* we state that the plants in botanical gardens collected from historical sites and determined to be the listed entity are afforded protection under the Act (77 FR 54434; September 5, 2012). As a result, we have already identified the botanical garden plants and the places they occur as important for conservation.

(8) *Comment:* One peer reviewer provided detailed information on the threat posed by soilborne *Phytophthora* species.

Our Response: In designating critical habitat, we rely on information on threats evaluated when we listed the species, but we do not include an explicit discussion of threats. The information provided will be valuable when we prepare our recovery plan.

Comments From States

Section 4(i) of the Act states that the Secretary shall submit to the State agency a written justification for her failure to adopt regulations consistent with the agency's comments or petition. We received no comments from the State regarding the proposal to designate critical habitat for *Arctostaphylos franciscana.*

Federal Agencies

(9) *Comment:* The Presidio Trust requested that we revise the boundary of Unit 4B due to the lack of suitable soils for *Arctostaphylos franciscana* in a portion of the proposed unit.

Our Response: Based on information provided by the Presidio Trust and investigated during a site visit on March 15, 2013, we agree with the recommended change to remove an area of deep fill soils from the unit, and we have modified the critical habitat designation for Unit 4B.

(10) *Comment:* The Presidio Trust and the GGNRA requested exclusions to Units 3 and 5 (subunits 3A, 3B, and 5A) under section 4(b)(2) of the Act, due to their concerns that designating these subunits as critical habitat would impair the options for managing habitat for other federally listed species (*Hesperolinon congestum* (Marin dwarf flax), *Clarkia franciscana* (Presidio clarkia), or *Arctostaphylos hookeri* var. *ravenii* (Presidio manzanita)).

Our Response: We have not excluded these units from critical habitat. The Act allows the Secretary of the Interior to exclude areas when the benefits of exclusion outweigh the benefits of inclusion, unless the Secretary determines that such exclusion will result in the extinction of the species (16 U.S.C. 1533(b)(2)). The commenters are requesting exclusion under this provision, suggesting that designating these units as critical habitat will impair their ability to manage the habitats for other federally listed species, and that therefore there would be a benefit to be gained from exclusion, i.e., eliminating the impairment to their management options, which would outweigh the benefits of inclusion. However, the designation of critical habitat will not have any negative effect on their options for managing the sites for other species. The designation of critical habitat simply provides a mechanism for providing for a species' recovery, whereby Federal agencies must review their actions to ensure they will not destroy or adversely modify those areas determined essential for the conservation of the species. It is extremely unlikely that managing habitat for the benefit of other federally listed plant species would result in the destruction or adverse modification of critical habitat for *Arctostaphylos franciscana.* Therefore, the designation of these units will not impair the commenter's ability to manage habitat for other federally listed plant species, and, subsequently, there is no benefit to be gained by excluding the units. Please note that *Arctostaphylos hookeri* var. *ravenii* (Presidio manzanita) has recently undergone a taxonomic revision to *Arctostaphylos montana* ssp. *ravenii* (Raven's manzanita). While it is still listed as *Arctostaphylos hookeri* var. *ravenii* (Presidio manzanita) in the List of Endangered and Threatened Plants at 50 CFR 17.12, in this final rule, we use its current scientific name.

(11) *Comment:* The National Park Service requested that Units 1 and 2 be modified to remove portions of these units due to pending soil remediation activities involved with two Army-era landfills and areas identified as possibly containing lead contamination.

Our Response: We have reviewed the request. We made minor adjustments to remove gun batteries, but we have not modified Unit 1 or 2 to remove portions of these units that are subject to soil

remediation. We expect that the soil remediation activities involved with the two Army-era landfills will be completed prior to our publishing this final rule. Additionally, we expect that the habitat in these units will be more suitable as habitat for the species as a result of the soil remediation.

(12) *Comment:* The National Park Service suggested that we refine the proposed critical habitat units by removing areas where the soil depth significantly exceeds 39 to 43 centimeters (cm) (15 to 17 inches (in)).

Our Response: We have not refined the critical habitat units by removing areas where the soil depth significantly exceeds 39 to 43 cm (15 to 17 in). To our knowledge this refined information does not exist for the critical habitat units. We looked at soil survey information available from the Soil Survey Geographic Database (SSURGO) (U.S. Department of Agriculture 2013), and the scale at which it is done does not provide information that we could use to refine the critical habitat units. Additionally, we contacted the National Park Service staff at the GGNRA and they stated that they also did not have similarly refined soil survey information for the area.

(13) *Comment:* The Presidio Trust indicated that reestablishing additional *Arctostaphylos franciscana,* or other serpentine chaparral species such as *A. montanum* ssp. *ravenii* manzanita, would be more appropriate in the coastal areas where these types of species are typically found.

Our Response: These two species were not typically found just in coastal areas, but also occurred inland. Areas which historically most likely supported both *Arctostaphylos franciscana* and *A. montanum* ssp. *ravenii* included: (1) The former Laurel Hill Cemetery; (2) the former Masonic Cemetery; (3) Mount Davidson; and (4) the Presidio. In addition, there is a record of ''*Arctostaphylos pumila*'' (Behr 1892; a misnomer for either *A. franciscana* or *A. montanum* ssp. *ravenii,* or perhaps both) at the former Protestant Orphan Asylum (Laguna at Haight Street), long urbanized in the late 1800s. The localities at the former Laurel Hill Cemetery, the former Masonic Cemetery, and Mount Davidson are inland, but subject to influence from summer fog. We have designated multiple locations to maximize the potential that suitable sites for re-introduction will be available, given the limited habitat available on the San Francisco peninsula.

San Francisco Recreation and Park Department Comments

(14) *Comment:* The San Francisco Recreation and Park Department (SFRPD) expressed concern with the designation of critical habitat in areas where the management recommendations in the 2006 Significant Natural Resource Areas Management Plan (SNRAMP) do not align with the rare plant conservation and restoration. The SNRAMP divides natural areas into one of three management areas that reflect their relative conservation value for plants and wildlife. Management areas 1 and 2 (MA-l and MA-2) offer the highest conservation value because they contain the greatest biological diversity, the most intact native plant communities, sensitive plant and animal species, and/or high value wildlife habitat, while management area 3 (MA-3) areas contain predominantly nonnative vegetation and do not support sensitive species. The SFRPD provided detailed comments and requested that the critical habitat designation contain only MA-1 and MA-2 areas. The SFRPD has requested that the Secretary exercise her discretion to exclude some areas from the final designation of critical habitat under section 4(b)(2) of the Act.

Our Response: We appreciate the thorough and well-considered comments from the SFRPD. However, although we have removed some of the requested areas because they do not contain the PCEs or because they are not essential for conservation of the manzanita, we have not recommended that the Secretary exercise her discretion to exclude the requested areas from the final designation. We are required by section 4(b)(2) of the Act to consider the economic and other relevant impacts of critical habitat designation. As noted under *Federal Agencies,* above, the Secretary may account for those impacts by excluding any area for which the benefits of exclusion outweigh the benefits of designation, as long as this will not result in extinction of the species. The SFRPD comments and numerous additional comments indicate concern that critical habitat designation will negatively affect the SFRPD's ability to manage the areas as prescribed in the SNRAMP. We disagree. Critical habitat designation in these areas will not have any negative effect on management of the three management-area types, as described in the SNRAMP. We consider it extremely unlikely that management under the SNRAMP would result in the destruction or modification of critical habitat for *Arctostaphylos franciscana.* Please see *Modifications to Critical Habitat Unit Information and Boundaries* for additional information on changes to Units 6 through 13.

(15) *Comment:* The San Francisco Recreation and Park Department (SFRPD) is concerned that the designation of critical habitat does not align with the existing high-intensity recreational activities in some areas, especially designated off-leash dog areas. In their comment, they noted, ''While portions of the SFRPD natural areas support significant populations of sensitive plant and animal species, all SFRPD parkland is subject to intensive public use. Typical recreation activities in these natural areas include hiking, picnicking, nature viewing, walking, jogging, dog walking (both on-and off-leash) and sometimes biking.'' In order to identify lands that may successfully support the *Arctostaphylos franciscana,* the SFRPD requested that these more active areas, referring especially to the designated off-leash dog areas, be removed from consideration as critical habitat.

Our Response: We reviewed the request, and we removed the existing off-leash dog play area from Corona Heights (Unit 6) and eliminated Bernal Heights, an off-leash dog play area, from critical habitat. The existing off-leash dog play area in Corona Heights is fenced off and modified with wood chips. We visited Bernal Heights on November 15, 2012. The habitat is degraded and is heavily used. Due to the degraded nature of these sites, we do not consider these areas to be essential to the conservation of *Arctostaphylos franciscana,* and we have removed them from the final designation.

(16) *Comment:* The SFPRD provided detailed information regarding areas that do not appear to contain the biological and geological features to support *Arctostaphylos franciscana,* and requested that we remove these areas from critical habitat.

Our Response: We appreciate the thorough comments regarding areas that do not appear to contain the biological and geological features to support *Arctostaphylos franciscana.* We have made many of the requested changes. We did not make changes to remove an area from the final critical habitat designation where the integrity of the critical habitat unit would be compromised or where the primary constituent elements still exist. Areas that do not contain the physical and biological features for the species, but are within critical habitat units, do not constitute critical habitat although they may still be included within the boundaries of the units. When

determining critical habitat boundaries within this final rule, we made every effort to avoid including developed areas such as lands covered by buildings, pavement, and other structures because such lands lack physical or biological features for *Arctostaphylos franciscana.* The scale of the maps we prepared under the parameters for publication within the Code of Federal Regulations may not reflect the exclusion of such developed lands. Any such lands inadvertently left inside critical habitat boundaries shown on the maps for of this final rule have been excluded by text in the rule and are not designated as critical habitat. Therefore, a Federal action involving these lands will not trigger section 7 consultation with respect to critical habitat and the requirement of no adverse modification unless the specific action would affect the physical or biological features in the adjacent critical habitat. Please see *Modifications to Critical Habitat Unit Information and Boundaries* for additional information on changes to Units 6 through 13.

Public Comments

The majority of the public comments we received were form letters regarding designating SFRPD lands as critical habitat for *Arctostaphylos franciscana.* During the two public comment periods, we received 4,801 form letters that did not provide substantial information, but expressed the opinion that the designation of critical habitat on SFRPD land was either appropriate or not appropriate.

(17) *Comment:* Many commenters think that there would be restrictions placed on SFRPD land due to the designation of critical habitat for *Arctostaphylos franciscana.* The commenters asked us not to designate any of the city parks as critical habitat and expressed concerns that designation of critical habitat in San Francisco city natural areas park lands would: (1) Mean that all activities must be approved by the Service, in essence giving the Federal Government control over large parts of the city park lands; (2) lead to restrictions on public access and public use of these areas thereby negatively affecting recreation and people's health in a densely populated city; and (3) mean that healthy trees will have to be cut down wherever *A. franciscana* is planted to let the sun reach the plants thereby affecting the esthetic appeal of the parks and impacting the wind resistance these trees currently provide.

Our Response: The designation of critical habitat is not expected to put restrictions on management of SFRPD land and does not mean that activities in these areas (such as building a new trail) must be approved by the Service. Additionally, the designation of critical habitat only has any bearing on Federal actions, in that Federal agencies will need to consult with us to ensure their actions will not destroy or adversely modify critical habitat. The designation of critical habitat only affects actions that are either carried out, authorized, or funded by a Federal agency. Very few, if any, activities that take place on SFRPD land have Federal involvement (what we call a Federal nexus). Because critical habitat only applies to activities implemented by a Federal agency or that require Federal authorization or funding, we do not expect the operations of city park lands to change due to critical habitat designation. The DEA (RTI International 2013b) identified only one informal consultation that the SFRPD might need during the 20-year timeframe, should they acquire Federal funding to complete a trail maintenance project that might occur in McLaren Park (Units 12 and 13). With regard to other activities on nonfederal lands, the potential for Federal nexus is very low (RTI International 2013b, p. 3–1, 3–2, and 3–7).

The designation of critical habitat does not require the implementation of restoration, recovery, or enhancement measures. Additionally, designation of critical habitat does not establish a refuge, wilderness, reserve, preserve, or other conservation area.

We also note that several areas the public expressed concern over (McKinley Park and Starr King open space near Potrero Hill, Grandview Park, the rock outcropping on 14th Ave., and Golden Gate Heights Park) are not areas that we are designating as critical habitat.

(18) *Comment:* A couple commenters indicated that the taxonomy of *Arctostaphylos franciscana* (Franciscan manzanita) is ambiguous. Some commenters suggested that the individual manzanita plant that was discovered on Doyle Drive is possibly a hybrid. One commenter stated that the East Bay Regional Park District botanical garden in Tilden Park has planted one of the clones of the individual plant from Doyle Drive and that it is labeled as a hybrid of *A. uva-ursi.*

Our Response: The identification of the Doyle Drive manzanita as a wild representative of *Arctostaphylos franciscana* was confirmed by species experts (Vasey and Parker 2010, pp. 1, 5–7). The genetics and taxonomy of *A. franciscana* are addressed in the final listing rule (77 FR 54434; September 5, 2012) and are not the subject of this critical habitat rule.

(19) *Comment:* One commenter stated that *Arctostaphylos franciscana* has been sold by commercial nurseries for about 50 years and suggested that it is considered endangered due to an anomaly of the Act. Many other commenters stated that exact clones of *A. franciscana* relocated from Laurel Hill in the 1940s can be bought at Bay Area nurseries and asked why we would close access to SFRPD lands to plant something that can be bought in Berkeley.

Our Response: In our final listing rule (77 FR 54434; September 5, 2012), we addressed the uncertain genetic make-up of *Arctostaphylos franciscana* and heritage of nursery stock sold by commercial nurseries. As a result, we did not include these plants as part of the listed entity. We did include the transplanted plants with documented provenance as *A. franciscana* as part of the listed entity.

In response to the closure of areas, as noted above, critical habitat designation does not close areas or direct management changes or changes in activity. The purpose of the Act is to provide a means whereby the ecosystem upon which endangered species and threatened species depend may be conserved. Reliance on planting *Arctostaphylos franciscana* in botanical gardens or conserving the species on seed storage alone does not protect the species in its natural habitat. Critical habitat designations affect only Federal agency or federally funded or permitted actions. Critical habitat designations do not have bearing on activities by private landowners, or by local or State government agencies, if there is no Federal nexus.

(20) *Comment:* One commenter stated that additional land farther inland that meets the criteria for *Arctostaphylos franciscana* habitat should be designated, and suggested designating habitat north into Marin County and east into Contra Costa and Alameda Counties, in order to preserve the species in the long term due to climate change from sea level rise. Other commenters suggested locations at Marin Headlands and near Crystal Springs Reservoir as potential critical habitat sites. No specific areas were provided.

Our Response: Critical habitat can be revised should it become necessary to designate additional units due to sea level rise. We recognize that critical habitat designated at a particular point in time may not include all of the habitat areas that we may later determine are necessary for the recovery

of the species. For these reasons, a critical habitat designation does not signal that habitat outside the designated area is unimportant or may not be needed for recovery of the species. See our response to Comment 5, above, for additional information on planting areas outside the species' historic range.

(21) *Comment:* One commenter suggested that we expand the critical habitat areas to include all the remaining serpentine outcrops in the City and County of San Francisco that contain the primary constituent elements. The commenter suggested that conditions are likely to be appropriate in areas such as Rocky Outcrop, Tank and Kite Hill, Edgehill Mountain, and McLaren Park. Another commenter suggested the U.S. Mint; McLaren Park; Bayview Hill; UCSF, Laurel Hill Campus; Buena Vista Park; Corona Heights Park; Starr King Open Space; and Hunters Point Serpentine Grassland as sites worthy of consideration for planting *Arctostaphylos franciscana* but provided no justification for the specified locations.

Our Response: As part of our criteria for determining which areas to designate as critical habitat, we reviewed whether a selection of areas were of sufficient size and appropriate configuration (spatial arrangement and amount of fragmentation) to sustain natural ecosystem components, functions, and processes such as full sun exposure, summer fog, natural fire and hydrologic regimes, and intact mycorrhizal or edaphic interactions. We also considered factors such as the protection of existing substrate continuity and structure, connectivity among groups of plants to facilitate gene flow among the sites through pollinator activity and seed dispersal, and sufficient adjacent suitable habitat for vegetative reproduction and population expansion. During our development of the proposed rule, we looked at all the prospective areas associated with serpentine, greenstone, or Franciscan formations within San Francisco City and County that met our criteria as potential critical habitat, including most of the areas mentioned by the commenter. We also conducted site visits to confirm suitability of sites that we had initially identified using satellite imagery. Based on this process, we identified the units that were included in the September 5, 2012, proposed critical habitat (77 FR 54517). Some of the originally identified sites were not selected as critical habitat due to their small size. We remain concerned that small sites will not sufficiently support the pollinator, fruit dispersal, and mycorrhizal communities that are thought to be necessary for the successful establishment of the species.

Bayview Park and Corona Heights were included in our original proposed designation (77 FR 54517). We added two additional units at McLaren Park and additional subunits at Diamond Heights in our June 28, 2013, revised proposal (78 FR 38897).

(22) *Comment:* As evidence against designating critical habitat for *Arctostaphylos franciscana* outside of the Presidio, one commenter stated that: (1) The close relationship between *A. montanum* ssp. *ravenii* and *A. franciscana* and the failure to propagate *A. montanum* ssp. *ravenii* in the 30 plus years since it has been listed as an endangered species suggests that it is unlikely to be possible to establish a population of *A. franciscana* in the wild; (2) the horticultural requirements for propagating *A. franciscana* cannot be met in San Francisco's public parks because it requires fire to germinate seeds; and (3) the soil in the proposed critical habitat may have been damaged by heavy herbicide use and without testing, we cannot assume that the soil will support *A. franciscana* as the species is dependent on mycorrhizal fungi in the soil for its long-term survival and the use of certain herbicides is known to be toxic to microorganisms such as mycorrhizae.

Our Response: Section 4 of the Act and our regulations at 50 CFR 424.12 require that we designate critical habitat for any species listed as endangered or threatened . The ability to establish and manage a population of an endangered species is not one of the criteria in determining whether critical habitat should be designated. The circumstances and reasons why extensive propagation of *Arctostaphylos montanum* ssp. *ravenii* has not occurred are complex and unique to that species. The circumstances surrounding *A. franciscana* are quite different, and nursery stock have already been planted in the field.

(23) *Comment:* One commenter stated that the Service should designate all areas where individuals propagated from wild plants have been planted, including all plants derived from regional botanic gardens, because individuals in these botanic gardens have not been exempted from the listing rule (in contrast, individuals from private nurseries have been exempted from listing rule).

Our Response: In determining which areas we should designate as critical habitat, we included only those areas which contained the physical or biological features essential to the conservation of the species or other specific areas otherwise essential for the conservation of the species. The designation of certain areas as critical habitat does not mean that areas outside the designation are not important to the species, and we may revise critical habitat if information requires us to do so in the future. The areas within the botanical gardens where the historic *Arctostaphylos franciscana* plants occur are not endemic habitats for the species and are heavily managed areas that do not meet our criteria for critical habitat. However, because the botanical garden plants are considered part of the listed entity, they still receive the protections under the Act for an endangered species. See our response to Comment 5, above, for additional concerns regarding designating areas outside the historic range of the species.

(24) *Comment:* Many commenters noted that Bernal Heights, Glen Canyon Park (labeled Diamond Heights), Mount Davidson, Corona Heights, and Bayview Hill have been identified by SFRPD as important bird habitat, and expressed concern that designation of these locations as manzanita critical habitat could be detrimental to wildlife that depend on these areas.

Our Response: The designation of an area as critical habitat does not require that the existing habitat in that area be changed, restored, or converted in any way. Critical habitat is a means whereby Federal agencies are alerted that a certain area is essential for a given species. In the event that there are future efforts to restore *Arctostaphylos franciscana* plants to any locations within these units, the plantings are not expected to have any effect on existing habitat other than to restore a native plant that was likely to have been present at some point in the past. One of the purposes of the Act is to provide for the conservation of the ecosystem on which a species depends. We consider this purpose to include conserving the native bird and other wildlife within these areas.

(25) *Comment:* Many commenters requested that popular recreation areas and forests be excluded from the critical habitat designation for the manzanita. They said that ''the critical habitat designation for the restoration of the mission blue butterfly at Twin Peaks Park demonstrates how the critical habitat designation leads to the closure of the majority of hiking trails even without any significant impacts on the endangered species.''

Our Response: We wish to clarify that there is no critical habitat designation for the mission blue butterfly (*Icaricia icariodes missionensis*), nor is critical

habitat designated for any federally listed species at Twin Peaks. Critical habitat for mission blue butterfly was proposed on February 8, 1977 (42 FR 7972), but the critical habitat designation was never finalized. However, reintroduction of the mission blue butterfly at Twin Peaks Natural Area in 2009 did result in re-routing trails away from mission blue butterfly habitat, and closing of some social trails (Wayne *et al.* 2009, pp. 35–36). A social trail is a path that is created over time by off-trail use.

