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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.

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2012–0343; Notice No. 25–460A–SC]

Special Conditions: Airbus, Model A350–900 Series Airplane; Crew Rest Compartments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Amended final special conditions.

SUMMARY: These amended special conditions are issued for Airbus Model A350–900 series airplanes. Notice of proposed special conditions, request for comments, for crew rest compartments of the A350–900 were published on March 30, 2012 in the **Federal Register** [Docket No. FAA–2012–0343; Notice No. 25–460–SC]. The comment period closed May 14, 2012. Comments were received. In response to an August 1, 2013 letter from Airbus, the wording of the special conditions was revised. The revised wording for special conditions 4 and 14 is now agreed. The revised amended special conditions wording is in italics.

These airplanes will have novel or unusual design features associated with two separate Crew Rest Compartments: a Flight Crew Rest Compartment (FCRC) intended to be occupied by flight crew members only, and a Cabin Crew Rest Compartment (CCRC) intended to be occupied by cabin crew members. Both types of Crew Rest Compartments (CRC) are installed in the overhead area with access from the main deck. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These 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: *Effective Date:* The effective date of these special conditions is January 14, 2014.

FOR FURTHER INFORMATION CONTACT: Jeff Gardlin, FAA, Airframe/Cabin Safety, ANM–115, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone (425) 227–2136; facsimile (425) 227–1320.

SUPPLEMENTARY INFORMATION:

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.

Crew rest compartments have been previously installed and certificated on several Airbus airplane models (as well as those of other manufacturers) in various locations including the main passenger seating area and the overhead space above the main passenger cabin seating area. In each case, the FAA determined that the applicable Title 14 Code of Federal Regulations (14 CFR) sections did not provide all of the necessary requirements because each installation had unique features by virtue of its design, location, and use on the airplane. When the FAA finds that the applicable airworthiness regulations do not contain adequate or appropriate safety standards because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16. The special conditions contain safety standards that the FAA considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

The FAA has previously written special conditions to address crew rest compartment installations in various locations for various models. These special conditions have been very similar in content, but the particular details of a given installation have resulted in differences between the actual special conditions. The FAA has used the experience gained over time from prior special conditions to refine and enhance these special conditions. In the case of the Model A350–900 series, these special conditions reflect the knowledge gained from those programs and therefore have some differences in wording from prior Airbus special conditions, even though the overall intent of the special conditions is essentially the same.

Type Certification Basis

Under 14 CFR 21.17, Airbus must show that the Model A350–900 series airplane 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 airplane 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 or similar novel or unusual design feature, the special conditions would also apply to the other model under § 21.101.

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. The FAA must also 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: two separate Crew Rest Compartments in the overhead area accessible from the main deck. The FCRC is intended to be occupied by flight crew members only, and a CCRC is intended to be occupied by cabin crew members only. These compartments are unique to part 25 because of their design, location, and use on the airplane. Because of the novel or unusual features associated with installation of these compartments, special conditions are considered necessary to provide a level of safety equal to that established by the airworthiness regulations.

Discussion

Compliance with these special conditions does not ensure that the applicant has demonstrated compliance with the requirements of 14 CFR part 91, 121 or 135.

In order to obtain an operational evaluation, the type design holder must contact the appropriate Aircraft Evaluation Group (AEG) in the Flight Standards Service and request an evaluation for operational suitability of the flight crew sleeping quarters in their crew rest facility. Results of these evaluations should be documented and appended to the A350 Flight Standardization Board (FSB) Report. Individual operators may reference these standardized evaluations in discussions with their FAA Principal Operating Inspector (POI) as the basis for an operational approval, in lieu of an on-site operational evaluation.

Any changes to the approved overhead crew rest compartment configuration that affect crewmember emergency egress or any other procedures affecting the safety of the occupying crewmembers and/or related training shall require a re-evaluation and approval. The applicant for a crew rest design change that affects egress, safety procedures, or training is responsible for notifying the FAA's AEG that a new crew rest facility evaluation is required.