(26) *Comment:* One commenter suggested that planting in multiple areas, without the restrictions of critical habitat, could be more conducive to *Arctostaphylos franciscana* recovery than defining 5 or 10 limited locales as ''critical habitat'' on the basis of limited data and limited size in San Francisco alone. Areas suggested for planting included San Francisco, Marin, and the Peninsula including Milagro and Sweeney ridge areas, above the Devil's slide, and as far south as San Luis Obispo County.

Our Response: Section 4 of the Act and our regulations at 50 CFR 424.12 require that we designate critical habitat for any species listed as endangered or threatened, to the extent that designation is prudent and determinable. We believe we have made our determination of critical habitat by using the best scientific and commercial information available and do not think it is appropriate to plant outside the historic range of the species (see our responses to Comments 5 and 17, above). However, we will consider this information when we develop a recovery plan for *Arctostaphylos franciscana.*

(27) *Comment:* One commenter suggested that planting any species, including *Arctostaphylos franciscana,* should not impede or delay essential seismic retrofit work, specifically the Twin Peaks Reservoir, indicating that the reservoir, an essential part of San Francisco fire prevention resources in the event of an earthquake, was to be reconstructed starting in 2012 and is now delayed to 2013 or 2014.

Our Response: The Twin Peaks Reservoir is not within the designated critical habitat. Therefore, critical habitat designation for *Arctostaphylos franciscana* will not impede or delay essential seismic retrofit work on the Twin Peaks Reservoir.

(28) *Comment:* Many commenters pointed out that we called most of the critical habitat units unoccupied. The commenters stated that these areas contain many trails popular with hikers, bikers, and dog walkers and that thousands of people walk both with and without dogs in these areas every day and that they are not ''unoccupied.''

Our Response: We wish to clarify that when we used the term ''unoccupied'' that we were only referring to whether or not the critical habitat unit contains the listed species (*Arctostaphylos franciscana*) and not whether the areas are used by the public.

Economic Analysis Comments

(29) *Comment:* One commenter stated that the economic benefits of the critical habitat designation, such as those benefits from increased restoration jobs, increased value of lands in the critical habitat, and recreation opportunities associated with stewardship of a species from the brink of extinction, have not been sufficiently quantified in the economic analysis.

Our Response: Benefits are addressed qualitatively in the FEA. No management changes or restoration jobs are expected as a result of the designation of critical habitat; therefore no changes in jobs or land value are anticipated.

(30) *Comment:* One commenter stated that the draft economic analysis is not adequate for several reasons including the lack of costs attributed to restrictions on public use, failure to account for additional plantings, and the low consultation costs ascribed to the SFRPD. The commenter states that ''any significant changes or work done in the areas, or use approval or restrictions, will require consultation, with much higher than disclosed costs.''

Our Response: The primary purpose of the economic analysis is to identify and value the incremental impacts of the critical habitat designation. Incremental impacts are the impacts attributable to the critical habitat designation and are separate from any impacts resulting from the listing the species or the actions taken to protect the species. Only activities that involve a Federal nexus (e.g., require a Federal permit or receive funding from the Federal government) require a consultation to determine whether the activity is likely to adversely affect the physical or biological features (i.e., features of the habitat that are important to the species). Based on information from the SFRPD and the Service, few consultations between the SFRPD and the Federal Government are anticipated because only projects with Federal funding, requiring a Federal permit, or having other Federal association will require a consultation. It is also anticipated that consultations will be informal, and only administrative costs will be incurred during the consultation process because the SNRAMP already has management measures in place to conserve and protect the habitats within the parks.

Furthermore, no restrictions or restoration projects as a result of critical habitat designation are anticipated. Any costs associated with additional plantings of the species are attributable to the species' listing and not the critical habitat designation.

(31) *Comment:* Many commenters did not agree with other comments stating that recreational opportunities will be significantly impacted by the designation and further stated that the designation may provide additional restoration jobs as well as create opportunities for local businesses.

Our Response: Based on information from the SFRPD and our consultation history, no management changes or restoration programs are anticipated to be implemented solely as a result of the critical habitat designation. Therefore, restoration jobs and business opportunities are not estimated in this analysis. Effects of critical habitat on recreation are discussed further in our response to Comment 15.

(32) *Comment:* One commenter opposes the restriction of use and access as well as the application of shrinking funds to restore *Arctostaphylos franciscana* in areas where it does not currently exist.

Our Response: The management activities outlined in the SNRAMP are consistent with prevention of adverse modification to the proposed designated critical habitat, and no management changes are expected due to designation of critical habitat. Therefore, restrictions of use and habitat restoration costs are not anticipated as a result of critical habitat designation. Any species reintroduction costs would be attributable to the listing of the species and not the critical habitat designation.

(33) *Comment:* The commenter states that the draft economic analysis is overly simplistic. The commenter believes that additional restrictions on use by residents and visitors due to the designation will in turn generate additional costs as a result of loss of wellbeing, opportunity costs by current users of the park, and public court costs arising from public use conflicts.

Our Response: No management changes, such as use restrictions, are expected due to designation of critical habitat; therefore no use restriction-related costs are expected.

(34) *Comment:* One commenter states that the draft economic analysis is incomplete because it does not account for the impacts to the public. The commenter believes physical and

mental health will be negatively impacted by the critical habitat designation.

Our Response: The primary purpose of the economic analysis is to identify and assign values for the incremental impacts of the critical habitat designation. Incremental impacts are the impacts attributable to the critical habitat designation and are separate from any impacts resulting from the listing the species or the actions taken to protect the species. Only activities that involve a Federal nexus (e.g., require a Federal permit or receive funding from the Federal Government) and that are likely to adversely modify the physical or biological features will be affected by the critical habitat designation. Furthermore, because no management changes or use restrictions are anticipated as a result of the critical habitat designation, impacts to the public recreation opportunities are not expected.

(35) *Comment:* One commenter does not agree with the estimates of the draft economic analysis or the assumption that many costs will be incurred regardless of whether critical habitat is designated. The commenter states that the designation of Bayhill Park (Unit 11) will likely require the removal of all 6,000 trees at the site because *Arctostaphylos franciscana* requires full sun. Because the habitat is unoccupied and tree removal is typically $3,000 per tree, all of these costs would be considered incremental with the exception of the 505 trees that are currently identified for removal as part of the Natural Areas Program management plan. Additionally, the Recreation and Park Department may incur significant legal fees due to legal cases associated with the endangered species (e.g., they could be sued if the reintroduced endangered species do not survive on the grounds of insufficient care). The commenter states a similar case that recently cost the Recreation and Parks Department $386,000 even though the suit was lost. The commenter also states that the cost estimate does not include maintenance and care for the reintroduced plants in State parks and only discusses the administrative and consultation costs associated with the critical habitat designation. Finally, the commenter states that even when there is a consultation, it would not provide for care or contribute to the progress of the plant.

Our Response: Management activities and restoration actions under the existing SNRAMP are consistent with the management of critical habitat to conserve *Arctostaphylos franciscana* and its habitat and prevent adverse modification; therefore no additional incremental cost is expected. The designation of critical habitat for *A. franciscana* does not require the large-scale removal of trees.

Although no public court costs related to the health of the endangered species are anticipated, these costs would be attributable to the listing of the species and not to the designation of critical habitat. Costs associated with the maintenance and care of the species are also baseline costs, and would not be attributable to the designation of critical habitat.

Summary of Changes From Proposed Rule

In preparing our final designation of critical habitat for *Arctostaphylos franciscana,* we reviewed comments we received on the 2012 proposed designation, the 2013 revised proposed designation of critical habitat, and the 2013 DEA. In the June 28, 2013, revised proposal (78 FR 38897), we revised unit acreages to correct inaccuracies made due to use of an incorrect map projection, resulting in a revised acreage of 197 ac (80 ha) for the 11 units that we originally proposed on September 5, 2012 (77 FR 54517). In the same revised proposal, we also increased the proposed designation by approximately 73 ac (30 ha) to a total of approximately 270 ac (109 ha) in 13 critical habitat units located in the City and County of San Francisco, and made some modifications to the methods used to delineate the proposed units. We keep those revisions in this final designation. Additionally, this final designation reflects minor clarifications in the text of the 2013 revised proposal, as well as more substantive changes to the revised proposal, as follows:

Revision of Physical or Biological Features

In this final designation, we revised the heading of ''Sites for Breeding, Reproduction, or Rearing (or Development) of Offspring'' to ''Sites Exhibiting Necessary Physical or Biological Requirements'' to better reflect and more appropriately characterize the components of summer fog, fungal mycorrhizae relationship, and pollinators.

Modifications to Critical Habitat Unit Information and Boundaries

We are making modifications to the critical habitat based on comments that we received from the Presidio Trust, the GGNRA, the SFRPD, and the public. We also based some of these changes on several site visits that we made. We received comments from the Presidio Trust and GGNRA on Units 1and 2, and subunits 3A, 3B, 4B, and 5A, and we made subsequent site visits to Units 2, 4, and A. Additionally, we received comments from the SFRPD on Units 6 through 13, and we made site visits to Units 12 and 13. We are modifying the following units and subunits: 1, 2, 4B, 5A, 6, 9A, 9B, 10, 11, 12A, 12B and 13, as follows:

(1) In Unit 1, which is not occupied by the species at the time of listing, we identified a road that does not provide any habitat for the species. We have removed this area from the unit because the roaded area does not provide habitat and is not considered essential for the conservation of the species, thereby decreasing the acreage of the unit by less than 0.1 ac (0.4 ha).

(2) In Unit 2, as a result of restoration activities for the species, 68 *A. franciscana* plants were reintroduced to this unit since the listing. This unit is currently occupied, although it was not occupied at the time of listing. Also, the acreage reported in the revised proposed critical habitat rule should have been 22.3 ac (9.0 ha) instead of 21.3 ac (8.7 ha). We had noticed this difference, but it was not identified in the revised proposed critical habitat. In Unit 2, we also identified historic military gun batteries (concrete emplacements) and a parking lot along the edge of the unit. We have removed these areas from the unit because they are not essential for the conservation of the species and would not support *Arctostaphylos franciscana.* do not and The acreage of the unit was thereby decreased by less than 1 ac (0.4 ha) from 22.3 ac to 21.6 ac (9.0 ha to 8.7 ha).

(3) In Unit 4 (unoccupied by the species at the time of listing), we identified an area of subunit 4B along the edge of a quarry wall and roadway that does not provide appropriate substrate conditions for *Arctostaphylos franciscana.* We have refined our designation within subunit 4B to remove this area because it does not provide habitat for the species and thus is not considered essential for the conservation of the species, thereby reducing the acreage of the subunit from 4.0 ac to 1.1 ac (1.6 ha to 0.4 ha).

(4) In Unit 5 (occupied by the species at the time of listing), we removed the area of historic forest in subunit 5A because the area does not provide the physical or biological features essential to the conservation of the species. As a result, we have refined our designation within subunit 5A and reduced it from 13.2 ac to 11.8 ac (5.4 ha to 4.8 ha), reducing the acreage of the subunit by approximately 1.4 ac (0.6 ha).

(5) In Unit 6 (unoccupied by the species at the time of listing), we removed the existing off-leash dog play area and part of the MA–3 areas because the off-leash dog play area is degraded and the MA–3 areas are wooded. We have determined that these areas of the unit are not essential for the conservation of the species because they do not provide the habitat conditions appropriate for the species, and have accordingly refined our designation within Unit 6 and reduced it from 6.1 ac to 5.2 ac (2.5 ha to 2.1 ha), reducing the acreage of the unit by 0.9 ac (0.4 ha).

(6) In subunit 9A (unoccupied by the species at the time of listing), we removed areas of a wet-meadow and an area with deep, loamy soil. Neither of these areas provide the appropriate habitat conditions for *Arctostaphylos franciscana* and we have determined that they are not essential for the conservation of the species. We have accordingly refined our designation within subunit 9A and reduced it from 21.3 ac to 19.1 ac (8.6 ha to 7.7 ha), reducing the acreage of the unit by 2.2 ac (0.9 ha).

(7) In Unit 9 (unoccupied by the species at the time of listing), we removed several areas having either wet-soil or fill material within subunit 9B because none of these areas provide the appropriate habitat conditions for *Arctostaphylos franciscana* and as a result, we have determined that they are not essential for the conservation of the species. We have refined our designation within subunit 9B and reduced it from 5.7 ac to 3.9 ac (2.3 ha to 1.6 ha), reducing the acreage of the subunit by 1.8 ac (0.7 ha).

(8) Unit 10 (Bernal Heights) (unoccupied by the species at the time of listing) was removed from the designation. On April 26, 2012, and November 15, 2012, we conducted site visits to review our proposed designation. During our review, we examined the habitat conditions at Unit 10 and observed that the area is highly degraded and heavily used by the public. After further consideration of the habitat conditions at the site and review of our criteria for selecting areas as critical habitat, we do not consider the areas at Bernal Heights to be essential for the conservation of the species, and we therefore do not include the proposed Unit 10 (14.9 ac (6.0 ha)) in this final designation of critical habitat.

(9) In Unit 11 (unoccupied by the species at the time of listing), we removed two MA–3 areas. One of the areas contained modified and degraded habitat. The other area contained substantial forest overstory. We have determined that these areas are not essential for the conservation of *Arctostaphylos franciscana.* However, we have determined that other MA–3 areas within the unit are essential for the conservation of the species due to their importance to preserving the integrity of the unit. We have therefore refined our designation within Unit 11 and reduced it from 53.2 ac to 42.4 ac (21.5 ha to 17.2 ha), reducing the acreage of the unit by 10.8 ac (4.3 ha).

(10) In Unit 12 (unoccupied by the species at the time of listing), we refined our mapping boundaries of subunit 12A to remove a marginal area that we now do not consider essential for the conservation of the species because it would not support *Arctostaphylos franciscana.* The acreage of the subunit was reduced by less than 1 ac (0.4 ha) from 14.3 ac to 13.4 ac (5.8 ha to 5.4 ha). We also removed a wetland seep area, picnic area, and a MA–3 area in subunit 12B. These areas do not provide the appropriate habitat conditions for *A. franciscana* and are therefore not considered to be essential for the conservation of the species. We have refined our designation within subunit 12B and reduced it from 12.3 ac to 11.6 ac, thereby reducing the acreage of the subunit by 0.7 ac (0.3 ha).

(11) In Unit 13 (unoccupied by the species at the time of listing), we removed two MA–3 areas with dense vegetation that we have determined are not essential for the conservation of the species, because these areas would not provide the appropriate habitat conditions for *Arctostaphylos franciscana.* Accordingly, we have refined our designation within Unit 13 and reduced it from 29.7 ac to 25.7 ac (11.9 ha to 10.4 ha).

(12) In Units 8 and 11 the GIS mapping was adjusted to be coincident with parcel lines within the units. These parcel lines matched the appropriate habitat conditions for *Arctostaphylos franciscana* and the areas considered essential for the conservation of the species. As a result, there were small changes (0.1 ac (0.04 ha) or less) to the total area considered critical habitat for these two units.

Critical Habitat

Background

Critical habitat is defined in section 3 of the Act as:

(1) The specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the Act, on which are found those physical or biological features

(a) Essential to the conservation of the species, and

(b) Which may require special management considerations or protection; and

(2) Specific areas outside the geographical area occupied by the species at the time it is listed, upon a determination that such areas are essential for the conservation of the species.

Conservation, as defined under section 3 of the Act, means to use and the use of all methods and procedures that are necessary to bring an endangered or threatened species to the point at which the measures provided pursuant to the Act are no longer necessary. Such methods and procedures include, but are not limited to, all activities associated with scientific resources management such as research, census, law enforcement, habitat acquisition and maintenance, propagation, live trapping, and transplantation, and, in the extraordinary case where population pressures within a given ecosystem cannot be otherwise relieved, may include regulated taking.

Critical habitat receives protection under section 7 of the Act through the requirement that Federal agencies ensure, in consultation with the Service, that any action they authorize, fund, or carry out is not likely to result in the destruction or adverse modification of critical habitat. The designation of critical habitat does not affect land ownership or establish a refuge, wilderness, reserve, preserve, or other conservation area. Such designation does not allow the government or public to access private lands. Such designation does not require implementation of restoration, recovery, or enhancement measures. Where a landowner requests Federal agency funding or authorization for an action that may affect a listed species or critical habitat, the consultation requirements of section 7(a)(2) of the Act would apply, but even in the event of a destruction or adverse modification finding, the obligation of the Federal action agency and the landowner is not to restore or recover the species, but to implement reasonable and prudent alternatives to avoid destruction or adverse modification of critical habitat.

Under the first prong of the Act's definition of critical habitat, areas within the geographical area occupied by the species at the time it was listed are included in a critical habitat designation if they contain physical or biological features (1) which are essential to the conservation of the species and (2) which may require

special management considerations or protection. For these areas, critical habitat designations identify, to the extent known using the best scientific and commercial data available, those physical or biological features that are essential to the conservation of the species (such as space, food, cover, and protected habitat). In identifying those physical or biological features within an area, we focus on the principal biological or physical constituent elements (primary constituent elements such as roost sites, nesting grounds, seasonal wetlands, water quality, tide, soil type) that are essential to the conservation of the species. Primary constituent elements are those specific elements of the physical or biological features that provide for a species' life-history processes and are essential to the conservation of the species.

Under the second prong of the Act's definition of critical habitat, we can designate critical habitat in areas outside the geographical area occupied by the species at the time it is listed, upon a determination that such areas are essential for the conservation of the species. For example, an area currently occupied by the species but that was not occupied at the time of listing may be essential to the conservation of the species and may be included in the critical habitat designation. We designate critical habitat in areas outside the geographical area occupied by a species only when a designation limited to its range would be inadequate to ensure the conservation of the species.

Section 4 of the Act requires that we designate critical habitat on the basis of the best scientific and commercial data available. Further, our Policy on Information Standards Under the Endangered Species Act (published in the **Federal Register** on July 1, 1994 (59 FR 34271)), the Information Quality Act (section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Pub. L. 106–554; H.R. 5658)), and our associated Information Quality Guidelines provide criteria, establish procedures, and provide guidance to ensure that our decisions are based on the best scientific data available. They require our biologists, to the extent consistent with the Act and with the use of the best scientific data available, to use primary and original sources of information as the basis for recommendations to designate critical habitat.

When we are determining which areas should be designated as critical habitat, our primary source of information is generally the information developed during the listing process for the species. Additional information sources may include the recovery plan for the species, articles in peer-reviewed journals, conservation plans developed by States and counties, scientific status surveys and studies, biological assessments, other unpublished materials, or experts' opinions or personal knowledge.

Habitat is dynamic, and species may move from one area to another over time. We recognize that critical habitat designated at a particular point in time may not include all of the habitat areas that we may later determine are necessary for the recovery of the species. Climate change will be a particular challenge for biodiversity because the interaction of additional stressors associated with climate change and current stressors may push species beyond their ability to survive (Lovejoy 2005, pp. 325–326). The synergistic implications of climate change and habitat fragmentation are the most threatening facet of climate change for biodiversity (Hannah *et al.* 2005, p.4). Current climate change predictions for terrestrial areas in the Northern Hemisphere indicate warmer air temperatures, more intense precipitation events, and increased summer continental drying (Field *et al.* 1999, pp. 1–3; Hayhoe *et al.* 2004, p. 12422; Cayan *et al.* 2005, p. 6; Intergovernmental Panel on Climate Change (IPCC) 2007, p. 1181). Climate change may lead to increased frequency and duration of severe storms and droughts (McLaughlin *et al.* 2002, p. 6074; Cook *et al.* 2004, p. 1015; Golladay *et al.* 2004, p. 504).

We anticipate these changes could affect a number of native plants and their habitats, including *Arctostaphylos franciscana* occurrences and habitat. For example, if the amount and timing of precipitation changes or the average temperature increases in northern California, the following changes may affect the long-term viability of *A. franciscana* in its current habitat configuration:

(1) Drier conditions or changes in summer fog may result in additional stress on the transplanted plant.

(2) Drier conditions may also result in lower seed set, lower germination rate, and smaller population sizes.

(3) A shift in the timing of annual rainfall may favor nonnative species that impact the quality of habitat for this species.

(4) Warmer temperatures may affect the timing of pollinator life-cycles causing pollinators to become out-of-sync with timing of flowering *A. franciscana.*

(5) Drier conditions may result in increased fire frequency, making the ecosystems in which *A. franciscana* currently grows more vulnerable to the initial threat of burning, and to subsequent threats associated with erosion and nonnative or native plant invasion.

However, currently we are unable to specifically identify the ways that climate change may impact *Arctostaphylos franciscana;* therefore, we are unable to determine if any additional areas may be appropriate to include in this final critical habitat designation.

For these reasons, a critical habitat designation does not signal that habitat outside the designated area is unimportant or may not be needed for recovery of the species. Areas that are important to the conservation of the species, both inside and outside the critical habitat designation, will continue to be subject to: (1) Conservation actions implemented under section 7(a)(1) of the Act, (2) regulatory protections afforded by the requirement in section 7(a)(2) of the Act for Federal agencies to insure their actions are not likely to jeopardize the continued existence of any endangered or threatened species, and (3) section 9 of the Act's prohibitions on taking any individual of the species, including taking caused by actions that affect habitat. Federally funded or permitted projects affecting listed species outside their designated critical habitat areas may still result in jeopardy findings in some cases. These protections and conservation tools will continue to contribute to recovery of this species. Similarly, critical habitat designations made on the basis of the best available information at the time of designation will not control the direction and substance of future recovery plans, habitat conservation plans (HCPs), or other species conservation planning efforts if new information available at the time of these planning efforts calls for a different outcome.

Physical or Biological Features

In accordance with section 3(5)(A)(i) and 4(b)(1)(A) of the Act and regulations at 50 CFR 424.12, in determining which areas within the geographical area occupied by the species at the time of listing to designate as critical habitat, we consider the physical or biological features essential to the conservation of the species and which may require special management considerations or protection. These include, but are not limited to:

(1) Space for individual and population growth and for normal behavior;

(2) Food, water, air, light, minerals, or other nutritional or physiological requirements;

(3) Cover or shelter;

(4) Sites for breeding, reproduction, or rearing (or development) of offspring; and

(5) Habitats that are protected from disturbance or are representative of the historical, geographical, and ecological distributions of a species.

We derive the specific physical or biological features essential for *Arctostaphylos franciscana* from studies of this species' habitat, ecology, and life history as described in the Critical Habitat section of the proposed rule to designate critical habitat published in the **Federal Register** on September 5, 2012 (77 FR 54517), and in the information presented below. Additional information can be found in the final listing rule published in the **Federal Register** on September 5, 2012 (77 FR 54434); the 2003 Recovery Plan for Coastal Plants of the Northern San Francisco Peninsula (Service 2003); and the Raven's Manzanita Recovery Plan (Service 1984). We have determined that *Arctostaphylos franciscana* requires the following physical or biological features:

Space for Individual and Population Growth and for Normal Behavior

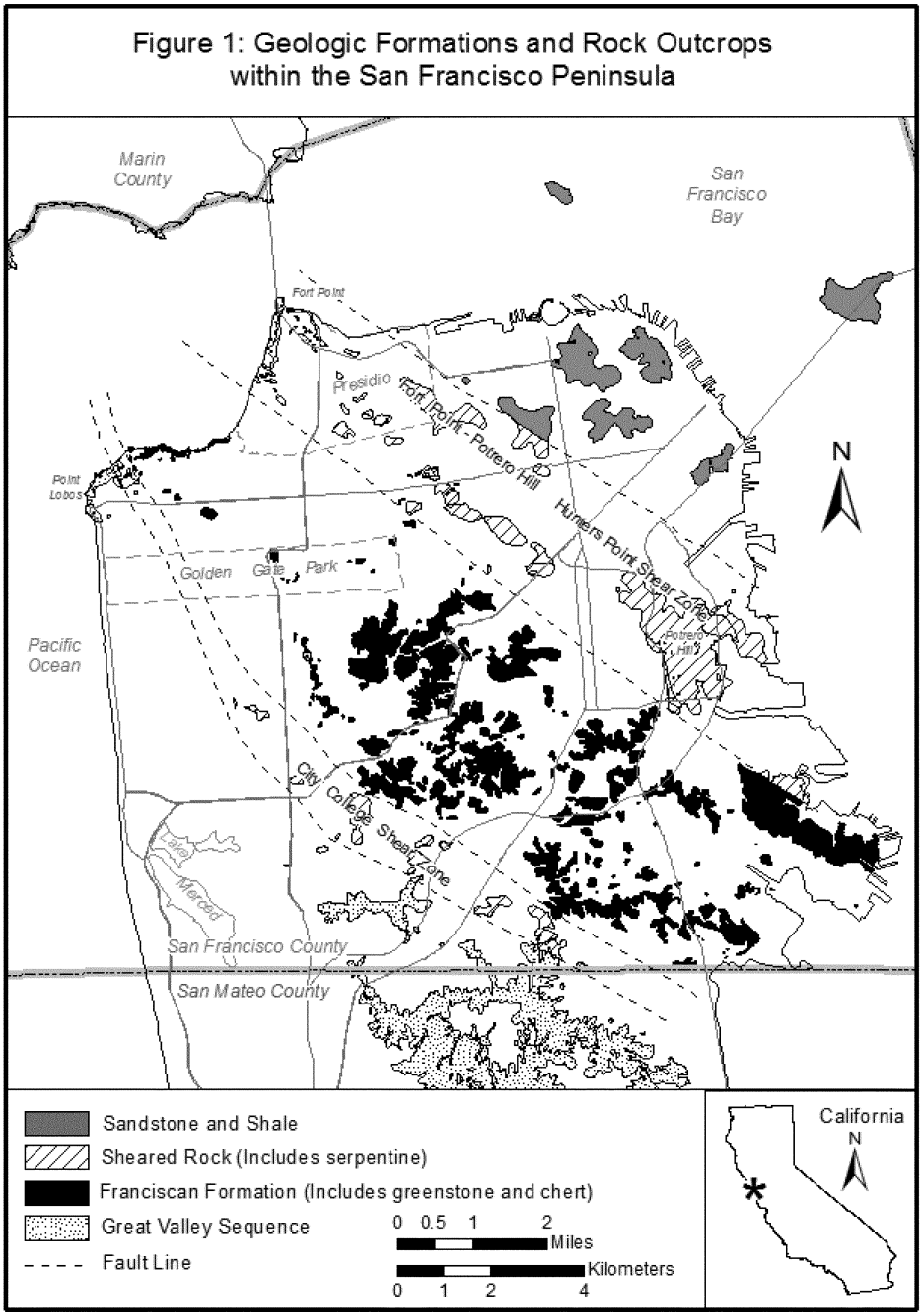
Historically, the 46-mi^2 (119-km^2) tip of the San Francisco peninsula contained a diversity of habitat types including dunes, coastal scrub, maritime chaparral, grasslands, salt and fresh water marsh, oak woodlands, rocky outcrops, and serpentine habitats (Holland 1986, pp. 1–156; Sawyer and Keeler-Wolf 1997, p. 211; National Park Service 1999, pp. 18–26). The vegetation of the area is influenced by coastal wind, moisture, and temperature (Service 1984, pp. 11–16; Chasse *et al.* 2009, p. 4). The maritime chaparral and open grassland plant communities, of which *Arctostaphylos franciscana* is a part, may have been present historically to a greater extent (even before habitat loss through development), but the cumulative effects of periodic burning by native Americans, grazing during the mid-1800s to early 1900s, gathering of firewood during the U.S. military period, and fire suppression actions during the 1900s to the present may have converted many of the areas to nonnative grassland or depauperate coastal scrub (Sweeney 1956, pp. 143–250; Schlocker 1974, pp. 6–7; Christensen and Muller 1975, pp. 29–55; Keeley and Keeley 1987, pp. 240–249; Greenlee and Langenheim 1990, pp. 239–253; Tyler 1996, pp. 2182–2195; Keeley 2005, pp. 285–286; Chasse 2010, p. 2).

The current geographic distribution of *Arctostaphylos franciscana* has been greatly reduced by habitat loss in San Francisco. In 2009, the single remaining wild plant was discovered along the freeway access to the Golden Gate Bridge during construction activities and was transplanted to a natural area within the Presidio of San Francisco (Chasse *et al.* 2009, pp. 3–4, 10–11; Gluesenkamp *et al.* 2010, pp. 10–15). Historic populations of *A. franciscana,* as identified from herbarium records, occurred locally, often with the endangered *A. montana* ssp. *ravenii.* A single individual of *A. montana* ssp. *ravenii* exists in the wild today within the Presidio (44 FR 61910; October 26, 1979). Both manzanitas occurred on or near scattered exposures of bedrock outcrops (Behr 1892, pp. 2–6; Greene 1894, p. 232; Stewart 1918, p. 1; Service 1984, pp. 11–12; McCarten 1993, pp. 4–5).

Most bedrock outcrops of the interior parts of San Francisco are characterized by areas often at ridges with steep topography, thin dry soils, and bare rock, conditions that maintain permanently sparse vegetative cover, at least locally (Service 2003, p. 16). Many persist as undevelopable knobs on the crests of hills up to 281 meters (922 feet) above sea level, or as high, unstable, coastal bluffs subject to frequent landslides. They are composed mostly of serpentine and greenstone or other mafic and ultramafic rocks (Schlocker 1974, pp. 8–16, Plate 3). These serpentine and rocky areas are often harsh and contain unproductive soils with poor nutrient levels and reduced water-holding capacity (Holland 1986, p. 8; Sawyer and Keeler-Wolf 1997, p. 211; Chasse *et al.* 2009, pp. 12–13). McCarten (1993, pp. 4–5) identified some of the rock outcrops within the area as being sparsely vegetated with open barrens that may have historically contained *Arctostaphylos* species such as *A. montana* ssp. *ravenii* and ''*A. hookeri* ssp. *franciscana* [*A. franciscana*].'' He referred to the serpentine areas on the Presidio as ''Decumbent Manzanita Serpentine Scrub'' and stated that the plant community is one of the rarer plant communities in the area. Historically, these areas included plant associations classified as coastal grassland (prairie) and variations of coastal scrub. Historic voucher specimens and observations cited *A. franciscana* occurring with *Quercus agrifolia* (coast live oak), *Ceanothus thyrsiflorus* (coast blue blossom), *Baccharis pilularis* (coyote brush), *Heteromeles arbutifolia* (toyon), *Ericameria* sp. (mock heather), *Eriogonum* sp. (buckwheat), and *Achillea* sp. (yarrow) (Eastwood 1905, pp. 201–202). The bedrock outcrop vegetation in San Francisco is variable today, including elements of remnant native vegetation as well as naturalized nonnative vegetation (National Park Service 1999, pp. 1, 17–18).

Some knowledge of the habitat requirements of *Arctostaphylos franciscana* can be inferred from historic locations and information on voucher specimens. The historic sites were mostly underlain by serpentine or greenstone substrates (Roof 1976, pp. 20–24). Sites which were occupied by *A. franciscana* historically were characterized as bare stony or rocky habitats often along ridges and associated with bedrock outcrops and other areas with thin soils on the San Francisco peninsula (Eastwood 1905, pp. 201–202; Brandegee 1907). Rowntree (1939, p. 121) observed *A. franciscana* ''forming flat masses over serpentine outcroppings and humus-filled gravel and flopping down over the sides of gray and chrome rocks.'' In a study to determine potential restoration sites for *A. montana* ssp. *ravenii,* the general site conditions identified included open exposures with mild slopes of shallow rocky soils with some coastal fog (McCarten 1986, pp. 4–5). These rocky outcrops within the San Francisco peninsula occur in the geologic strata known as the Franciscan formation. The Franciscan formation, which has contributed to the characteristic appearance and distribution of flora on portions of the peninsula, is a result of fault zones occurring in the area. These faults have uplifted and folded various geologic strata and formed the characteristic ''islands'' of rock outcrops and soils associated with *A. franciscana.* The thrust-fault shear zone runs across San Francisco from Potrero Hill in the southeast to the Presidio in the northwest (Schlocker 1974, pp. 1–2). Figure 1, below, identifies bedrock outcrops occurring in the San Francisco Peninsula.

Figure 1. Geologic Formations and Rock Outcrops within the San Francisco Peninsula



Franciscan formation rocks include sandstones, shale, chert, greenstone (mostly basalts), serpentinite, gabbro-diabase, and mixed sheared rocks along fault zones. The outcrops range from erosion-resistant basalt and chert, to serpentine rocks that are hard and dense to soft, friable, and plastic (Schlocker 1974, pp. 56–65). The soils surrounding the rock outcrops are often thin. Serpentine rocks and soils derived from them are particularly low in calcium and high in magnesium and heavy metals, and greatly influence local vegetation. The majority of sites where *A. franciscana* was historically found occurred on serpentine outcrops, except at Mount Davidson, which is comprised of greenstone and mixed Franciscan rocks. The characteristics of serpentine soils or rock outcrops often result in exclusion or growth suppression of many plant species, creating open or barren areas that are not as subject to plant competition for light, moisture, and nutrients, which often causes selection for a narrow range of endemic plant species such as *A. franciscana* (Raven and Axelrod 1978, pp. 24–26; Kruckeberg 1984, pp. 11–17; Service 1984, pp. 11–12; McCarten 1993, pp. 4–5; Service 1998, pp. 1–1, 1–2, 1–10–1–12; Service 2003, pp. 15–16). Therefore, based on the above information, we identify sites with open bedrock associated with serpentine or greenstone outcrops to be an essential physical or biological feature for this species.

Open Habitat

As stated above, *Arctostaphylos franciscana* historically occurred in open or semi-open areas associated with rock outcroppings in coastal scrub or serpentine maritime chaparral. Although *A. franciscana* is considered to be endemic to serpentine soils (Kruckeberg 1984, pp. 11–17; Safford *et al.* 2005, p. 226), its historic occurrence at Mount Davidson on greenstone and at other locations on mixed Franciscan rocks, and its ability to grow at nursery locations (with management), calls into question such a strict edaphic affinity. McCarten (1993, p. 8) stated that the species most likely evolved in these open to semi-open, thin-soiled, nutrient-poor locations due to a response to lack of competition from nearby plants in better soil locations rather than a specific plant-serpentine soil relationship. Being more open, these sites are exposed to direct sun with little shading from nearby vegetation and are often dry. The nutrient-poor soils of these outcroppings also limit the number of other species able to tolerate these locations. Therefore, based on the information above, we identify areas with mostly full to full sun, which are open, barren, or sparse with minimal overstory or understory of vegetation to be an essential physical or biological feature for this species.

Sites Exhibiting Necessary Physical or Biological Requirements

Summer Fog

Summer fog is a climatic condition that characterizes many areas within the San Francisco Bay area, including the Presidio (Schlocker 1974, p. 6; Null 1995, p. 2). Summer fog increases humidity, moderates drought pressure, and provides for milder summer and winter temperature ranges than occur in interior coastal areas. Summer fog is a major influence on the survival and diversity of manzanitas and other vegetation within this zone (Patton 1956, pp. 113–200; McCarten 1986, p. 4; McCarten 1993, p. 2; Service 2003, p. 66; Chasse *et al.* 2009, p. 9; Johnstone and Dawson 2010, p. 5). The cooler temperatures and additional moisture availability during the summer may lessen the harsh site conditions of the thin-soiled, nutrient-poor, rock outcrops (Raven and Axlerod 1978, pp. 1, 25–26; Kruckeberg 1984, pp. 11–17). As a result, we have identified areas influenced by coastal summer fog to be an essential physical or biological feature for *Arctostaphylos franciscana.*

Fungal Mycorrhizae Relationship

Arctostaphylos species form strong symbiotic relationships with over 100 different fungal mycorrhizae species (McCarten 1986, p. 4; Bruns *et al.* 2005, p. 33; Chase *et al.* 2009, p. 12). These fungi are located in the soil and form an ectomycorrhizal sheath around the host plant's roots (Salisbury and Ross 1985, pp. 116–118). The presence of these fungal mycorrhizae is essential for the plant because they assist in water and nutrient absorption (Bruns *et al.* 2002, pp. 352–353). The fungi form a network of connections within the soil to other plants (of the same or other species) and may play a major role in ecosystem sustainability, thereby leading to increased plant germination and vigor (Horton *et al.* 1999, p. 94; Simard and Durall 2004, pp. 1140–1141). As a result, we identify areas with a healthy fungal mycorrhizae component to be an essential physical or biological feature for *A. franciscana.*

Pollinators

Pollinators have been observed on the wild *Arctostaphylos franciscana* plant; however, no surveys have been completed to identify the most important pollinators. The most frequent pollinators seen have been bees and bumblebees. Hummingbirds and butterflies have also been observed visiting the flowers, likely because few other plants are blooming during the winter months when *A. franciscana* blooms (Vasey, pers. comm. 2010).

Two recent studies of bee diversity have been conducted at several sites in the Presidio (Wood *et al.* 2005, entire; Van Den Berg *et al.* 2010, entire). The study conducted in 2004 (Wood *et al.* 2005, entire) established a baseline of species and numbers of bees found at nine sites on the Presidio. The study conducted in 2008 (Van Den Berg *et al.* 2010, entire) resampled three of these sites, which included the site near the wild *A. montana* ssp. *ravenii* plant, and added a new previously unsampled site. Overall, the average bee species richness and abundance at the three previously sample sites were greater in 2004 with 47 species and 1,283 individuals compared to 36 species and 878 individuals in 2008 (Van Den Berg *et al.* 2010, p. 4).

We are also aware of an initial study in which a Presidio staff person monitored the flowering times and abundances of *Arctostaphylos montana* ssp. *ravenii* and *A. franciscana;* and secondly, observed the abundance and diversity of likely pollinators visiting each plant (Gambel 2012, p. 3). The mid-winter to early spring flowering times of the *Arctostaphylos* coincided with bumble bee emergence times. Bee abundance and open flower abundance both spiked in early March. Most of the bumble bees were identified by Dr. Hafernik and Jess Gambel as Vosnesensky bumble bee (*Bombus vosnesenskii*) or black-tailed bumble bee (*Bombus melanopygus*), although other similar species may also have been present (Gambel 2012, p. 17).

In a study on *Arctostaphylos patula* in northern California, 3 solitary bees (Halictidae and Andrenidae), 2 long-tongued bees (Anthophoridae), 1 honey bee (Apidae), and 4 bumble bees (Apidae) were observed pollinating that species (Valenti *et al.* 1997, p. 4), which is in addition to the 27 other hymenopteran species previously documented by species experts (Krombein *et al.* 1979, entire). These pollinators are important as they are able to travel long distances and cross fragmented landscapes to pollinate *A. franciscana.* Conserving habitat where these pollinators nest and forage will sustain an active pollinator community and facilitate mixing of genes within and among plant populations, without which inbreeding and reduced fitness may occur (Widen and Widen 1990, p. 191).

Pollinators also require space for individual and population growth, so adequate habitat should be available for pollinators in addition to the habitat necessary for *Arctostaphylos franciscana* plants.

In this critical habitat rule, we acknowledge that healthy pollinator populations provide conservation value to *Arctostaphylos franciscana.* However, we do not currently include areas for pollinators and their habitats within this designation, because: (1) We have only initial information on likely pollinators and their habitat needs are lacking; and (2) We were not able to quantify the amount of habitat needed for pollinators, given the preliminary nature of information on the specific pollinators of *A. franciscana.*

Habitats Representative of the Historical, Geographical, and Ecological Distribution of the Species

The type locality (the geographical location where a type specimen was originally found) for *Arctostaphylos franciscana* is the former Laurel Hill Cemetery (Eastwood 1905, pp. 201–202), an area south of the Presidio between California Street and Geary Boulevard. Voucher specimens for *A. franciscana* also exist from exposed slopes of Mount Davidson (Roof 1976, pp. 21–24), and reliable observations are recorded from the former Masonic

Cemetery (bounded by Turk Street, Masonic Avenue, Park Avenue, and Fulton Street near Lone Mountain) (Roof 1976, pp. 21–24). Behr (1892, pp. 2–6) observed a possible fourth historic occurrence near the former Protestant Orphan Asylum near Laguna and Haight Streets. All these sites have been lost due to development, except for the Mount Davidson location, which has mostly been altered and converted to nonnative habitat. The ''rediscovery site'' at Doyle Drive near the Golden Gate Bridge has also been lost due to freeway construction (Gluesenkamp *et al.* 2010, pp. 9–10; Park Presidio 2012, pp. 1–2). The lone ''wild'' *A. franciscana* shrub has been transplanted to a site within the Presidio (Gluesenkamp *et al.* 2010, pp. 10–15). Development and habitat alteration from human activities and introduction of nonnative plant species have greatly altered the majority of remaining habitat for the species, although some appropriate habitat for the species still remains within the San Francisco peninsula. As a result, we have identified the species' general range to include only the area within the San Francisco peninsula from the Presidio of San Francisco south to Mount Davidson. Although additional sites outside the San Francisco peninsula, but within the Bay Area, contain appropriate habitat characteristics, these areas are outside the known historic range of the species, and we are not designating these areas as critical habitat at this time.

Primary Constituent Elements for *Arctostaphylos franciscana*

Under the Act and its implementing regulations, we are required to identify the physical and biological features essential to the conservation of *Arctostaphylos franciscana* in areas occupied at the time of listing (i.e., areas that are currently occupied), focusing on the features' primary constituent elements. We consider primary constituent elements (PCEs) to be the elements of physical and biological features that provide for a species' life-history processes and that are essential to the conservation of the species.