Procedures must be developed to assure that a crewmember entering the overhead crew rest compartment through the vestibule to fight a fire will examine the vestibule and the lavatory areas for the source of the fire prior to entering the remaining areas of the crew rest compartment. These procedures are intended to assure that the source of the fire is not between the crewmember and the primary exit. If a fire source is not immediately self-evident to the firefighter, the firefighter should check for potential fire sources at areas closest to the primary exit first, then proceed to check areas in such a manner that the fire source, when found, would not be between the firefighter and the primary exit. Procedures describing methods to search the overhead crew rests for fire source(s) must be transmitted to the operator for incorporation into their training programs and appropriate operational manuals.

Discussion of Comments Received for Special Conditions 25–460–SC

Notice of proposed special conditions No. 25–460–SC for Airbus Model A350–900 series airplanes was published in the **Federal Register** on March 30, 2012 (77 FR 19148). The following comments were received:

Air Line Pilots Association International

ALPA commented that the special condition should require that the crew rest compartment be designed for ease of serviceability, to make sure that the intended safety levels are maintained. While the FAA agrees that designing the crew rest for ease of service is desirable, this goes beyond the scope of the special condition, which is simply setting the safety standards necessary to provide the same level of safety afforded by the regulations. No change is made to the special conditions.

Boeing Commercial Airplane Company

Boeing suggested that an additional provision be added to explicitly state that illumination necessary for oxygen mask visibility under all lighting conditions must be provided with any curtain dividers in any position. We agree with the intent of the comment, however, the special conditions already require this. Special condition 13 requires that the illumination automatically be sufficient in the event of an oxygen mask deployment. Special condition 14 requires that the oxygen requirements be satisfied in each area that is divided by a curtain, with the curtain open or closed. No change is made to the special conditions.

Airbus Design

Airbus has made detailed design refinements that warrant modification to the special conditions 4 and 14, and has coordinated with European Aviation Safety Agency (EASA) on suitable changes that will address the Airbus design and maintain the intent of the special conditions. FAA and EASA have agreed that minor changes to these conditions are warranted. The special conditions changes are indicated in italics.

Applicability

As discussed above, these special conditions apply to the 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.

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 Amended Special Conditions

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

1. Occupancy of the overhead crew rest compartment is limited to the total number of installed bunks and seats in each compartment, and is not allowed for taxi, takeoff, and landing. There must be an approved seat or berth able to withstand the maximum flight loads when occupied for each occupant permitted in the overhead crew rest compartment. In addition, the maximum occupancy in the overhead crew rest compartment may be limited as necessary to provide the required level of safety.

(a) There must be appropriate placards, inside and outside each entrance to the overhead crew rest compartment to indicate:

(1) The maximum number of occupants allowed,

(2) That occupancy is restricted to crewmembers who are trained in the evacuation procedures for the overhead crew rest compartment,

(3) That occupancy is prohibited during taxi, take-off, and landing,

(4) That smoking is prohibited in the overhead crew rest compartment, and

(5) That stowage in the crew rest compartment area is limited to crew personal luggage. The stowage of cargo or passenger baggage is not allowed.

(b) There must be at least one ashtray on the inside and outside of any

entrance to the overhead crew rest compartment.

(c) There must be a means to prevent passengers from entering the overhead crew rest compartment in the event of an emergency or when no flight attendant is present.

(d) There must be a means for any door installed between the overhead crew rest compartment and passenger cabin to be capable of being quickly opened from inside the compartment, even when crowding occurs at each side of the door.

(e) For all doors installed, there must be a means to preclude anyone from being trapped inside the overhead crew rest compartment. If a locking mechanism is installed, it must be capable of being unlocked from the outside without the aid of special tools. The lock must not prevent the compartment from being opened from the inside at any time.

(f) The means of opening doors and hatches to the overhead crew rest compartment must be simple and obvious. In addition, doors or hatches that separate the overhead crew rest compartment from the main deck must not adversely affect evacuation of occupants on the main deck (slowing evacuation by encroaching into aisles in a way that is not easily reversible, for example) or cause injury to those occupants during opening or while opened.

2. There must be at least two emergency evacuation routes, which could be used by each occupant of the overhead crew rest compartment to evacuate rapidly to the main cabin. (a) The routes must also be able to be closed from the main passenger cabin after evacuation. In addition, the routes must be located with sufficient separation within the overhead crew rest compartment to minimize the possibility of an event either inside or outside of the crew rest compartment which would render both routes inoperative.