With this designation of critical habitat, we intend to identify the physical or biological features essential to the conservation of the species, through the identification of the features' primary constituent elements sufficient to support the life-history processes of the species. Based on our current knowledge of the physical or biological features and habitat characteristics required to sustain the species' life-history processes, we determine that the primary constituent elements specific to self-sustaining *Arctostaphylos franciscana* populations are:

(1) Areas on or near bedrock outcrops often associated with ridges of serpentine or greenstone, mixed Franciscan rocks, or soils derived from these parent materials.

(2) Areas having soils originating from parent materials identified above in PCE 1 that are thin, have limited nutrient content or availability, or have large concentrations of heavy metals.

(3) Areas within a vegetation community consisting of a mosaic of coastal scrub, serpentine maritime chaparral, or serpentine grassland characterized as having a vegetation structure that is open, barren, or sparse with minimal overstory or understory of trees, shrubs, or herbaceous plants, and that contain and exhibit a healthy fungal mycorrhizae component.

(4) Areas that are influenced by summer fog, which limits daily and seasonal temperature ranges, provides moisture to limit drought stress, and increases humidity.

Special Management Considerations or Protection

When designating critical habitat, we assess whether the specific areas within the geographical area occupied by the species at the time of listing contain features which are essential to the conservation of the species and which may require special management considerations or protection. The features essential to the conservation of this species may require special management considerations or protection to reduce the direct and indirect effects associated with the following threats: Habitat loss and degradation from development or human activities; competition from nonnative plants; small population size; and soil compaction, overutilization, disease introduction, or vandalism from visitor use. Please refer to the final listing rule published on September 5, 2012, in the **Federal Register** (77 FR 54434) for a complete description of these threats.

Special management to protect the features essential to the conservation of the species from the effects identified above may include (but are not limited to) actively managing appropriate open space areas, limiting disturbances to and within suitable habitats, and evaluating the need for and potentially conducting restoration or revegetation of areas inhabited by *Arctostaphylos franciscana.*

Criteria Used To Identify Critical Habitat

As required by section 4(b)(1)(A) of the Act, we used the best scientific and commercial data available to designate critical habitat. We review available information pertaining to the habitat requirements of the species. In accordance with the Act and its implementing regulation at 50 CFR 424.12(e), we consider whether designating additional areas—outside those currently occupied as well as those occupied at the time of listing—are necessary to ensure the conservation of the species. We are designating critical habitat in areas within the geographical area occupied by the species at the time of listing in 2012. We also are designating specific areas outside the geographical area occupied by the species at the time of listing, that were historically occupied, but are presently unoccupied, because we have determined that such areas are essential for the conservation of the species.

This section provides details of the criteria and process we used to delineate the critical habitat for *Arctostaphylos franciscana.* The areas designated as critical habitat within this rule are based largely on habitat characteristics identified from the ''rediscovery site'' near Doyle Drive, the currently occupied transplantation site, and historically occupied areas identified in voucher specimens and historical records. We also used the Recovery Plan for Coastal Plants of the Northern San Francisco Peninsula (Service 2003, pp. 1–322); the Final Franciscan Manzanita Conservation Plan (Chasse *et al.* 2009, pp. 1–44); the Raven's Manzanita Recovery Plan (Service 1984, pp. 1–73), which provides habitat characteristics of the historically co-occurring species; and information received from peer reviewers and the public on our proposed listing for *A. franciscana* (76 FR 55623; September 8, 2011). Due to the rapid development of the San Francisco peninsula and limited historical information on plant location and distribution, it is difficult to determine the exact range of the species. Given the amount of remaining habitat available with the appropriate characteristics, we looked at all areas within San Francisco County, California, that met our criteria as potential habitat. Based on this information, we are designating as critical habitat areas within the geographical area currently occupied by *A. franciscana* (which is the same as the geographical area occupied by the species at the time of listing) and

unoccupied areas that are essential for the conservation of the species. See the *Distribution and Habitat* section in the proposed critical habitat rule for more information on the range of the species (77 FR 54517; September 5, 2012).

Although a recovery plan for *Arctostaphylos franciscana* has not been developed, the species is discussed along with the endangered *A. montana* ssp. *ravenii* in the Recovery Plan for Coastal Plants of the Northern San Francisco Peninsula (Service 2003). The recovery plan calls for a three-part strategy in conserving *A. montana* ssp. *ravenii,* as well as additional recommendations for establishment in areas outside the Presidio at historic and other rock outcrop sites in conjunction with *A. franciscana* (Service 2003, pp. 75–77). The strategy includes: (1) Protecting the existing plant and surrounding habitat; (2) increasing the number of independent populations throughout suitable habitat within the Presidio; and (3) restoring the natural ecological interactions of the species with its habitat, including allowing gene flow with *A. franciscana.* As mentioned above, the recovery plan also identifies establishing additional areas within rock outcrops throughout suitable habitat along with populations of *A. franciscana.* We believe that a recovery strategy for *A. franciscana* would have many aspects similar to the recovery plan for *A. montana* ssp. *ravenii* based on the two species being limited to one ''wild'' individual, their co-occurrence in similar habitat within the Presidio and elsewhere at historical locations, and the seeming dependence of *A. montana* ssp. *ravenii* on *A. franciscana* to produce viable seed and maintain gene flow with *A. franciscana* in the absence of more than the single individual or clones of *A. montana* ssp. *ravenii.* In order to accomplish portions of this strategy, we have identified areas we believe are essential to the conservation of *A. franciscana* through the following criteria:

(1) Determine, in accordance with section 3(5)(A)(i) of the Act and regulations at 50 CFR 424.12, the physical or biological habitat features essential to the conservation of the species and which may require special management considerations or protection, as explained in the previous section.

(2) Identify multiple independent sites for *A. franciscana.* These sites should be throughout the historic range of the species (generally on the San Francisco peninsula north of Mount Davidson) within or near rock outcrops of various origins but especially on ridges or slopes within serpentine or greenstone formations along the Franciscan fault zone between Potrero Hills and the Golden Gate (see Figure 1, above).

(3) In accordance with section 2(b) of the Act, select areas which will conserve the ecosystem upon which the species depends. This includes areas that contain the natural ecological interactions of the species with its habitat or areas with additional management that may be enhanced. The conservation of *A. franciscana* is dependent on several factors including, but not limited to, selection of areas of sufficient size and configuration to sustain natural ecosystem components, functions, and processes (such as full sun exposure, summer fog, natural fire and hydrologic regimes, intact mycorrhizal or edaphic interactions); protection of existing substrate continuity and structure; connectivity among groups of plants of this species within geographic proximity to facilitate gene flow among the sites through pollinator activity and seed dispersal; and sufficient adjacent suitable habitat for vegetative reproduction and population expansion.

(4) In selecting areas to designate as critical habitat, consider factors such as size, connectivity to other habitats, and rangewide recovery considerations. We rely upon principles of conservation biology, including: (a) Resistance and resiliency, to ensure sufficient habitat is protected throughout the range of the species to support population viability (e.g., demographic parameters); (b) Redundancy, to ensure multiple viable populations are conserved throughout the species' range; and (c) representation, to ensure the representative genetic and life history of *A. franciscana* are conserved.

Methods

In order to identify the physical or biological features on the ground based on our criteria outlined above, we used the following methods to delineate the critical habitat:

(1) We compiled and reviewed all available information on *Arctostaphylos franciscana* habitat and distribution from historic voucher specimens, literature, and reports;

(2) We also compiled and reviewed all available information on *A. montana* ssp. *ravenii* habitat and distribution from similar sources, as these two species have similar habitat requirements and often occurred together historically;

(3) We reviewed available information on rock outcrops, bedrock, and areas identified as serpentine, greenstone, or of Franciscan formation within the San Francisco peninsula and surrounding areas south of Mount Davidson and north into Marin County to determine the extent of these features on the landscape;

(4) We compiled species occurrence information including historic record locations, the current occupied site within the Presidio, and information on the ''rediscovery site'' near Doyle Drive;

(5) We then compiled all this information into a GIS database using ESRI ArcMap 10.0; and

(6) We screen digitized and mapped the specific areas on which are found those physical or biological features essential to the conservation of the species or other areas determined to be essential for the conservation of the species.

When determining critical habitat boundaries within this final rule, we made every effort to avoid including developed areas such as lands covered by buildings, pavement, and other structures because such lands lack physical or biological features for *Arctostaphylos franciscana.* The scale of the maps we prepared under the parameters for publication within the Code of Federal Regulations may not reflect the exclusion of such developed lands. Any such lands inadvertently left inside critical habitat boundaries shown on the maps for of this final rule have been excluded by text in the rule and are not designated as critical habitat. Therefore, a Federal action involving these lands will not trigger section 7 consultation with respect to critical habitat and the requirement of no adverse modification unless the specific action would affect the physical or biological features in the adjacent critical habitat.

The critical habitat designation is defined by the map or maps, as modified by any accompanying regulatory text, presented at the end of this document in the rule portion. We include more detailed information on the boundaries of the critical habitat designation in the preamble of this document. We will make the coordinates or plot points or both on which each map is based available to the public at *http://www.regulations.gov* at Docket No. FWS–R8–ES–2012–0067, on our Internet site at *http://www.fws.gov/sacramento/,* and at the field office responsible for the designation (see **FOR FURTHER INFORMATION CONTACT**, above).

We are designating as critical habitat lands that we have determined are occupied at the time of listing and contain sufficient physical or biological features to support life-history processes essential for the conservation of the

species, and lands outside of the geographical area occupied at the time of listing that we have determined are essential for the conservation of *Arctostaphylos franciscana.*

Units are designated based on sufficient elements of physical or biological features being present to support *Arctostaphylos franciscana's* life processes. Some units contain all of the identified elements of physical or biological features and support multiple life processes. Some segments contain only some elements of the physical or biological features necessary to support *A. franciscana's* particular use of that habitat.

Final Critical Habitat Designation

We are designating 12 units as critical habitat for *Arctostaphylos franciscana.* The critical habitat areas described below constitute our best assessment at this time of areas that meet the definition of critical habitat. Those 12 units are: (1) Fort Point Unit, (2) Fort Point Rock Unit, (3) World War II Memorial Unit, (4) Immigrant Point Unit, (5) Inspiration Point Unit, (6) Corona Heights Unit, (7) Twin Peaks Unit, (8) Mount Davidson Unit, (9) Diamond Heights Unit, (11) Bayview Park Unit, (12) McLaren Park East Unit, and (13) McLaren Park West Unit. Table 1 shows the occupancy status of each unit. The approximate area of each critical habitat unit is shown in Table 2.

TABLE 1—OCCUPANCY OF ARCTOSTAPHYLOS FRANCISCANA BY DESIGNATED CRITICAL HABITAT UNITS

Unit	Occupied at time of listing?	Currently occupied?
1. Fort Point	No	No.
2. Fort Point Rock.	No	Yes.
3. World War II Memorial.	No	No.
4. Immigrant Point.	No	No.
5. Inspiration Point.	Yes	Yes.
6. Corona Heights.	No	No.
7. Twin Peaks	No	No.
8. Mount Davidson.	No	No.
9. Diamond Heights.	No	No.
11. Bayview Park.	No	No.
12. McLaren Park East.	No	No.
13. McLaren Park West.	No	No.

TABLE 2—DESIGNATED CRITICAL HABITAT UNITS FOR ARCTOSTAPHYLOS FRANCISCANA

[Area estimates reflect all land within critical habitat unit boundaries]

Critical habitat unit	Land ownership by type	Acres (hectares)
1. Fort Point	Federal	7.7 (3.1)
	State	0
	Local	0
	Private	0
2. Fort Point Rock.	Federal	21.6 (8.7)
	State	0
	Local	0
	Private	0
3A. World War II Memorial.	Federal	0.8 (0.3)
	State	0
	Local	0
	Private	0
3B. World War II Memorial.	Federal	1.1 (0.5)
	State	0
	Local	0
	Private	0
4A. Immigrant Point.	Federal	0.4 (0.2)
	State	0
	Local	0
	Private	0
4B. Immigrant Point.	Federal	1.1 (0.4)
	State	0
	Local	0
	Private	0
5A. Inspiration Point.	Federal	11.8 (4.8)
	State	0
	Local	0
	Private	0
5B. Inspiration Point.	Federal	2.1 (0.9)
	State	0
	Local	0
	Private	0
6. Corona Heights.	Federal	0
	State	0
	Local	5.2 (2.1)
	Private	0
7. Twin Peaks	Federal	0
	State	0
	Local	42.2 (17.1)
	Private	1.6 (0.6)
8. Mount Davidson.	Federal	0
	State	0
	Local	6.5 (2.6)
	Private	0.6 (0.3)
9A. Diamond Heights.	Federal	0 (0)
	State	0 (0)
	Local	19.1 (7.7)
	Private	0
9B. Diamond Heights.	Federal	0 (0)
	State	0 (0)
	Local	3.9 (1.6)
	Private	0 (0)
9C. Diamond Heights.	Federal	0 (0)
	State	0 (0)
	Local	10.5 (4.3)
	Private	0.8 (0.3)
11. Bayview Park.	Federal	0
	State	0
	Local	34.7 (14.0)
	Private	7.8 (3.1)
12A. McLaren Park East.	Federal	0 (0)
	State	0 (0)
	Local	13.4 (5.4)
	Private	0 (0)
12B. McLaren Park East.	Federal	0 (0)
	State	0 (0)
	Local	11.6 (4.7)
	Private	0 (0)
13. McLaren Park West.	Federal	0 (0)
	State	0 (0)
	Local	25.7 (10.4)
	Private	*0 (0)
Total	Federal	46.6 (18.9)
	State	0
	Local	172.8 (69.9)
	Private	10.8 (4.3)
	Total	230.2 (93.1)

Note: Area sizes may not sum due to rounding.

*Acreages are carried out to one decimal place to show small units. Areas less than 0.1 ac (0.04 ha) are denoted as 0.

We present brief descriptions of the designated critical habitat units for *Arctostaphylos franciscana* and the reasons why they meet the definition of critical habitat, below. Acreage or hectare totals may not sum due to rounding.

Unit 1: Fort Point

Unit 1 consists of 7.7 ac (3.1 ha) and is located within the Presidio east of the Golden Gate Bridge and north of Doyle Dr. along Long Ave. and Marine Dr. This unit is currently unoccupied. The unit is within an area that experiences summer fog, and contains serpentine and Franciscan Complex bedrock outcrops, soils derived from these formations, and native maritime chaparral habitat. The unit represents one of the northern-most areas identified for the species. We have determined that the area is essential for the conservation of the species, because it provides one of multiple independent sites for *Arctostaphylos franciscana* and contains some of the last remaining appropriate habitat within the area.

Unit 2: Fort Point Rock

Unit 2 consists of 21.6 ac (8.7 ha) and is located within the Presidio west of the Golden Gate Bridge and west of Lincoln Blvd. The unit extends from the Toll Plaza south to Kobbe Ave. This unit is currently occupied, although it was not occupied at the time of listing. The unit is within an area that experiences summer fog, and contains serpentine and Franciscan Complex bedrock outcrops, soils derived from these formations, and native maritime chaparral habitat along the coastal

bluffs. The unit represents one of the northern-most areas identified for the species. We have determined that the area is essential for the conservation of the species, because it provides one of multiple independent sites for *Arctostaphylos franciscana* and contains some of the last remaining appropriate habitat within the area.

Unit 3: World War II Memorial

Unit 3 consists of a total of 1.9 ac (0.8 ha). The unit is located within the Presidio at the intersection of Lincoln Blvd. and Kobbe Ave. The unit is comprised of two subunits. Subunit 3A (0.8 ac (0.3 ha)) is located west of Lincoln Blvd., and subunit 3B (1.1 ac (0.5 ha)) is located east of Lincoln Blvd. This unit is currently unoccupied. The unit is along the coastal bluffs within an area that experiences summer fog, and contains serpentine and Franciscan Complex bedrock outcrops, soils derived from these formations, and native maritime chaparral habitat. We have determined that the area is essential for the conservation of the species, because it provides for one of multiple independent sites for *Arctostaphylos franciscana* and contains some of the last remaining appropriate habitat within the area.

Unit 4: Immigrant Point

Unit 4 consists of a total of 1.5 ac (0.6 ha). The unit is located within the Presidio along Washington Blvd. east of Lincoln Blvd. and north of Compton Rd. The unit is comprised of two subunits. Subunit 4A (0.4 ac (0.2 ha)) is located west of Washington Blvd., and subunit 4B (1.1 ac (0.4 ha)) is located east of Washington Blvd. This unit is currently unoccupied. The unit is located along the coastal bluffs within an area that experiences summer fog, and contains serpentine and Franciscan Complex bedrock outcrops, soils derived from these formations, and native maritime chaparral habitat. We have determined that the area is essential for the conservation of the species, because it provides for one of multiple independent sites for *Arctostaphylos franciscana* and contains some of the last remaining appropriate habitat within the area.

Unit 5: Inspiration Point

Unit 5 consists of a total of 13.9 ac (5.7 ha). The unit is within the Presidio and is located north of Pacific Ave. and east of Arguello Blvd. The unit is comprised of two subunits, which are adjacent to each other. Subunit 5A (11.8 ac (4.8 ha)) and subunit 5B (2.1 ac (0.9 ha)) are located east of Arguello Blvd., but the two areas are separated by an access road. This unit is currently occupied and was occupied at the time of listing. The unit contains the physical or biological features essential to the conservation of the species. The unit is within an area that experiences summer fog, and is located on sloping terrain containing serpentine and Franciscan Complex bedrock outcrops, soils derived from these formations, and native maritime chaparral habitat.

The physical and biological features essential to the conservation of the species in this unit may require special management considerations or protection to address threats from habitat loss, degradation, or alteration due to development or other human activities; competition from nonnative plants; small population size and curtailment of the species' range; and various other human-induced factors such as soil compaction, potential overutilization, disease, or vandalism from visitor use. Please see the *Special Management Considerations or Protection* section of this final rule for a discussion of the threats to *Arctostaphylos franciscana* habitat and potential management considerations.

Unit 6: Corona Heights

Unit 6 consists of 5.2 ac (2.1 ha) and is located northwest of Castro and 17th Streets adjacent to Roosevelt and Museum Way. This unit is currently unoccupied. The unit is within an area that experiences summer fog, and is located on sloping terrain that contains Franciscan Complex (greenstone) bedrock outcrops of chert or volcanic materials, soils derived from these formations, and open grassland habitat. The unit represents one of several areas identified for the species within the Mount Davidson area. The units in this area would assist in establishing populations of *Arctostaphylos franciscana* outside the Presidio. As a result, we have determined that the area is essential for the conservation of the species, because it provides for one of multiple independent sites for *A. franciscana* and contains some of the last remaining appropriate habitat within the area.

Unit 7: Twin Peaks

Unit 7 consists of 43.8 ac (17.7 ha) along the hilltop of Twin Peaks along Twin Peaks Blvd. west of Market St. This unit is currently unoccupied. The unit is within an area that experiences summer fog; is located on sloping terrain; and contains Franciscan Complex (greenstone) bedrock outcrops of chert or volcanic materials, soils derived from these formations, and open grassland habitat. The unit represents one of several areas identified for the species within the Mount Davidson area. The units in this area would assist in establishing populations of *Arctostaphylos franciscana* outside the Presidio. As a result, we have determined that the area is essential for the conservation of the species, because it provides for one of multiple independent sites for *A. franciscana* and contains some of the last remaining appropriate habitat within the area.

Unit 8: Mount Davidson

Unit 8 consists of 7.1 ac (2.9 ha) and is located on the eastern slope of Mount Davidson near Myra Way and Molimo Dr. This unit is currently unoccupied. The unit is within an area that experiences summer fog, and is located on sloping terrain containing Franciscan Complex (greenstone) bedrock outcrops of chert and sedimentary materials, soils derived from these formations, and open grassland habitat. Mount Davidson is the only known site still remaining that was previously occupied by the species. The reestablishment of populations of *Arctostaphylos franciscana* at this and surrounding units would assist in establishing multiple populations of *A. franciscana* outside the Presidio. As a result, we have determined that the area is essential for the conservation of the species, because it provides for one of multiple independent sites for *A. franciscana* and contains the last remaining historic occurrence for the species.