Compliance to the requirements of special condition No. 2. may be shown by inspection or by analysis. Regardless which method is used, the maximum acceptable exit separation is 60 feet measured between exit openings.

Compliance by Inspection

An overhead crew rest compartment less than 60 feet in length in which the evacuation routes are located such that each occupant of the seats and berths has an unobstructed route to at least one of the evacuation routes regardless of the location of a fire would be acceptable by inspection. A fire within a berth that only blocks the occupant of that berth from exiting the berth need not be considered. Therefore, exits which are located at absolute opposite ends (i.e., adjacent to opposite end walls) of the crew rest would require no further review or analysis with regard to exit separation.

Compliance by Analysis

Analysis must show the overhead crew rest compartment configuration and interior features provide for all occupants of the overhead crew rest to escape the compartment in the event of a hazard inside or outside of the compartment. Elements to consider in this evaluation are as follows:

(1) Fire inside or outside the overhead crew rest compartment considered separately and the design elements used to reduce the available fuel for the fire,

(2) Design elements to reduce the fire ignition sources in the overhead crew rest compartment,

(3) Distribution and quantity of emergency equipment within the overhead crew rest compartment,

(4) Structural failure or deformation of components that could block access to the available evacuation routes (e.g., seats, folding berths, contents of stowage compartments, etc.),

(5) An incapacitated person blocking the evacuation routes,

(6) Any other foreseeable hazard not identified above that could cause the evacuation routes to be compromised.

Analysis must consider design features affecting access to the evacuation routes. The design features that should be considered include, but are not limited to, seat-back break-over, the elimination of rigid structure that reduces access from one part of the compartment to another, the elimination of items that are known to be the cause of potential hazards, the availability of emergency equipment to address fire hazards, the availability of communications equipment, supplemental restraint devices to retain items of mass that could hinder evacuation if broken loose, and load path isolation between components that contain the evacuation routes.

Analysis of the fire threats should be used in determining the placement of required fire extinguishers and protective breathing equipment (PBEs) and should consider the possibility of fire in any location in the overhead crew rest compartment. The location and quantity of PBEs and fire extinguishers should allow occupants located in any approved seats or berths access to the equipment necessary to fight a fire in the overhead crew rest compartment.

The intent of these special conditions is to provide sufficient exit separation. The exit separation analysis described above should not be used to approve exits which have less physical separation (measured between the centroid of each exit opening) than the minimums prescribed below, unless compensating features are identified and submitted to the FAA for evaluation and approval.

For overhead crew rest compartments with one exit located near the forward or aft end of an overhead crew rest compartment, as measured by having the centroid of the exit opening within 20 percent of the forward or aft end of the total overhead crew rest compartment length, the exit separation should not be less than 50 percent of the total overhead crew rest compartment length.

For overhead crew rest compartments with neither required exit located near the forward or aft end of the overhead crew rest compartment, as measured by not having the centroid of either exit opening within 20 percent of the forward or aft end of the total overhead crew rest compartment length, the exit separation should not be less than 30 percent of the total overhead crew rest compartment length.

(b) The routes must be designed to minimize the possibility of blockage, which might result from fire, mechanical or structural failure, or persons standing below or against the escape route. One of the evacuation routes should not be located where normal movement by passengers, such as in the main aisle, cross aisle or galley complex, would impede egress from the overhead crew rest compartment when it is occupied. If an evacuation route utilizes an area where normal movement of passengers occurs, it must be demonstrated that passengers would not impede egress to the main deck. If there is low headroom at or near the evacuation route, provisions must be made to prevent or to protect occupants of the overhead crew rest compartment from head injury. The use of evacuation routes must not be dependent on any powered device. If the evacuation path is over an area where there are passenger seats, a maximum of five passengers may be displaced from their seats temporarily during the evacuation process of an incapacitated person(s). If the evacuation procedure involves the evacuee stepping on seats, the seats must not be damaged to the extent that they would not be acceptable for occupancy during an emergency landing.

(c) Emergency evacuation procedures, including the emergency evacuation of an incapacitated occupant from the overhead crew rest compartment, must

be established. All of these procedures must be transmitted to the operator for incorporation into their training programs and appropriate operational manuals.