Unit 9: Diamond Heights

Unit 9 consists of a total of 34.3 ac (13.9 ha) and is located near Diamond Heights Blvd. south of Turquoise Way, and O'Shaughnessy Blvd. This unit is comprised of three subunits. Subunit 9A (19.1 ac (7.7 ha)) is located near Diamond Heights Blvd. south of Turquoise Way. Subunit 9B (3.9 ac (1.6 ha)) is located east of O'Shaughnessy Blvd., and subunit 9C (11.3 ac (4.6 ha)) is located west of O'Shaughnessy Blvd. Unit 9 is currently unoccupied. The unit is within an area that experiences summer fog; is located on sloping terrain; and contains Franciscan Complex (greenstone) bedrock outcrops of chert, volcanic, and sedimentary materials, as well as soils derived from these formations and open grassland habitat. The unit represents one of several areas identified for the species within the Mount Davidson area. Mount Davidson is the only site still remaining that was known to be previously occupied by the species. The units in this area would assist in establishing populations of *Arctostaphylos franciscana* outside the Presidio. The

additional subunits provide additional rock outcrop areas within the matrix of natural land. As a result, we have determined that the area is essential for the conservation of the species, because it provides for one of multiple independent sites for *A. franciscana* and contains some of the last remaining appropriate habitat within the area.

Unit 10: Bernal Heights

We have determined that the area we proposed at Bernal Heights (14.9 ac (6.0 ha)), which is not occupied at the time of listing, is highly degraded and does not meet our criteria for designating areas as critical habitat. As a result, we have determined that this unit is not essential for the conservation of the species, and we are not including Unit 10 in the critical habitat designation.

Unit 11: Bayview Park

Unit 11 consists of 42.5 ac (17.1 ha) and is located at Bayview Park west of Candlestick Park and east of U.S. Highway 101. This unit is currently unoccupied. This unit is considered outside the range of the species but still within the same Franciscan fault zone as historic populations. The unit is within an area that experiences summer fog; is located on sloping terrain; and contains Franciscan Complex (greenstone) bedrock outcrops of chert, volcanic, and sedimentary materials, as well as soils derived from these formations and open grassland habitat. The unit represents one site identified for the species outside the Presidio and Mount Davidson area. Due to the rapid development of the San Francisco peninsula and limited historical information on plant location and distribution, it is difficult to determine the exact range of the species. Given the amount of remaining habitat available with the appropriate characteristics, we looked at all areas within San Francisco that met our criteria as potential habitat. Including this unit would assist in establishing an additional population of *Arctostaphylos franciscana* outside the Presidio and Mount Davidson areas. As a result, we have determined that the area is essential for the conservation of the species, because it provides for one of multiple independent sites for *A. franciscana* and contains some of the last remaining appropriate habitat for the species within the area.

Unit 12: McLaren Park East

Unit 12 consists of a total of 25.0 ac (10.1 ha) and is located at McLaren Park south of Mansell St. near Visitacion Ave. This unit is comprised of two subunits. Subunit 12A (13.4 ac (5.4 ha)) is located south of Mansell St. and west of Visitacion Ave. Subunit 12B (11.6 ac (4.7 ha)) is located south of Mansell St. and east of Visitacion Ave. This unit is currently unoccupied. The unit is within an area that experiences summer fog and is located on sloping terrain. It contains Franciscan Complex (greenstone) bedrock and serpentine outcrops, soils derived from these formations, and open grassland habitat. This unit will assist in establishing an additional population of *Arctostaphylos franciscana* outside the Presidio and Mount Davidson areas. This unit and Unit 13 (McLaren Park West) are located roughly midway between the remaining appropriate habitat at Diamond Heights and Bayview Park and thereby provide increased connectivity between these units. As a result, we have determined that the area is essential for the conservation of the species, because it provides for one of multiple independent sites for *A. franciscana,* contains some of the last remaining appropriate habitat within the area, and provides connectivity between Unit 9 (Diamond Heights) and Unit 11 (Bayview Park).

Unit 13: McLaren Park West

Unit 13 consists of 25.7 ac (10.4 ha) and is located at McLaren Park between Geneva Ave. and Sunnydale Ave. This unit is currently unoccupied. The unit is within an area that experiences summer fog; is located on sloping terrain; and contains Franciscan Complex (greenstone) bedrock outcrops of volcanic materials, soils derived from these formations, and open grassland habitat. This unit will assist in establishing additional populations of *Arctostaphylos franciscana* outside the Presidio and Mount Davidson areas. This unit and Unit 12 (McLaren Park East) are located roughly midway between remaining appropriate habitat at Diamond Heights and Bayview Park. As a result, we have determined that the area is essential for the conservation of the species, because it provides for one of multiple independent sites for *A. franciscana,* contains some of the last remaining appropriate habitat within the area, and provides connectivity between Unit 9 (Diamond Heights) and Unit 11 (Bayview Park).

Effects of Critical Habitat Designation

Section 7 Consultation

Section 7(a)(2) of the Act requires Federal agencies, including the Service, to ensure that any action they fund, authorize, or carry out is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of designated critical habitat of such species. In addition, section 7(a)(4) of the Act requires Federal agencies to confer with the Service on any agency action which is likely to jeopardize the continued existence of any species proposed to be listed under the Act or result in the destruction or adverse modification of proposed critical habitat.

Decisions by the 5th and 9th Circuit Courts of Appeals have invalidated our regulatory definition of ''destruction or adverse modification'' (50 CFR 402.02) (see *Gifford Pinchot Task Force* v. *U.S. Fish and Wildlife Service,* 378 F. 3d 1059 (9th Cir. 2004) and *Sierra Club* v. *U.S. Fish and Wildlife Service et al.,* 245 F.3d 434, 442 (5th Cir. 2001)), and we do not rely on this regulatory definition when analyzing whether an action is likely to destroy or adversely modify critical habitat. Under the statutory provisions of the Act, we determine destruction or adverse modification on the basis of whether, with implementation of the proposed Federal action, the affected critical habitat would continue to serve its intended conservation role for the species.

If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency (action agency) must enter into consultation with us. Examples of actions that are subject to the section 7 consultation process are actions on Federal, State, tribal, local, or private lands that require a Federal permit (such as a permit from the U.S. Army Corps of Engineers under section 404 of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or a permit from the Service under section 10 of the Act) or that involve some other Federal action (such as funding from the Federal Highway Administration, Federal Aviation Administration, or the Federal Emergency Management Agency). Federal actions not affecting listed species or critical habitat, and actions on State, tribal, local, or private lands that are not federally funded or authorized, do not require section 7 consultation.

As a result of section 7 consultation, we document compliance with the requirements of section 7(a)(2) through our issuance of:

(1) A concurrence letter for Federal actions that may affect, but are not likely to adversely affect, listed species or critical habitat; or

(2) A biological opinion for Federal actions that may affect and are likely to adversely affect, listed species or critical habitat.

When we issue a biological opinion concluding that a project is likely to jeopardize the continued existence of a

listed species and/or destroy or adversely modify critical habitat, we provide reasonable and prudent alternatives to the project, if any are identifiable, that would avoid the likelihood of jeopardy and/or destruction or adverse modification of critical habitat. We define ''reasonable and prudent alternatives'' (at 50 CFR 402.02) as alternative actions identified during consultation that:

(1) Can be implemented in a manner consistent with the intended purpose of the action,

(2) Can be implemented consistent with the scope of the Federal agency's legal authority and jurisdiction,

(3) Are economically and technologically feasible, and

(4) Would, in the Director's opinion, avoid the likelihood of jeopardizing the continued existence of the listed species and/or avoid the likelihood of destroying or adversely modifying critical habitat.

Reasonable and prudent alternatives can vary from slight project modifications to extensive redesign or relocation of the project. Costs associated with implementing a reasonable and prudent alternative are similarly variable.

Regulations at 50 CFR 402.16 require Federal agencies to reinitiate consultation on previously reviewed actions in instances where we have listed a new species or subsequently designated critical habitat that may be affected and the Federal agency has retained discretionary involvement or control over the action (or the agency's discretionary involvement or control is authorized by law). Consequently, Federal agencies sometimes may need to request reinitiation of consultation with us on actions for which formal consultation has been completed, if those actions with discretionary involvement or control may affect subsequently listed species or designated critical habitat.

Application of the ''Adverse Modification'' Standard

The key factor related to the adverse modification determination is whether, with implementation of the proposed Federal action, the affected critical habitat would continue to serve its intended conservation role for the species. Activities that may destroy or adversely modify critical habitat are those that alter the physical or biological features to an extent that appreciably reduces the conservation value of critical habitat for *Arctostaphylos franciscana.* As discussed above, the role of critical habitat is to support life-history needs of the species and provide for the conservation of the species.

Section 4(b)(8) of the Act requires us to briefly evaluate and describe, in any proposed or final regulation that designates critical habitat, activities involving a Federal action that may destroy or adversely modify such habitat, or that may be affected by such designation.

Activities that may affect critical habitat, when carried out, funded, or authorized by a Federal agency, should result in consultation for *Arctostaphylos franciscana.* These activities include, but are not limited to:

(1) Actions that result in ground disturbance. Such activities could include (but are not limited to) residential or commercial development, off-highway vehicle activity, pipeline construction, new road construction or widening, and existing road maintenance. These activities potentially impact the habitat and PCEs of *A. franciscana* by damaging, disturbing, and altering soil composition through direct impacts, increased erosion, and increased nutrient content from nitrogen deposition in urban areas (primarily from cars and trucks). Additionally, changes in soil composition may lead to changes in the vegetation composition, thereby changing the overall habitat type. Actions that result in ground disturbance may also have a high risk for introducing soilborne *Phytophthora* spp., especially through the movement of infested soil brought in as fill or on vehicle tires.

(2) Actions that result in alteration of the hydrological regimes typically associated with *A. franciscana* habitat. Such activities could include residential or commercial development, which may increase summer watering. These activities could alter natural plant populations adapted to summer drought, disrupt mycorrhizal interactions, increase disease, and promote establishment of nonnative vegetation.

(3) Actions that increase nutrient deposition to the point at which nutrient-loving plants not adapted to serpentine or rocky outcrops become established and compete with *A. franciscana* and adjacent vegetation communities. Such activities could include (but are not limited to) use of chemical fertilizers within the areas, increased nitrogen deposition from atmospheric sources (vehicles, industry), and unauthorized dumping.

(4) Actions that increase the likelihood of spread of disease from *Phytophthora* spp. such activities include (but are not limited to) the planting of *Phytophthora*-infested plant material on or adjacent to critical habitat. This may include landscaping installed beyond critical habitat units, especially uphill, or nursery stock plantings within the critical habitat (potentially including *A. franciscana* seedlings used for restoration plantings).

Exemptions

Application of Section 4(a)(3) of the Act

The Sikes Act Improvement Act of 1997 (Sikes Act) (16 U.S.C. 670a) required each military installation that includes land and water suitable for the conservation and management of natural resources to complete an integrated natural resources management plan (INRMP) by November 17, 2001. An INRMP integrates implementation of the military mission of the installation with stewardship of the natural resources found on the base. Each INRMP includes:

(1) An assessment of the ecological needs on the installation, including the need to provide for the conservation of listed species;

(2) A statement of goals and priorities;

(3) A detailed description of management actions to be implemented to provide for these ecological needs; and

(4) A monitoring and adaptive management plan.

Among other things, each INRMP must, to the extent appropriate and applicable, provide for fish and wildlife management; fish and wildlife habitat enhancement or modification; wetland protection, enhancement, and restoration where necessary to support fish and wildlife; and enforcement of applicable natural resource laws.

The National Defense Authorization Act for Fiscal Year 2004 (Pub. L. 108–136) amended the Act to limit areas eligible for designation as critical habitat. Specifically, section 4(a)(3)(B)(i) of the Act (16 U.S.C. 1533(a)(3)(B)(i)) now provides: ''The Secretary shall not designate as critical habitat any lands or other geographical areas owned or controlled by the Department of Defense, or designated for its use, that are subject to an integrated natural resources management plan prepared under section 101 of the Sikes Act (16 U.S.C. 670a), if the Secretary determines in writing that such plan provides a benefit to the species for which critical habitat is proposed for designation.''

There are no Department of Defense lands with a completed INRMP within the critical habitat designation for *Arctostaphylos franciscana.* Therefore, we are not exempting lands from this

final designation of critical habitat for *Arctostaphylos franciscana* pursuant to section 4(a)(3)(B)(i) of the Act.

Exclusions

Application of Section 4(b)(2) of the Act

Section 4(b)(2) of the Act states that the Secretary shall designate and make revisions to critical habitat on the basis of the best available scientific data after taking into consideration the economic impact, national security impact, and any other relevant impact of specifying any particular area as critical habitat. The Secretary may exclude an area from critical habitat if he determines that the benefits of such exclusion outweigh the benefits of specifying such area as part of the critical habitat, unless he determines, based on the best scientific data available, that the failure to designate such area as critical habitat will result in the extinction of the species. The statute on its face, as well as the legislative history, are clear that the Secretary has broad discretion regarding which factor(s) to use and how much weight to give to any factor in making that determination.

Under section 4(b)(2) of the Act, the Secretary may exclude an area from designated critical habitat based on economic impacts, impacts on national security, or any other relevant impacts. In considering whether to exclude a particular area from the designation, we identify the benefits of including the area in the designation, identify the benefits of excluding the area from the designation, and evaluate whether the benefits of exclusion outweigh the benefits of inclusion. If the analysis indicates that the benefits of exclusion outweigh the benefits of inclusion, the Secretary may exercise his discretion to exclude the area only if such exclusion would not result in the extinction of the species.

Exclusions Based on Economic Impacts

Under section 4(b)(2) of the Act, we consider the economic impacts of specifying any particular area as critical habitat. In order to consider economic impacts, we prepared DEA of the proposed critical habitat designation and related factors (RTI International 2013a). The DEA, dated March 2013, was made available for public review from June 28, 2013, through July 29, 2013 (78 FR 38897). Following the close of the comment period, a FEA (November 2013) of the potential economic effects of the designation was developed, taking into consideration the public comments and any new information (RTI International 2013b).

The intent of the FEA is to quantify the economic impacts of all potential conservation efforts for *Arctostaphylos franciscana;* some of these costs will likely be incurred regardless of whether we designate critical habitat (baseline). The economic impact of the final critical habitat designation is analyzed by comparing scenarios both ''with critical habitat'' and ''without critical habitat.'' The ''without critical habitat'' scenario represents the baseline for the analysis, considering protections already in place for the species (e.g., under the Federal listing and other Federal, State, and local regulations). The baseline, therefore, represents the costs incurred regardless of whether or not critical habitat is designated. The ''with critical habitat'' scenario describes the incremental impacts associated specifically with the designation of critical habitat for the species. The incremental impacts and associated conservation efforts are those not expected to occur absent the designation of critical habitat for the species. In other words, the incremental costs are those attributable solely to the designation of critical habitat above and beyond the baseline costs; these are the costs we consider in the final designation of critical habitat. The analysis looks retrospectively at baseline impacts incurred since the species was listed, and forecasts both baseline and incremental impacts likely to occur with the designation of critical habitat.

The FEA also addresses how potential economic impacts are likely to be distributed, including an assessment of any local or regional impacts of habitat conservation and the potential effects of conservation activities on government agencies, private businesses, and individuals. The FEA measures lost economic efficiency associated with residential and commercial development and public projects and activities, such as economic impacts on water management and transportation projects, Federal lands, small entities, and the energy industry. Decision-makers can use this information to assess whether the effects of the designation might unduly burden a particular group or economic sector. Finally, the FEA looks retrospectively at costs that have been incurred since 2012 (year of the species' listing) (77 FR 54434), and considers those costs that may occur in the 20 years following the designation of critical habitat, which was determined to be the appropriate period for analysis because limited planning information was available for most activities to forecast activity levels for projects beyond a 20-year timeframe. The FEA quantifies economic impacts of *Arctostaphylos franciscana* conservation efforts associated with the following categories of activity: National Park and Presidio Trust management and habitat restoration activities; road maintenance and construction; broadcast facility maintenance and construction; trail maintenance; and species reintroduction.

The FEA estimates the total incremental impacts over the next 20 years (2013 to 2032) to activities in areas designated as critical habitat to be approximately $19,617 ($981 annualized) in present-value terms applying a 7 percent discount rate (RTI International 2013b, p. ES–2); the total undiscounted incremental costs are approximately $31,435. The primary incremental economic impacts are administrative costs associated with section 7 consultations with the National Park Service (NPS) and the Presidio Trust on their activities within the three relevant unoccupied critical habitat units (Units 1, 3, and 4).

Administrative costs associated with section 7 consultations on a variety of NPS and Presidio Trust activities (including NPS and Presidio Trust management plans, soil remediation, and unspecified activities) on Federal lands in unoccupied critical habitat Units 1, 3, and 4 account for most of the forecast incremental impacts (RTI International 2013b, ES–3). The largest incremental economic impacts are associated with informal section 7 consultations with NPS and the Presidio Trust for unspecified activities within Units 1–5; these unspecified consultations are expected to total $24,248 (undiscounted) over the 20-year period distributed evenly among all designated units within the Presidio. Section 7 consultations with NPS and the Presidio Trust for soil remediation activities within Unit 1 are expected to total $4,041 over the 20-year period (all soil remediation activities are anticipated to occur within the first year and, therefore, are not discounted).

Federally funded trail maintenance on SFRPD lands within unoccupied critical habitat Units 12 and 13 was conservatively included in the analysis due to the potential that SFRPD might apply within the next 20 years for Federal grant money to update trails in these units (RTI International 2013b, p. 3–7). These consultation costs are expected to total $2,690 (undiscounted) over the next 20 years distributed evenly between the two units. The SFRPD is estimated to incur undiscounted costs of approximately $641 from these consultations.

The smallest incremental economic impact is associated with the reinitiation of section 7 consultation with NPS and the Presidio Trust for their management plans within critical habitat Units 1 through 5. This consultation is expected to total $114 over the 20-year period, and is distributed evenly among the five units (the reinitiation of consultation on the NPS and Presidio Trust management plans is anticipated to occur within the first year and, therefore, is not discounted).

With regard to other activities on non-Federal lands, the potential for Federal nexus is very low. Therefore, no consultations were estimated for miscellaneous activities on non-Federal land within Units 6–9 and 11. Thus, there are no anticipated incremental economic impacts associated with the designation of critical habitat within Units 6–9 and 11. The only other consultations that may be anticipated on non-Federal lands include reintroduction of *A. franciscana* into areas where other endangered species, such as the mission blue butterfly, are present. Reintroduction consultations are likely to be intra-Service, and costs are likely to be minimal and administrative in nature. Furthermore, the costs would be considered baseline costs.

Regarding road maintenance and construction, the California Department of Transportation indicated in personal communication that any projects on the roads adjacent to the units would not likely affect *A. franciscana* or its critical habitat; additionally, no projects are anticipated (RTI International 2013b, pp. 3–1, 3–6). Similarly, no maintenance and construction projects related to radio and broadcast towers are expected to affect designated critical habitat (RTI International 2013b, pp. 3–1, 3–6).

Our economic analysis did not identify any disproportionate costs that are likely to result from the designation. Consequently, the Secretary is not exerting her discretion to exclude any areas from this designation of critical habitat for *Arctostaphylos franciscana* based on economic impacts.

A copy of the FEA with supporting documents may be obtained by contacting the Sacramento Fish and Wildlife Office (see **ADDRESSES**) or by downloading from the Internet at *http://www.regulations.gov* under Docket No. FWS–R8–ES–2012–0067.

Exclusions Based on National Security Impacts

Under section 4(b)(2) of the Act, we consider the impact on national security of specifying any particular area as critical habitat. In preparing this final rule, we have determined that the lands within the designation of critical habitat for *Arctostaphylos franciscana* are not owned or managed by the Department of Defense or Department of Homeland Security, and, therefore, we anticipate no impact on national security. Consequently, the Secretary is not exerting her discretion to exclude any areas from this final designation based on impacts on national security.

Exclusions Based on Other Relevant Impacts

Under section 4(b)(2) of the Act, we consider any other relevant impacts, in addition to economic impacts and impacts on national security. We consider a number of factors including whether the landowners have developed any HCPs or other management plans for the area, or whether there are conservation partnerships that would be encouraged by designation of, or exclusion from, critical habitat. In addition, we look at any tribal issues, and consider the government-to-government relationship of the United States with tribal entities. We also consider any social impacts that might occur because of the designation.

We reviewed the Presidio Trust Management Plan and the Vegetation Management Plan (Presidio Trust 2002, entire; GGNRA and Presidio Trust 2002, entire). Neither of these documents included *Arctostaphylos franciscana* as a managed species or management actions for serpentine chaparral. We also reviewed the conservation plan for *A. franciscana* (Chasse *et al.* 2009, entire). This document provides information on the transplantation of the mother plant and propagation of cuttings, but it did not provide information on the physical features or the protection of habitat. The memorandum of agreement mentions that the agencies agree to collaborate on and implement the terms of the conservation plan and any necessary adaptive management changes to the conservation plan as the primary mechanism to promote the survival of *A. franciscana* (Caltrans *et al.* 2009, entire).