(d) There must be a limitation in the Airplane Flight Manual or other suitable means requiring that crewmembers be trained in the use of all evacuation routes.

3. There must be a means for the evacuation of an incapacitated person, representative of a ninety-fifth percentile male, from the overhead crew rest compartment to the passenger cabin floor.

(a) The evacuation must be demonstrated for all evacuation routes. One person, e.g., a crewmember or assistant, within the overhead crew rest compartment may provide assistance in the evacuation. Additional assistance may be provided by up to three persons in the main passenger compartment. These additional assistants must be standing on the floor while providing assistance.

(b) For evacuation routes having stairways, the additional assistants may ascend up to one half the elevation change from the main deck to the overhead crew rest compartment, or to the first landing, whichever is lower.

4. The following signs and placards must be provided in the overhead crew rest compartment:

(a) At least one exit sign meeting the requirements of § 25.812(b)(1)(i) must be located near each exit. One allowable exception is utilization of a sign with reduced background area of no less than 5.3 square inches (excluding the letters), provided that it is installed such that the material surrounding the exit sign is light in color (e.g., white, cream, light beige). If the material surrounding the exit sign is not light in color, a sign with a minimum of a one-inch wide background border around the letters would also be acceptable. Another allowable exception is a sign with a symbol that the FAA has determined to be equivalent for use as an exit sign in an overhead crew rest compartment.

For the overhead flight crew rest compartment containing no more than two bunks and 2 seats, an exit sign illuminated by the emergency lighting system and meeting all other requirements of § 25.812(b)(1)(i) is acceptable.

(b) An appropriate placard located near each exit defining the location and the operating instructions for each exit.

(c) Placards must be readable from a distance of 30 inches under emergency lighting conditions.

(d) The exit handles and operating instruction placards must be illuminated to at least 160 microlamberts under emergency lighting conditions.

5. If the aircraft's main power system fails, or of the normal overhead crew rest compartment lighting system fails, there must be a means for emergency illumination to be automatically provided for the overhead crew rest compartment.

(a) This emergency illumination must be independent of the main lighting system.

(b) The sources of general cabin illumination may be common to both the emergency and the main lighting systems if the power supply to the emergency lighting system is independent of the power supply to the main lighting system.

(c) The illumination level must be sufficient for the occupants of the overhead crew rest compartment to locate and transfer to the main passenger cabin floor by means of each evacuation route.

6. There must be means for two-way voice communications between crewmembers on the flight deck and occupants of the overhead crew rest compartment. There must also be two-way communications between the occupants of the overhead crew rest compartment and each flight attendant station required to have a public address system microphone per § 25.1423(g) in the passenger cabin. In addition, the public address system must include provisions to provide only the relevant information to the flight crewmembers in the overhead crew rest compartment (e.g., fire in flight, aircraft depressurization, preparation of the compartment occupants for landing.).

7. There must be a means for manual activation of an aural emergency alarm system, audible during normal and emergency conditions, to enable crewmembers on the flight deck and at each pair of required floor level emergency exits to alert occupants of the overhead crew rest compartment of an emergency situation. Use of a public address or crew interphone system will be acceptable, provided an adequate means of differentiating between normal and emergency communications is incorporated. The system must be powered in flight, after the shutdown or failure of all engines and auxiliary power units, for a period of at least ten minutes.

8. There must be a means, readily detectable by seated or standing occupants of the overhead crew rest compartment, which indicates when seat belts should be fastened. If there are no seats, at least one means must be provided to cover anticipated turbulence such as sufficient handholds. Seat belt type restraints must be provided for berths and must be compatible for the sleeping attitude during cruise conditions. There must be a placard on each berth requiring that seat belts must be fastened when occupied. If compliance with any of the other requirements of these special conditions is predicated on specific head location, there must be a placard identifying the head position.

9. In lieu of the requirements specified in § 25.1439(a) that pertain to isolated compartments and to providing a level of safety equivalent to that for occupants of an isolated galley, the following equipment must be provided in the overhead crew rest compartment:

(a) At least one approved hand-held fire extinguisher appropriate for the kinds of fires likely to occur,

(b) Two Protective Breathing Equipment (PBE) devices approved to Technical Standard Order (TSO)–C116 or equivalent, suitable for firefighting, or one PBE for each hand-held fire extinguisher, whichever is greater, and

(c) One flashlight.

Note: Additional PBEs and fire extinguishers in specific locations, beyond the minimum numbers prescribed in Special Condition No. 9 may be required as a result of the egress analysis accomplished to satisfy Special Condition No. 2(a).

10. A smoke or fire detection system or systems must be provided that monitors each occupiable area within the overhead crew rest compartment, including those areas partitioned by curtains. Flight tests must be conducted to show compliance with this requirement. Each system or systems must provide:

(a) A visual indication to the flightdeck within one minute after the start of a fire;

(b) An aural warning in the overhead crew rest compartment; and

(c) A warning in the main passenger cabin. This warning must be readily detectable by a flight attendant, considering the positioning of flight attendants throughout the main passenger compartment during various phases of flight.

11. The overhead crew rest compartment must be designed such that fires within the compartment can be controlled without a crewmember having to enter the compartment, or the design of the access provisions must allow crewmembers equipped for firefighting to have unrestricted access to the compartment. The time for a crewmember on the main deck to react to the fire alarm, to don the firefighting equipment, and to gain access must not

exceed the time for the compartment to become smoke-filled, making it difficult to locate the fire source. Procedures describing methods to search the overhead crew rests for fire sources(s) must be established. These procedures must be transmitted to the operator for incorporation into their training programs and appropriate operational manuals.

12. There must be a means provided to exclude hazardous quantities of smoke or extinguishing agent originating in the overhead crew rest compartment from entering any other compartment occupied by crewmembers or passengers. This means must include the time periods during the evacuation of the overhead crew rest compartment and, if applicable, when accessing the overhead crew rest compartment to manually fight a fire. Smoke entering any other compartment occupied by crewmembers or passengers when the access to the overhead crew rest compartment is opened, during an emergency evacuation, must dissipate within five minutes after the access to the overhead crew rest compartment is closed. Hazardous quantities of smoke may not enter any other compartment occupied by crewmembers or passengers during subsequent access to manually fight a fire in the overhead crew rest compartment (the amount of smoke entrained by a firefighter exiting the overhead crew rest compartment through the access is not considered hazardous). During the one-minute smoke detection time, penetration of a small quantity of smoke from the overhead crew rest compartment into an occupied area is acceptable. Flight tests must be conducted to show compliance with this requirement.

There must be a provision in the firefighting procedures to ensure that all door(s) and hatch(es) at the crew rest compartment outlets are closed after evacuation of the crew rest compartment and during firefighting to minimize smoke and extinguishing agent from entering other occupiable compartments.

If a built-in fire extinguishing system is used in lieu of manual firefighting, then the fire extinguishing system must be designed so that no hazardous quantities of extinguishing agent will enter other compartments occupied by passengers or crew. The system must have adequate capacity to suppress any fire occurring in the overhead crew rest compartment, considering the fire threat, volume of the compartment, and the ventilation rate.

13. There must be a supplemental oxygen system within the crew rest compartment as follows:

(a) There must be at least one mask for each seat and for each berth in the crew rest compartment.

(b) If a destination area, such as a changing area, is provided in the overhead crew rest compartment, there must be an oxygen mask readily available for each occupant that can reasonably be expected to be in the destination area. The maximum number of required masks within the destination area is limited to the placarded maximum occupancy of the crew rest.

(c) There must also be an oxygen mask readily accessible to each occupant that can reasonably be expected to be either transitioning from the main cabin into the crew rest compartment, transitioning within the crew rest compartment, or transitioning from the crew rest compartment to the main cabin.

(d) The system must provide an aural and visual alert to warn the occupants of the overhead crew rest compartment to don oxygen masks if there is a decompression. The aural and visual alerts must activate concurrently with the deployment of the oxygen masks in the passenger cabin. To compensate for sleeping occupants, the aural alert must be heard in each section of the overhead crew rest compartment and must sound continuously for a minimum of five minutes or until a reset switch within the overhead crew rest compartment is activated. A visual alert that informs occupants that they must don an oxygen mask must be visible in each section.