In preparing this final rule, we also examined the Presidio Environmental Remediation Program (Presidio Trust 2012); the Presidio Trails and Bikeways Master Plan (NPS and Presidio Trust 2003, entire); the Final Environmental Impact Statement/Fire Management Plan Golden Gate National Recreation Area (GGNRA 2006, entire); and the Significant Natural Resource Areas Management Plan Environmental Impact Report (SNRAMP) (SFRPD 2006; San Francisco Planning Department 2011). We do not think they are appropriate for a basis for exclusion for the following reasons:

(1) The Presidio Trust Environmental Remediation Program cleans up waste sites from when the Presidio of San Francisco was a U.S. Army post. The environmental documents do not include *Arctostaphylos franciscana* (Presidio Trust 2012).

(2) The Presidio Trails and Bikeways Master Plan (NPS and Presidio Trust 2003) does not include *Arctostaphylos franciscana* as a managed species. It also does not provide for the conservation of the species.

(3) The Final Environmental Impact Statement/Fire Management Plan Golden Gate National Recreation Area (GGNRA 2006) does not include *Arctostaphylos franciscana* as a managed species. It also does not provide site-specificity for the conservation of the species.

(4) The SFRPD's Significant Natural Resource Areas Management Plan Environmental Impact Report has not been finalized. Although the SNRAMP (SFRPD 2006) discusses the reintroduction of *Arctostaphylos franciscana* to Mount Davidson, the Draft Environmental Impact Report (EIR) for the Significant Natural Resource Areas Management Plan Project does not include *Arctostaphylos franciscana* as a managed species (San Francisco Planning Department 2011).

We have determined that there are currently no habitat conservation plans for *Arctostaphylos franciscana* and the final designation does not include any tribal lands or trust resources. We anticipate no impact on tribal lands, partnerships, or HCPs from this critical habitat designation. As noted in the response to comments by the Presidio Trust, GGNRA, and SFRPD, we do not expect critical habitat designation to negatively affect management of Presidio lands for other listed species, nor do we expect designation to negatively impact management of SFPRD lands under the SNAMP. Accordingly, the Secretary is not exercising her discretion to exclude any areas from this final designation based on other relevant impacts.

Required Determinations

Regulatory Planning and Review (Executive Orders 12866 and 13563)

Executive Order 12866 provides that the Office of Information and Regulatory Affairs (OIRA) will review all significant rules. The Office of Information and

Regulatory Affairs has determined that this rule is not significant.

Executive Order 13563 reaffirms the principles of E.O. 12866 while calling for improvements in the Nation's regulatory system to promote predictability, to reduce uncertainty, and to use the best, most innovative, and least burdensome tools for achieving regulatory ends. The executive order directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements.

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

Under the Regulatory Flexibility Act (RFA; 5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996 (5 U.S.C. 801 *et seq.*), whenever an agency must publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the effects of the rule on small entities (small businesses, small organizations, and small government jurisdictions). However, no regulatory flexibility analysis is required if the head of an agency certifies the rule will not have a significant economic impact on a substantial number of small entities. The SBREFA amended the RFA to require Federal agencies to provide a certification statement of the factual basis for certifying that the rule will not have a significant economic impact on a substantial number of small entities. In this final rule, we are certifying that the critical habitat designation for *Arctostaphylos franciscana* will not have a significant economic impact on a substantial number of small entities. The following discussion explains our rationale.

According to the Small Business Administration, small entities include small organizations, such as independent nonprofit organizations; small governmental jurisdictions, including school boards and city and town governments that serve fewer than 50,000 residents; as well as small businesses (13 CFR 121.201). Small businesses include manufacturing and mining concerns with fewer than 500 employees, wholesale trade entities with fewer than 100 employees, retail and service businesses with less than $5 million in annual sales, general and heavy construction businesses with less than $27.5 million in annual business, special trade contractors doing less than $11.5 million in annual business, and agricultural businesses with annual sales less than $750,000. To determine if potential economic impacts on these small entities are significant, we consider the types of activities that might trigger regulatory impacts under this rule, as well as the types of project modifications that may result. In general, the term ''significant economic impact'' is meant to apply to a typical small business firm's business operations.

Importantly, the incremental impacts of a rule must be *both* significant and substantial to prevent certification of the rule under the RFA and to require the preparation of an initial regulatory flexibility analysis. If a substantial number of small entities are affected by the critical habitat designation, but the per-entity economic impact is not significant, the Service may certify. Likewise, if the per-entity economic impact is likely to be significant, but the number of affected entities is not substantial, the Service may also certify.

In our final economic analysis of the critical habitat designation, we evaluated the potential economic effects on small business entities resulting from conservation actions related to the designation of critical habitat for *Arctostaphylos franciscana.* The analysis is based on the estimated impacts associated with the rulemaking as described in chapters 3 and 4 of the FEA and evaluates the potential for economic impacts related to: (1) NPS and Presidio Trust management and habitat restoration activities; (2) NPS and Presidio Trust soil remediation activities; (3) road maintenance and construction activities; (4) broadcast facility maintenance and construction activities; and (5) other activities, such as SFPRD trail maintenance and species reintroduction. The Presidio Trust, National Park Service, and the SFRPD are not small businesses. The Presidio Trust and the National Park Service are required to consult with us for impacts to critical habitat associated with management and habitat restoration activities; NPS and Presidio Trust soil remediation activities; road maintenance and construction activities; broadcast facility maintenance and construction activities; and reintroduction activities. Because there is no Federal nexus associated with SFRPD-managed lands, SFRPD is not required to consult with our office for impacts to critical habitat associated with their operations, provided they are not receiving Federal funds or requiring Federal permits. Administrative costs of consultations on NPS and Presidio Trust management and habitat restoration activities, and soil remediation, are expected to be borne by us, the NPS, and the Presidio Trust. Therefore, we expect no incremental impacts to small entities.

Because the Service, Presidio Trust, National Park Service, and the SFRPD are the only entities with expected direct compliance costs and are not considered small entities, this rule will not result in a significant impact on a substantial number of small entities.

The Service's current understanding of recent case law is that Federal agencies are only required to evaluate the potential impacts of rulemaking on those entities directly regulated by the rulemaking; therefore, they are not required to evaluate the potential impacts to those entities not directly regulated. The designation of critical habitat for an endangered or threatened species only has a regulatory effect where a Federal action agency is involved in a particular action that may affect the designated critical habitat. Under these circumstances, only the Federal action agency is directly regulated by the designation, and, therefore, consistent with the Service's current interpretation of RFA and recent case law, the Service may limit its evaluation of the potential impacts to those identified for Federal action agencies. Under this interpretation, there is no requirement under the RFA to evaluate the potential impacts to entities not directly regulated, such as small businesses. However, Executive Orders 12866 and 13563 direct Federal agencies to assess costs and benefits of available regulatory alternatives in quantitative (to the extent feasible) and qualitative terms. Consequently, it is the current practice of the Service to assess to the extent practicable these potential impacts if sufficient data are available, whether or not this analysis is believed by the Service to be strictly required by the RFA. In other words, while the effects analysis required under the RFA is limited to entities directly regulated by the rulemaking, the effects analysis under the Act, consistent with the Executive Orders' regulatory analysis requirements, can take into consideration impacts to both directly and indirectly impacted entities, where practicable and reasonable.

Designation of critical habitat only affects activities authorized, funded, or carried out by Federal agencies. Some

kinds of activities are unlikely to have any Federal involvement and so will not be affected by critical habitat designation. In areas where the species is present, Federal agencies are required to consult with us under section 7 of the Act on activities they authorize, fund, or carry out that may affect critical habitat. The designation of critical habitat could trigger the requirement to reinitiate consultation for ongoing Federal activities and may result in an additional economic impact to small entities if the ongoing Federal activities were for small entities that required Federal authorization for some action (see *Application of the ''Adverse Modification'' Standard* section).

In summary, we considered whether this designation will result in a significant economic effect on a substantial number of small entities. Based on the above reasoning and currently available information, we concluded that this rule will not result in a significant economic impact on a substantial number of small entities. Therefore, we are certifying that the designation of critical habitat for *Arctostaphylos franciscana* will not have a significant economic impact on a substantial number of small entities, and a regulatory flexibility analysis is not required.

Energy Supply, Distribution, or Use—Executive Order 13211

Executive Order 13211 (Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use) requires agencies to prepare Statements of Energy Effects when undertaking certain actions. OMB has provided guidance for implementing this Executive Order that outlines nine outcomes that may constitute ''a significant adverse effect'' when compared to not taking the regulatory action under consideration. The economic analysis determined that *Arctostaphylos franciscana* critical habitat will have no effect on any aspect of energy supply or distribution. Therefore, the economic analysis finds that none of these criteria is relevant to this analysis. Thus, based on information in the economic analysis, energy-related impacts associated with *A. franciscana* conservation activities within critical habitat are not expected. As such, the designation of critical habitat is not expected to significantly affect energy supplies, distribution, or use. Therefore, this action is not a significant energy action, and no Statement of Energy Effects is required.

Unfunded Mandates Reform Act (2 U.S.C. 1501 et seq.)

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501 *et seq.*), we make the following findings:

(1) This rule will not produce a Federal mandate. In general, a Federal mandate is a provision in legislation, statute, or regulation that would impose an enforceable duty upon State, local, or tribal governments, or the private sector, and includes both ''Federal intergovernmental mandates'' and ''Federal private sector mandates.'' These terms are defined in 2 U.S.C. 658(5)–(7). ''Federal intergovernmental mandate'' includes a regulation that ''would impose an enforceable duty upon State, local, or tribal governments'' with two exceptions. It excludes ''a condition of Federal assistance.'' It also excludes ''a duty arising from participation in a voluntary Federal program,'' unless the regulation ''relates to a then-existing Federal program under which $500,000,000 or more is provided annually to State, local, and tribal governments under entitlement authority,'' if the provision would ''increase the stringency of conditions of assistance'' or ''place caps upon, or otherwise decrease, the Federal Government's responsibility to provide funding,'' and the State, local, or tribal governments ''lack authority'' to adjust accordingly. At the time of enactment, these entitlement programs were: Medicaid; Aid to Families with Dependent Children work programs; Child Nutrition; Food Stamps; Social Services Block Grants; Vocational Rehabilitation State Grants; Foster Care, Adoption Assistance, and Independent Living; Family Support Welfare Services; and Child Support Enforcement. ''Federal private sector mandate'' includes a regulation that ''would impose an enforceable duty upon the private sector, except (i) a condition of Federal assistance or (ii) a duty arising from participation in a voluntary Federal program.''

The designation of critical habitat does not impose a legally binding duty on non-Federal government entities or private parties. Under the Act, the only regulatory effect is that Federal agencies must ensure that their actions do not destroy or adversely modify critical habitat under section 7. While non-Federal entities that receive Federal funding, assistance, or permits, or that otherwise require approval or authorization from a Federal agency for an action, may be indirectly impacted by the designation of critical habitat, the legally binding duty to avoid destruction or adverse modification of critical habitat rests squarely on the Federal agency. Furthermore, to the extent that non-Federal entities are indirectly impacted because they receive Federal assistance or participate in a voluntary Federal aid program, the Unfunded Mandates Reform Act would not apply, nor would critical habitat shift the costs of the large entitlement programs listed above onto State governments.

(2) We do not believe that this rule will significantly or uniquely affect small governments because the designation of critical habitat imposes no obligations on State or local governments. The lands being designated are either under the jurisdiction of the National Park Service, the Presidio Trust, or the City and County of San Francisco. None of these government entities fits the definition of ''small governmental jurisdiction.'' Therefore, a Small Government Agency Plan is not required.

Takings—Executive Order 12630

In accordance with Executive Order 12630 (Government Actions and Interference with Constitutionally Protected Private Property Rights), we have analyzed the potential takings implications of designating critical habitat for *Arctostaphylos franciscana* in a takings implications assessment. As discussed above, the designation of critical habitat affects only Federal actions. The designation of critical habitat for *A. franciscana* includes a total of approximately 10.8 ac (4.3 ha) of private lands. Although private parties that receive Federal funding, assistance, or require approval or authorization from a Federal agency for an action may be indirectly impacted by the designation of critical habitat, the legally binding duty to avoid destruction or adverse modification of critical habitat rests squarely on the Federal agency. Based on the best available information, the takings implications assessment concludes that this designation of critical habitat for *A. franciscana* does not pose significant takings implications.

Federalism—Executive Order 13132

In accordance with Executive Order 13132 (Federalism), this rule does not have significant Federalism effects. A Federalism assessment is not required. In keeping with Department of the Interior and Department of Commerce policy, we requested information from, and coordinated development of, this critical habitat designation with appropriate State resource agencies in

California. We did not receive comments from State agencies.

From a Federalism perspective, the designation of critical habitat directly affects only the responsibilities of Federal agencies. The Act imposes no other duties with respect to critical habitat, either for States and local governments, or for anyone else. As a result, the rule does not have substantial direct effects either on the States, or on the relationship between the national government and the States, or on the distribution of powers and responsibilities among the various levels of government. The designation may have some benefit to these governments because the areas that contain the features essential to the conservation of the species are more clearly defined, and the physical and biological features of the habitat necessary to the conservation of the species are specifically identified. This information does not alter where and what federally sponsored activities may occur. However, it may assist these local governments in long-range planning (because these local governments no longer have to wait for case-by-case section 7 consultations to occur).

Where State and local governments require approval or authorization from a Federal agency for actions that may affect critical habitat, consultation under section 7(a)(2) will be required. While non-Federal entities that receive Federal funding, assistance, or permits, or that otherwise require approval or authorization from a Federal agency for an action, may be indirectly impacted by the designation of critical habitat, the legally binding duty to avoid destruction or adverse modification of critical habitat rests squarely on the Federal agency.

Civil Justice Reform—Executive Order 12988

In accordance with Executive Order 12988 (Civil Justice Reform), the Office of the Solicitor has determined that the rule does not unduly burden the judicial system and that it meets the applicable standards set forth in sections 3(a) and 3(b)(2) of the Order. We are designating critical habitat in accordance with the provisions of the Act. To assist the public in understanding the habitat needs of the species, the rule identifies the elements of physical or biological features essential to the conservation of *Arctostaphylos franciscana.* The designated areas of critical habitat are presented on maps, and the rule provides several options for the interested public to obtain more detailed location information, if desired.

Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.)

This rule does not contain any new collections of information that require approval by OMB under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This rule will not impose recordkeeping or reporting requirements on State or local governments, individuals, businesses, or organizations. 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.

National Environmental Policy Act (42 U.S.C. 4321 et seq.)

It is our position that, outside the jurisdiction of the U.S. Court of Appeals for the Tenth Circuit, we do not need to prepare environmental analyses pursuant to the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*) in connection with designating critical habitat under the Act. We published a notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244). This position was upheld by the U.S. Court of Appeals for the Ninth Circuit (*Douglas County* v. *Babbitt,* 48 F.3d 1495 (9th Cir. 1995), cert. denied 516 U.S. 1042 (1996)).

Government-to-Government Relationship With Tribes

In accordance with the President's memorandum of April 29, 1994 (Government-to-Government Relations with Native American Tribal Governments; 59 FR 22951), Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments), and the Department of the Interior's manual at 512 DM 2, we readily acknowledge our responsibility to communicate meaningfully with recognized Federal Tribes on a government-to-government basis. In accordance with Secretarial Order 3206 of June 5, 1997 (American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act), we readily acknowledge our responsibilities to work directly with tribes in developing programs for healthy ecosystems, to acknowledge that tribal lands are not subject to the same controls as Federal public lands, to remain sensitive to Indian culture, and to make information available to tribes. We determined that there are no tribal lands in this critical habitat designation. Therefore, we have not been involved in any government-to-government communications with tribal entities regarding critical habitat for *Arctostaphylos franciscana.*

References Cited

A complete list of all references cited is available on the Internet at *http://www.regulations.gov,* at Docket No. FWS–R8–ES–2012–0067, and upon request from the Sacramento Fish and Wildlife Office (see **FOR FURTHER INFORMATION CONTACT**).

Authors

The primary authors of this rulemaking are the staff members of the Sacramento Fish and Wildlife Office.

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Regulation Promulgation

Accordingly, we amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—[AMENDED]

■ 1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361–1407; 1531–1544; 4201–4245, unless otherwise noted.

■ 2. Amend § 17.12(h) by revising the entry for ''*Arctostaphylos franciscana*'' under FLOWERING PLANTS in the List of Endangered and Threatened Plants to read as follows:

§ 17.12 Endangered and threatened plants.

* * * * *

(h) * * *

Species		Historic range	Family	Status	When listed	Critical habitat	Special rules
Scientific name	Common name						
FLOWERING PLANTS							
*	*	*	*	*	*		*
Arctostaphylos franciscana.	Franciscan manzanita.	U.S.A. (CA)	Ericaceae	E	809	17.96(a)	NA
*	*	*	*	*	*		*

■ 3. Amend § 17.96(a) by adding the family Ericaceae and an entry for ''*Arctostaphylos franciscana* (Franciscan manzanita)'' in alphabetical order to read as follows:

§ 17.96 Critical habitat—plants.

(a) *Flowering plants.*

* * * * *

Family Ericaceae: *Arctostaphylos franciscana* (Franciscan manzanita)

(1) Critical habitat units are depicted for San Francisco County, California, on the maps below.

(2) Within these areas, the primary constituent elements of the physical or biological features essential to the conservation of *Arctostaphylos franciscana* consist of four components:

(i) Areas on or near bedrock outcrops often associated with ridges of serpentine or greenstone, mixed Franciscan rocks, or soils derived from these parent materials.

(ii) Areas having soils originating from parent materials identified in paragraph (2)(i) of this entry that are thin, have limited nutrient content or availability, or have large concentrations of heavy metals.

(iii) Areas within a vegetation community consisting of a mosaic of coastal scrub, serpentine maritime chaparral, or serpentine grassland as characterized as having a vegetation structure that is open, barren, or sparse with minimal overstory or understory of trees, shrubs, or plants, and that contain and exhibit a healthy fungal mycorrhizae component.

(iv) Areas that are influenced by summer fog, which limits daily and seasonal temperature ranges, provides moisture to limit drought stress, and increases humidity.

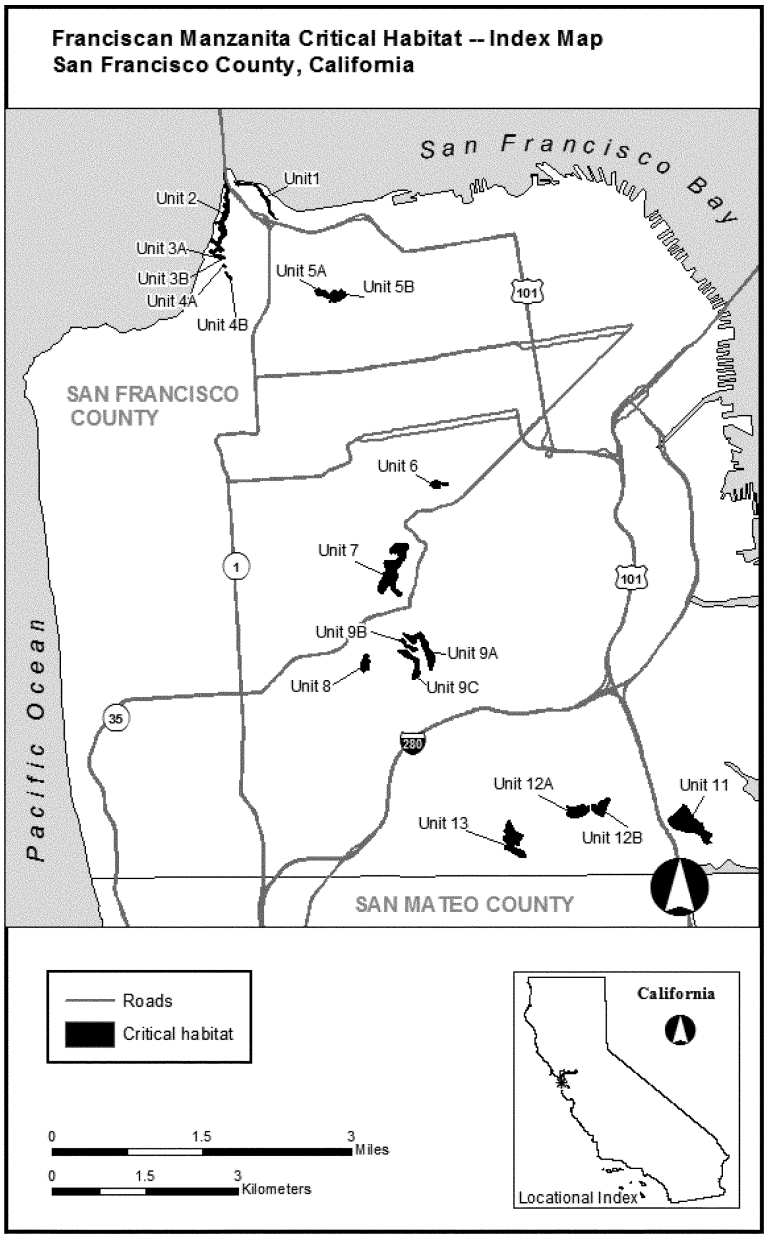
(3) Critical habitat does not include manmade structures (such as buildings, aqueducts, runways, roads, and other paved areas) and the land on which they are located existing within the legal boundaries on January 21, 2014.