(e) There must also be a means by which the oxygen masks can be manually deployed from the flight deck.

(f) Decompression procedures for crew rest occupants must be established. These procedures must be transmitted to the operator for incorporation into their training programs and appropriate operational manuals.

(g) The supplemental oxygen system for the crew rest shall meet the same 14 CFR part 25 regulations as the supplemental oxygen system for the passenger cabin occupants except for the 10 percent additional masks requirement of § 25.1447(c)(1).

(h) The illumination level of the normal overhead crew rest compartment lighting system must automatically be sufficient for each occupant of the compartment to locate a deployed oxygen mask.

14. The following requirements apply to overhead crew rest compartments that are divided into sections by curtains or partitions:

(a) A placard is required adjacent to each curtain that visually divides or separates, for privacy purposes, the overhead crew rest compartment into small sections. The placard must require that the curtain(s) remains open when the private section it creates is unoccupied. The vestibule section adjacent to the stairway is not considered a private area and, therefore, does not require a placard.

(b) For each section of the CRC created by the installation of a curtain, the following requirements of these special conditions must be met with the curtain open or closed:

(1) No smoking placard (Special Condition No. 1),

(2) Emergency illumination (Special Condition No. 5),

(3) Emergency alarm system (Special Condition No. 7),

(4) Seat belt fasten signal or return to seat signal as applicable (Special Condition No. 8), unless it is agreed by the FAA that only short term occupancy is possible (e.g. a changing area with room for only one standing person and possessing no seat or feature useable as a seat), and

(5) The smoke or fire detection system (Special Condition No. 10), and

(6) The oxygen system (Special Condition No. 13).

(c) Overhead crew rest compartments visually divided to the extent that evacuation could be affected must have exit signs that direct occupants to the primary stairway exit. The exit signs must be provided in each separate section of the overhead crew rest compartment, except for curtained bunks, and must meet the requirements of § 25.812(b)(1)(i). An exit sign with reduced background area or a symbolic exit sign as described in Special Condition No. 4(a) may be used to meet this requirement.

(d) For sections within an overhead crew rest compartment with a rigid partition with a door physically separating the sections, the following requirements of these special conditions must be met with the door open or closed:

(1) There must be a secondary evacuation route from each section to the main deck, or alternatively, it must be shown that any door between the sections has been designed to preclude anyone from being trapped inside the compartment. Removal of an incapacitated occupant within this area must be considered. A secondary evacuation route from a small room designed for only one occupant for short time duration, such as a changing area or lavatory, is not required. However, removal of an incapacitated occupant from a small room, such as a changing area or lavatory, must be considered.

(2) Any door between the sections must be shown to be openable when crowded against, even when crowding occurs at each side of the door.

(3) There may be no more than one door between any seat or berth and the primary stairway exit.

(4) There must be exit signs in each section meeting the requirements of § 25.812(b)(1)(i), or shown to have an Equivalent Level of Safety, that direct occupants to the primary stairway exit. An exit sign with reduced background area or a symbolic exit sign as described in Special Condition No. 4(a) may be used to meet this requirement.

(e) For each smaller section within the main overhead crew rest compartment created by the installation of a partition with a door, the following requirements of these special conditions must be met with the door open or closed:

(1) No smoking placards (Special Condition No. 1);

(2) Emergency illumination (Special Condition No. 5);

(3) Two-way voice communication (Special Condition No. 6);

(4) Emergency alarm system (Special Condition No. 7);

(5) Seat belt fasten signal or return to seat signal as applicable (Special Condition No. 8);

(6) Emergency firefighting and protective equipment (Special Condition No. 9);

(7) Smoke or fire detection system (Special Condition No. 10), and

(8) The oxygen system (Special Condition No. 13).

15. The requirements of two-way voice communication with the flight deck and provisions for emergency firefighting and protective equipment are not applicable to lavatories or other small areas that are not intended to be occupied for extended periods of time.

16. Where a waste disposal receptacle is fitted, it must be equipped with an automatic fire extinguisher that meets the performance requirements of § 25.854(b).

17. Materials (including finishes or decorative surfaces applied to the materials) must comply with the flammability requirements of § 25.853(a) as amended by Amendment 25–116. Mattresses must comply with the flammability requirements of § 25.853(c), as amended by Amendment 25–116.

18. The addition of a lavatory within the overhead crew rest compartment would require the lavatory to meet the same requirements as those for a lavatory installed on the main deck except with regard to Special Condition No. 10 for smoke detection.

19. Each stowage compartment in the crew rest compartment, except for underseat compartments for occupant convenience, must be completely enclosed. All enclosed stowage compartments within the overhead crew rest compartment that are not limited to stowage of emergency equipment or airplane supplied equipment such as bedding must meet the design criteria given in the table below. Enclosed stowage compartments greater than 200 ft^3 in interior volume are not addressed by this special condition. The in-flight accessibility of very large enclosed stowage compartments and the subsequent impact on the crewmembers' ability to effectively reach any part of the compartment with the contents of a hand fire extinguisher will require additional fire protection considerations similar to those required for inaccessible compartments such as Class C cargo compartments.

STOWAGE COMPARTMENT INTERIOR VOLUMES

Fire protection features	Less than 25 cubic feet	25 cubic feet to 200 cubic feet
Materials of Construction [1]	Yes	Yes.
Detectors [2]	No	Yes.
Liner [3]	No	Yes.
Locating Device [4]	No	Yes.

[1] *Material*

The material used to construct each enclosed stowage compartment must at least be fire resistant and must meet the flammability standards established for interior components of § 25.853. For compartments less than 25 ft^3 in interior volume, the design must ensure the ability to contain a fire likely to occur within the compartment under normal use.

[2] *Detectors*

Enclosed stowage compartments equal to or exceeding 25 ft^3 in interior volume must be provided with a smoke or fire detection system to ensure that a fire can be detected within a one-minute detection time. Flight tests must be conducted to show compliance with this requirement. Each system (or systems) must provide:

(a) A visual indication in the flight deck within one minute after the start of a fire,

(b) An aural warning in the overhead crew rest compartment, and

(c) A warning in the main passenger cabin. This warning must be readily detectable by a flight attendant and consider the position of flight attendants throughout the main passenger compartment during various phases of flight.

[3] *Liner*

If it can be shown that the material used to construct the stowage compartment meets the flammability requirements of a liner for a Class B cargo compartment (i.e., § 25.855 at Amendment 25–116, and Appendix F, part I, paragraph (a)(2)(ii)), then no liner is required for enclosed stowage compartments equal to or greater than 25 ft^3 in interior volume but less than 57 ft^3 in interior volume. For all enclosed stowage compartments equal to or greater than 57 ft^3 in interior volume but less than or equal to 200 ft^3, a liner must be provided that meets the requirements of § 25.855 for a Class B cargo compartment.

[4] *Locating Device*

Overhead crew rest compartments which contain enclosed stowage compartments exceeding 25 ft^3 interior volume and which are located away from the entry to the overhead crew rest compartment require additional fire protection features and/or devices to assist the firefighter in determining the location of a fire.

Issued in Renton, Washington, on December 30, 2013.

John P. Piccola, Jr.,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service .

[FR Doc. 2014–00446 Filed 1–13–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2013–0895; Notice No. 25–516–SC]

Special Conditions: Airbus, A350–900 Series Airplane; Design Roll Maneuver

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 a novel or unusual design feature(s) associated with the airplane's response to the design roll maneuver. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These 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 January 14, 2014. We must receive your comments by February 28, 2014.

ADDRESSES: Send comments identified by docket number FAA–2013–0895 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 9 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 and Cabin Safety Branch, 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 condition 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.

The Airbus Model A350–900 series is equipped with an electronic flight control system that provides control of the aircraft through pilot inputs to the flight computer. Current part 25 airworthiness regulations account for control laws for which aileron deflection is proportional to control stick deflection. They do not address any nonlinearities or other effects on aileron actuation that may be caused by electronic flight controls. Since this type of system may affect flight loads, and therefore the structural capability of the airplane, specific regulations are needed to address these effects. These special conditions adjust the current roll maneuver requirement, Title 14, Code of Federal Regulations (14 CFR) 25.349(a), to take into account the effects of an electronic flight control system.