(4) *Critical habitat map units.* Data layers defining map units were created on a base of the Natural Resource Conservation Service National Agriculture Imagery Program (NAIP 2010), and critical habitat was then mapped using North American Datum (NAD) 83, Universal Transverse Mercator Zone 10N coordinates. The maps in this entry, as modified by any accompanying regulatory text, establish the boundaries of the critical habitat designation.

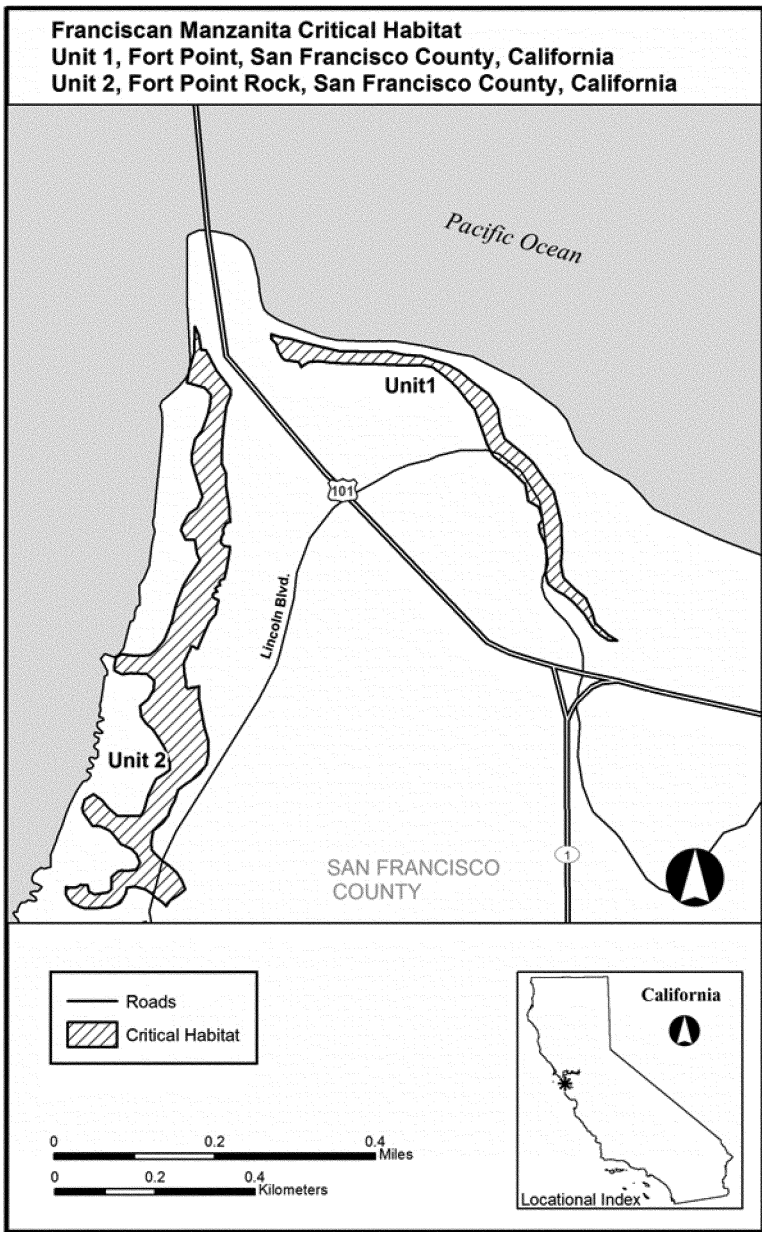
(5) The coordinates for these maps are available on the Internet at *http://www.regulations.gov* at Docket No. FWS–R8–ES–2012–0067, at *http://www.fws.gov/sacramento/,* or at the Sacramento Fish and Wildlife Office. Field office location information may be obtained at the Service regional offices, the addresses of which are at 50 CFR 2.2.

(6) The index map of critical habitat units for *Arctostaphylos franciscana* (Franciscan manzanita) in San Francisco County, California, follows:

BILLING CODE 4310–55–P

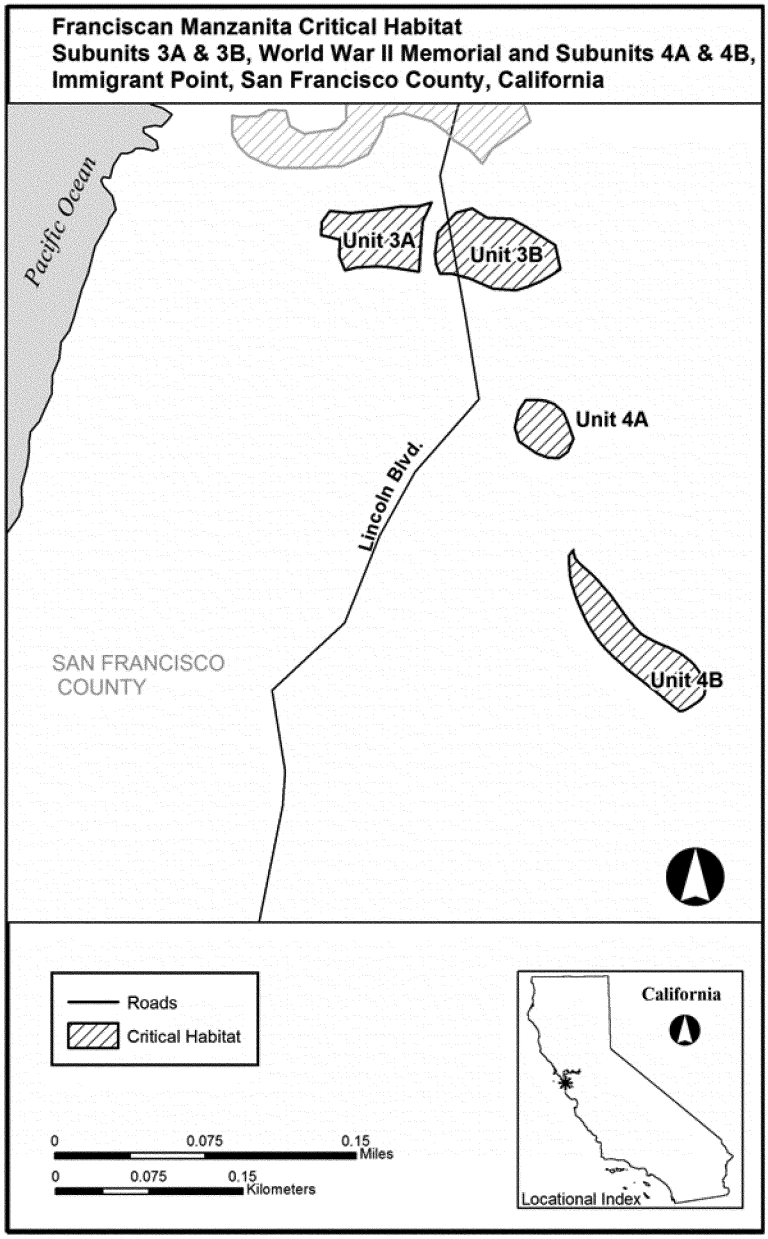


(7) Unit 1: Fort Point, San Francisco County, California. Map of Unit 1 and Unit 2 follows:



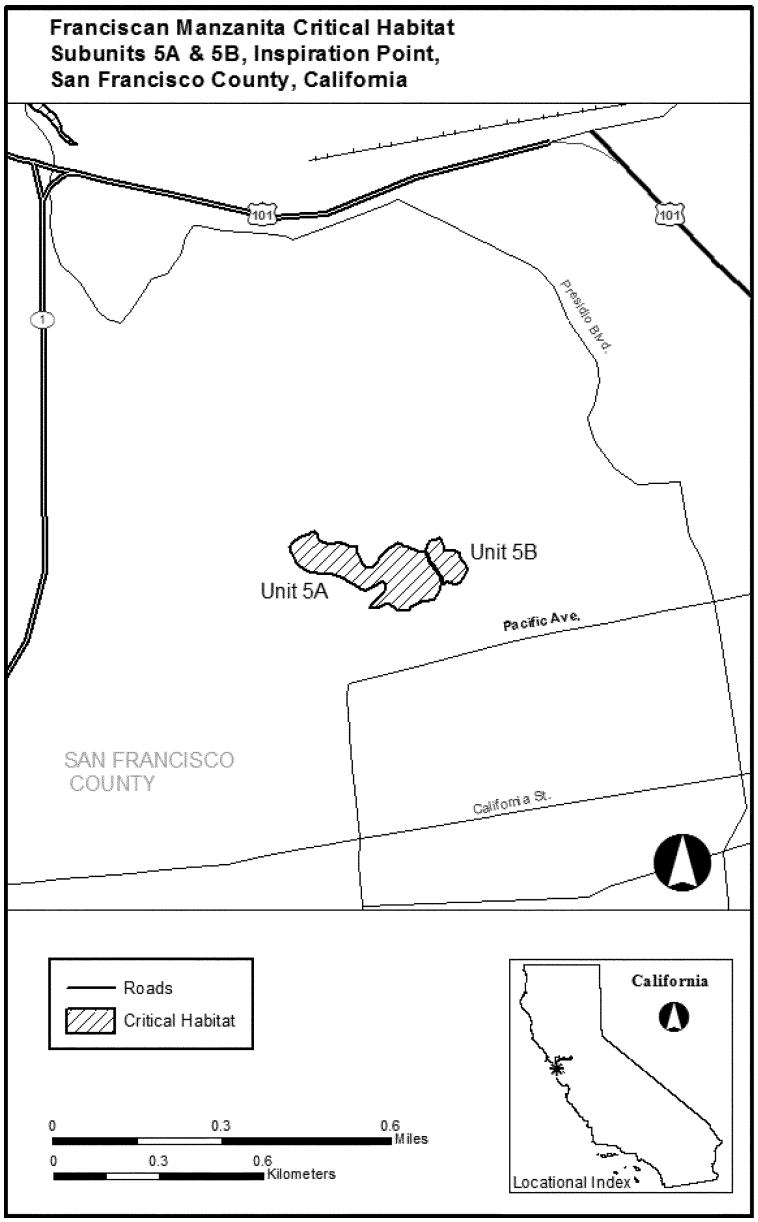
(8) Unit 2: Fort Point Rock, San Francisco County, California. Map of Unit 2 is provided at paragraph (7) of this entry.

(9) Unit 3: World War II Memorial, San Francisco, California. Map of Unit 3 and Unit 4 follows:

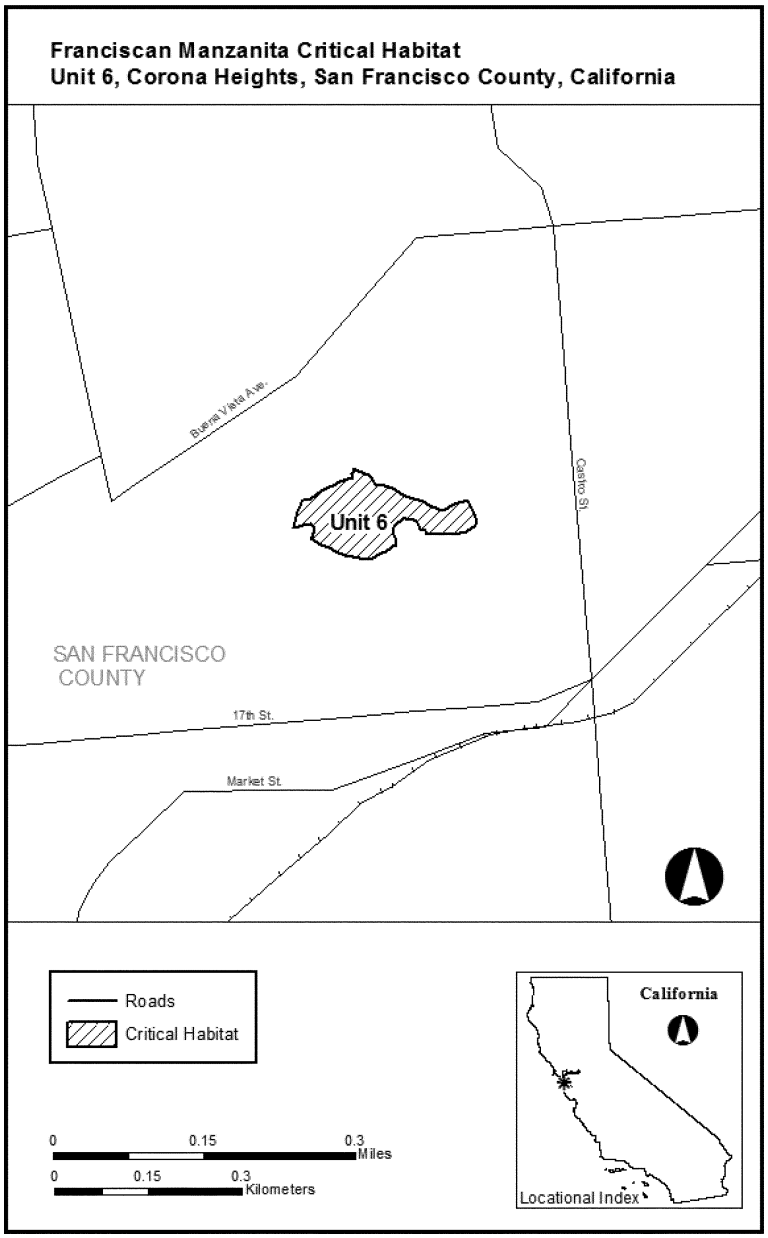


(10) Unit 4: Immigrant Point, San Francisco County, California. Map of Unit 4 is provided at paragraph (9) of this entry.

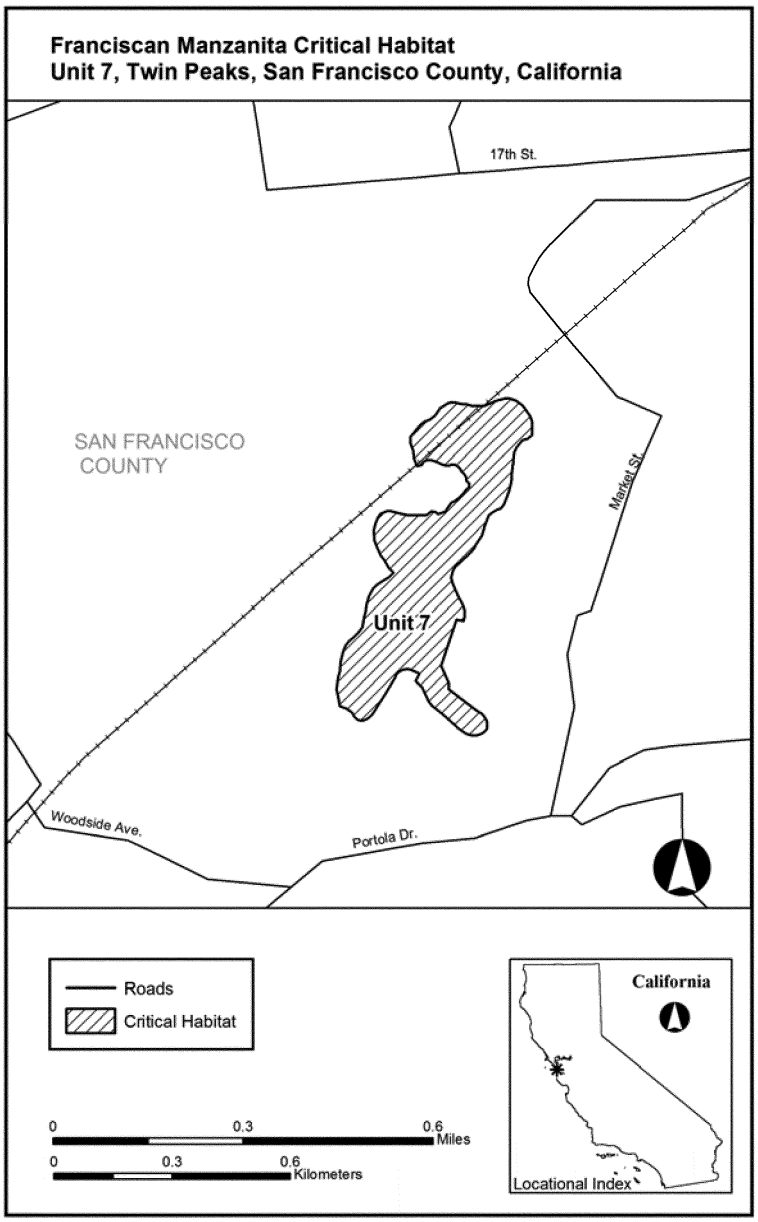
(11) Unit 5: Inspiration Point, San Francisco, California. Map of Unit 5 follows:



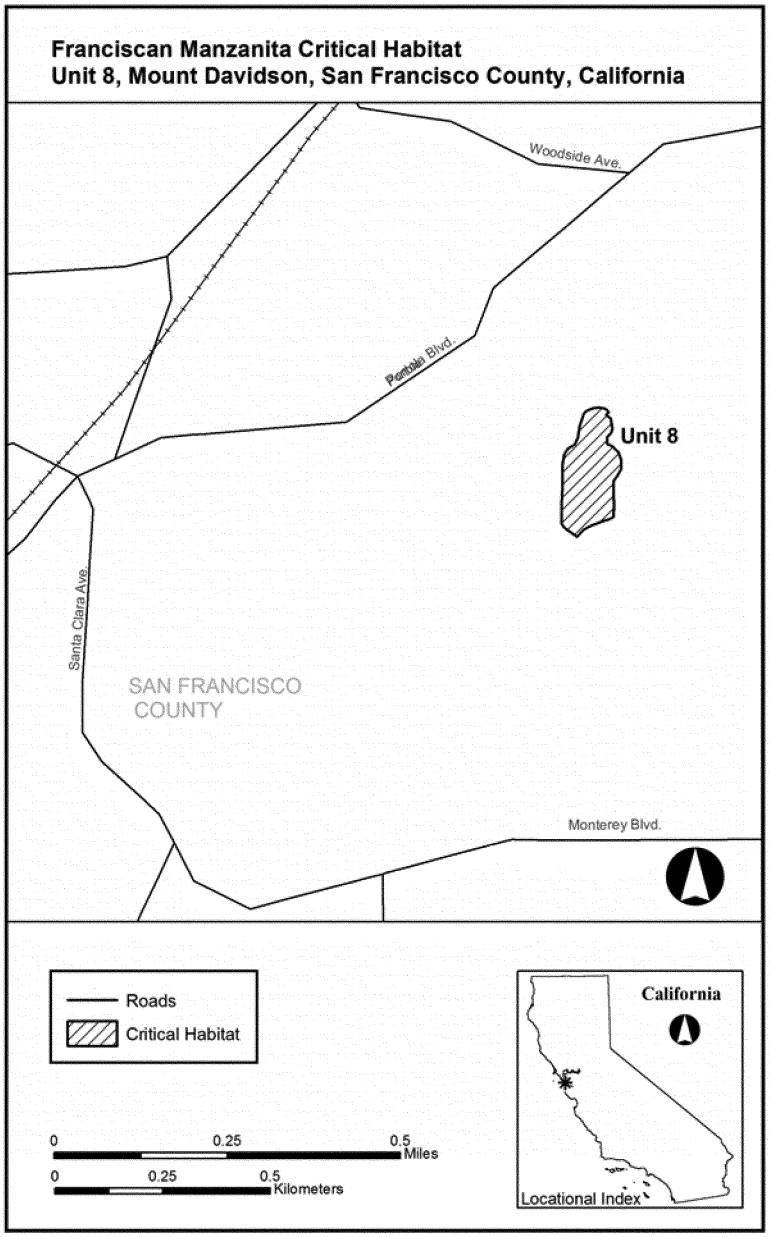
(12) Unit 6: Corona Heights, San Francisco County, California. Map of Unit 6 follows:



(13) Unit 7: Twin Peaks, San Francisco, California. Map of Unit 7 follows:

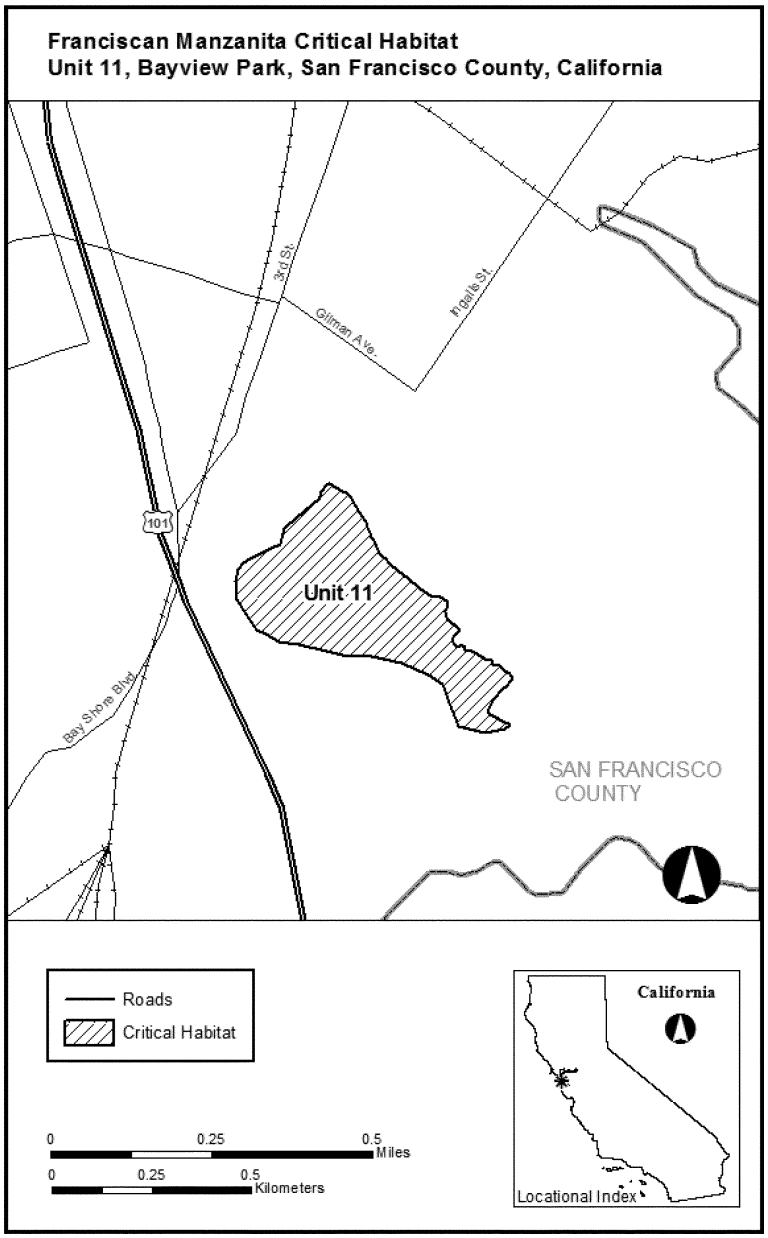


(14) Unit 8: Mount Davidson, San Francisco County, California. Map of Unit 8 follows:

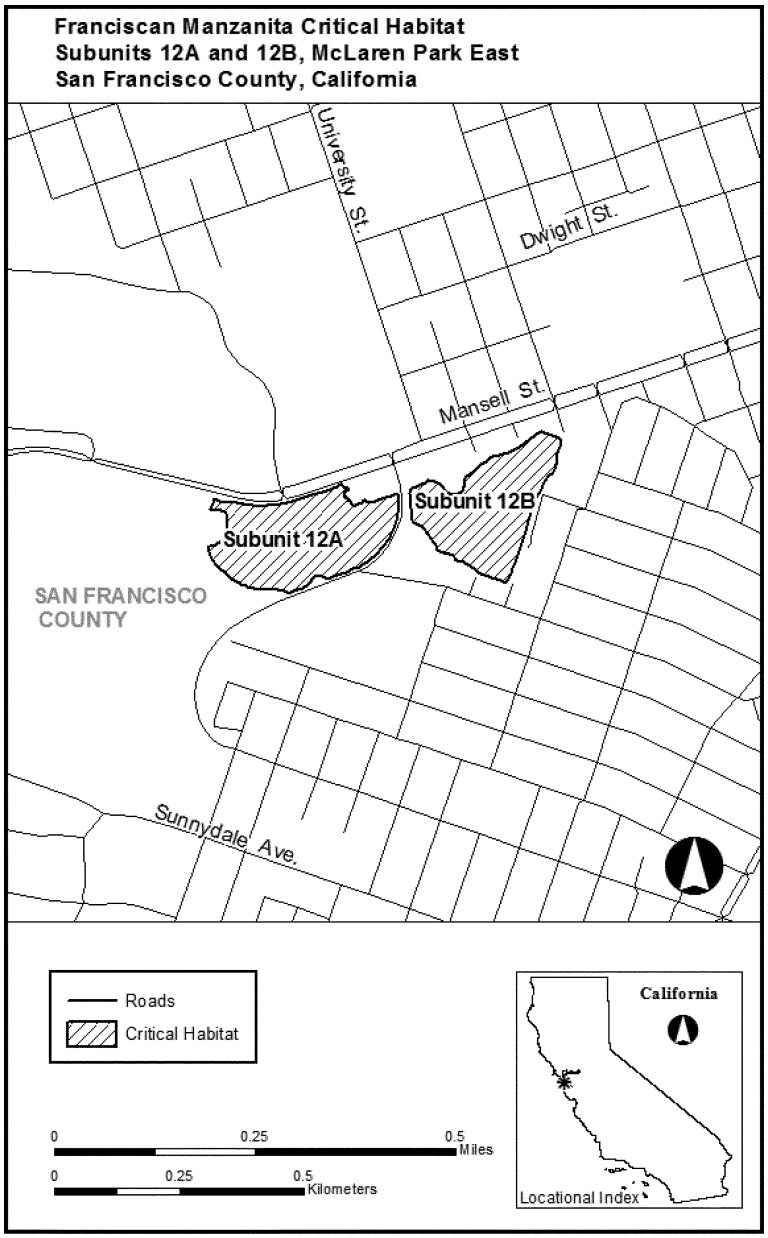


(15) Unit 9: Diamond Heights, San Francisco, California. Map of Unit 9 follows:

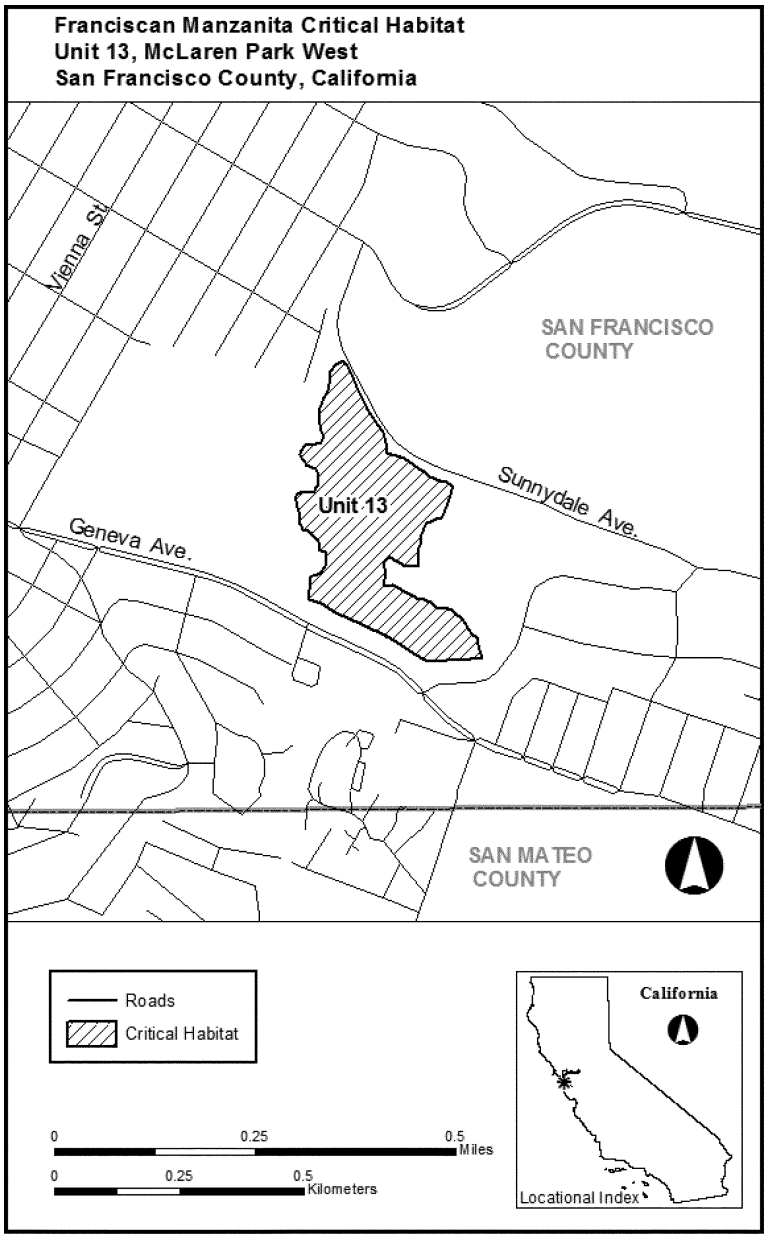
(16) Unit 11: Bayview Park, San Francisco County, California. Map of Unit 11 follows:



(17) Unit 12: McLaren Park East, San Francisco County, California. Map of Unit 12 follows:



(18) Unit 13: McLaren Park West, San Francisco County, California. Map of Unit 13 follows:



* * * * *

Dated: December 12, 2013.

Rachel Jacobsen,

Principal Deputy Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2013–30165 Filed 12–19–13; 8:45 am]

BILLING CODE 4310–55–C

Reader Aids

Federal Register

Vol. 78, No. 245

Friday, December 20, 2013

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations	
General Information, indexes and other finding aids	**202–741–6000**
Laws	**741–6000**
Presidential Documents	
Executive orders and proclamations	**741–6000**
The United States Government Manual	**741–6000**
Other Services	
Electronic and on-line services (voice)	**741–6020**
Privacy Act Compilation	**741–6064**
Public Laws Update Service (numbers, dates, etc.)	**741–6043**
TTY for the deaf-and-hard-of-hearing	**741–6086**

ELECTRONIC RESEARCH

World Wide Web

Full text of the daily Federal Register, CFR and other publications is located at: **www.fdsys.gov.**

Federal Register information and research tools, including Public Inspection List, indexes, and Code of Federal Regulations are located at: **www.ofr.gov.**

E-mail

FEDREGTOC-L (Federal Register Table of Contents LISTSERV) is an open e-mail service that provides subscribers with a digital form of the Federal Register Table of Contents. The digital form of the Federal Register Table of Contents includes HTML and PDF links to the full text of each document.

To join or leave, go to **http://listserv.access.gpo.gov** and select *Online mailing list archives, FEDREGTOC-L, Join or leave the list (or change settings);* then follow the instructions.

PENS (Public Law Electronic Notification Service) is an e-mail service that notifies subscribers of recently enacted laws.

To subscribe, go to **http://listserv.gsa.gov/archives/publaws-l.html** and select *Join or leave the list (or change settings);* then follow the instructions.

FEDREGTOC-L and **PENS** are mailing lists only. We cannot respond to specific inquiries.

Reference questions. Send questions and comments about the Federal Register system to: **fedreg.info@nara.gov**

The Federal Register staff cannot interpret specific documents or regulations.

Reminders. Effective January 1, 2009, the Reminders, including Rules Going Into Effect and Comments Due Next Week, no longer appear in the Reader Aids section of the Federal Register. This information can be found online at **http://www.regulations.gov.**

CFR Checklist. Effective January 1, 2009, the CFR Checklist no longer appears in the Federal Register. This information can be found online at **http://bookstore.gpo.gov/.**

FEDERAL REGISTER PAGES AND DATE, DECEMBER

71987–72532 2
72533–72788 3
72789–73078 4
73079–73376 5
73377–73686 6
73687–73992 9
73993–75214 10
75215–75448 11
75449–75896 12
75897–76028 13
76029–76194 16
76195–76520 17
76521–76720 18
76721–76972 19
76973–77326 20

CFR PARTS AFFECTED DURING DECEMBER

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
9062 72529
9063 72531
9064 73077
9065 73375
9066 73685
9067 75205
9068 75207
9069 76029
9070 76719
9071 76971

Administrative Orders:
Memorandums:
Memorandum of August 2, 2013 72789
Memorandum of December 5, 2013 75209
Presidential Determinations:
No. 2013-12 of August 9, 2013 (Correction) 73377
No. 2014–04 of December 3, 2013 75203
No. 2014–03 of November 29, 2013 76717

5 CFR

930 71987

7 CFR

923 76031
1710 73356
1717 73356
1721 73356
1724 73356
1730 73356
1980 73928
3555 73928

Proposed Rules:
970 73111
1784 77009

9 CFR

92 .....72980, 73993
93 .....72980, 73993
94 .....72980, 73993
95 .....72980, 73993
96 .....72980, 73993
98 .....72980, 73993

Proposed Rules:
317 72597

10 CFR

40 75449
50 75449
52 75449
70 75449
72 73379
430 72533
431 75962

Proposed Rules:
72 73456
430 .....73737, 77019
431 73590

11 CFR

100 76032

12 CFR

208 .....76521, 76973
217 76973
225 .....76521, 76973
234 76973
325 72534
344 76721
390 76721
703 76728
712 72537
721 76728
741 72537
1026 76033
1090 73383
1260 .....73407, 73415

Proposed Rules:
210 74041
346 76768
390 76768

14 CFR

25 .....73993, 73995, 75451, 75453, 76731, 76734, 76736, 76980
39 .....71989, 71992, 71996, 71998, 72550, 72552, 72554, 72558, 72561, 72564, 72567, 72568, 72791, 73687, 73689, 73997, 76035, 76040, 76045, 76047, 76050, 76984
71 .....72001, 72002, 72003, 72004, 72005, 72006, 72007, 72008, 72009, 72010, 72011, 74004, 74005, 74006, 74007, 74008, 76052, 76053, 76054, 76055, 76056
97 .....75455, 75456
460 72011
1204 76057
1230 76057
1232 76057

Proposed Rules:
25 .....75284, 75285, 75287, 75511, 76248, 76249, 76251, 76252, 76254, 76772, 76775
39 .....72598, 72834, 72831, 73457, 73460, 73462, 73739, 73744, 73749, 75289, 75291, 75512, 76572
71 .....72056, 73465, 73750, 73751, 73752, 76779, 76781, 76784, 77023

15 CFR

301 72570
303 72570
730 ..... 76738, 76741
732 76738
734 76738
736 76738
738 76738
740 ..... 76738, 76741
742 76738
743 76738
744 ..... 75458, 76738, 76741
745 76738
746 76738
747 76738
748 76738
750 76738
752 76738
754 76738
756 ..... 76738, 76741
758 ..... 76738, 76741
760 76738
762 ..... 76738, 76741
764 76738
766 76738
768 76738
770 76738
772 76738
774 76738
902 75844

Proposed Rules:

922 ..... 73112, 74046

16 CFR

312 76986
1112 73415
1215 73692
1217 73692
1219 73692
1225 73415

Proposed Rules:

300 72057
310 77024
312 77026

17 CFR

39 72476
140 72476
190 72476

Proposed Rules:

1 ..... 75680, 76787
15 ..... 75680, 76787
17 ..... 75680, 76787
19 ..... 75680, 76787
32 ..... 75680, 76787
37 ..... 75680, 76787
38 ..... 75680, 76787
140 ..... 75680, 76787
150 ..... 75680, 76787

18 CFR

2 72794
35 73240
40 ..... 72756, 73424, 76986
157 72794
380 72794

Proposed Rules:

40 73112

19 CFR

148 76529

20 CFR

404 ..... 72571, 73696

Proposed Rules:

404 76508

21 CFR

10 76748
172 73434
510 73697
522 73697
524 73697
529 73697
558 76059
1308 72013

Proposed Rules:

Ch. I 72838, 72840, 72841
310 76444
333 76444
514 75515
558 75515

22 CFR

Proposed Rules:

706 72843
707 73466
713 72850

24 CFR

50 74009
55 74009
58 74009
Ch. II 75238
201 75215
203 75215
1005 75215
1007 75215
3280 73966

26 CFR

1 ..... 72394, 73079
31 75471
300 72016
602 72394

Proposed Rules:

1 ..... 72451, 73128, 73471, 73753, 75905, 76092

28 CFR

571 73083

29 CFR

4022 75897
4044 ..... 72018, 75897

Proposed Rules:

1910 73756

30 CFR

Proposed Rules:

7 73471
75 73471

31 CFR

1010 72813

Proposed Rules:

210 75528

32 CFR

158 72572
199 75245
211 73085

Proposed Rules:

57 75998

33 CFR

3 73438
100 ..... 72019, 73438
117 ..... 72020, 72022, 72023, 72817, 76195, 76750
165 ..... 72025, 73438, 74009, 74010, 75248, 75249, 75898, 75899, 76751
334 76060

Proposed Rules:

117 ..... 76255, 77027
161 77027
164 77027
165 74048

34 CFR

Proposed Rules:

Ch. I 72851
Ch. II 72851
Ch. III 72851
Ch. IV 72851
Ch. V 72851
Ch. VI 72851, 73143

36 CFR

7 ..... 72028, 73092

Proposed Rules:

7 72605
242 73144
1192 74056

37 CFR

1 75251
385 76987

38 CFR

3 ..... 72573, 76196
17 ..... 72576, 76061, 76064
59 73441

Proposed Rules:

3 76574

39 CFR

111 ..... 76533, 76548

40 CFR

51 73698
52 ..... 72032, 72033, 72036, 72040, 72579, 73442, 73445, 73698, 74012, 75253, 75902, 76064, 76209
60 76753
62 72581
81 ..... 72036, 72040
180 ..... 75254, 75257, 75262, 76561, 76567, 76987
228 73097
300 ..... 73449, 75475
712 72818
716 72818
720 72818
721 72818
723 72818
725 72818
766 72818
790 72818
799 72818

Proposed Rules:

52 ..... 72608, 73472, 73769, 74057, 75293
60 76788
62 ..... 72609, 72611
81 73769
180 76589
194 72612
300 75534
372 73787

41 CFR

102–117 75484
300–90 73702
302–7 75483
303–70 73104

42 CFR

405 74230
410 74230
411 ..... 74684, 75304
412 74826
413 72156
414 ..... 72156, 74230
419 74826
423 74230
425 74230
431 72256
475 74826
476 74826
486 74826
495 74826

44 CFR

64 75485

Proposed Rules:

67 75542

45 CFR

147 76212
155 76212
156 76212

Proposed Rules:

144 72322
147 72322
153 72322
155 72322
156 72322

46 CFR

Proposed Rules:

4 77027

47 CFR

64 76218
73 73109
79 77210

Proposed Rules:

1 73144
17 73144
27 77029
54 ..... 76789, 76791
64 ..... 76096, 76097, 76257
73 ..... 73793, 75306
79 77074
95 ..... 72851, 73794

48 CFR

App. F to Ch. 2 76067
201 73450
204 73450
211 76067
212 ..... 73450, 76067
216 73450
218 76067
225 73450
227 73450
231 73451
246 76067
252 ..... 73450, 76067, 76993
645 76064
652 76064

Proposed Rules:

44 72620
46 72620
52 72620
211 73472
212 73472
225 73474

232 73472
235 73475
252 73475

49 CFR

369 76241
395 76757

Proposed Rules:

381 76590
529 76265
530 76265
531 76265
532 76265
533 76265
534 76265
535 76265
536 76265
537 76265
538 76265
539 76265
540 76265
541 76265
542 76265
543 76265
544 76265
545 76265
546 76265
547 76265
548 76265
549 76265
550 76265
551 76265
552 76265
553 76265
554 76265
555 76265
556 76265
557 76265
558 76265
559 76265
560 76265
561 76265
562 76265
563 76265
564 76265
565 76265
566 76265
567 76265
568 76265
569 76265
570 76265
572 76265
573 76265
574 76265
576 76265
577 76265
578 76265
592 73169
Ch. X 76098

50 CFR

13 73704
17 ....76995, 77290
21 72830
22 73704
216 73010
217 75488
218 73010
224 73726
300 75844
622 ....72583, 76758
635 72584
648 ....72585, 75267, 76077, 76759, 76765, 76766, 77005
660 ....72586, 75268, 76570
679 ....73110, 73454, 75844, 76245, 76246
697 76077

Proposed Rules:

17 ....72058, 72622, 73173, 75306, 75313, 76795, 77087
92 75321
100 73144
217 73794
229 73477
622 76807
635 75327
640 76807
665 77089
679 ....74063, 74079

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List December 13, 2013

Public Laws Electronic Notification Service (PENS)

PENS is a free electronic mail notification service of newly enacted public laws. To subscribe, go to *http://listserv.gsa.gov/archives/publaws-l.html*

Note: This service is strictly for E-mail notification of new laws. The text of laws is not available through this service. **PENS** cannot respond to specific inquiries sent to this address.