Type Certification Basis

Under § 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 section 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: An electronic flight control system that can affect how the airplane responds to a roll maneuver. This requires that the roll maneuver result from defined movements of the cockpit roll control as opposed to defined aileron deflections. This also requires an additional load condition at V_A, in which the cockpit roll control is returned to neutral following the initial roll input.

Discussion

These proposed special conditions differ from similar special conditions applied on previous programs; and are limited to the roll axis only, whereas previous special conditions also included the pitch and yaw axes. Special conditions are no longer needed for the pitch or yaw axes, because 14 CFR part 25 Amendment 25–91 takes into account the effects of an electronic flight control system in those axes (§ 25.331 for pitch and § 25.351 for yaw).

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. Design Roll Maneuver Conditions

The following conditions, speeds, and cockpit roll control motions (except as the motions may be limited by pilot effort) must be considered in combination with an airplane load factor of zero and of two-thirds of the positive maneuvering factor used in design. In determining the resulting control surface deflections, the torsional flexibility of the wing must be considered in accordance with § 25.301(b):

a. Conditions corresponding to steady rolling velocities must be investigated. In addition, conditions corresponding to maximum angular acceleration must be investigated for airplanes with engines or other weight concentrations outboard of the fuselage. For the angular acceleration conditions, zero rolling velocity may be assumed in the absence of a rational time history investigation of the maneuver.

b. At V_A, sudden movement of the cockpit roll control up to the limit is assumed. The position of the cockpit roll control must be maintained until a steady roll rate is achieved and then must be returned suddenly to the neutral position.

c. At V_C, the cockpit roll control must be moved suddenly and maintained so as to achieve a roll rate not less than that obtained in paragraph b.

d. At V_D, the cockpit roll control must be moved suddenly and maintained so as to achieve a roll rate not less than one-third of that obtained in paragraph b.

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

Stephen P. Boyd,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–00451 Filed 1–13–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–0635; Directorate Identifier 2012–SW–081–AD; Amendment 39–17720; AD 2013–26–11]

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 EC225LP helicopters. This AD requires inspecting the swashplates for corrosion or a crack, and making the appropriate repairs or replacement of parts. This AD was prompted by the discovery of corrosion on the swashplates when the main rotor hub (MRH) assemblies were reconditioned. The actions of this AD are intended to detect corrosion or a crack in the swashplates, which could lead to failure of the swashplates and subsequent loss of helicopter control.

DATES: This AD is effective February 18, 2014.

The Director of the Federal Register approved the incorporation by reference of a certain document listed in this AD as of February 18, 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 foreign authority's 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: Gary Roach, Aviation Safety Engineer, Regulations and Policy Group, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone (817) 222–5110; email *gary.b.roach@faa.gov.*

SUPPLEMENTARY INFORMATION:

Discussion

On July 23, 2013, at 78 FR 44043, 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 EC225LP helicopters with an MRH assembly with a rotating swashplate, part number (P/N) 332A31–3074–00 or 332A31–3076–00, and stationary swashplate, P/N 332A31–3079–00 or 332A31–3079–01, installed. The NPRM proposed to require inspecting the swashplates for corrosion or a crack, and making the appropriate repairs or replacement of parts. The proposed requirements were intended to prevent failure of the swashplate and subsequent loss of helicopter control.

The NPRM was prompted by AD No. 2012–0131, dated July 31, 2012, issued by the European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, to correct an unsafe condition for Eurocopter Model EC225LP helicopters. EASA advises that corrosion has been reported on the rotating and stationary swashplates of the MRH assembly of several helicopters. This condition may cause cracks on the swashplates, which may cause failure of MRH parts and loss of control of the helicopter. The EASA AD requires repetitive inspections of the affected swashplates after two years and replacing the MRH assembly if a crack is found.

Comments

We gave the public the opportunity to participate in developing this AD, but we received no comments on the NPRM (78 FR 44043, July 23, 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.

Related Service Information

We reviewed Eurocopter Alert Service Bulletin No. EC225–05A030, Revision 0, dated July 12, 2012 (ASB). The ASB states that while reconditioning the main rotor mast (MRM) assemblies, Eurocopter found corrosion on the rotating and stationary swashplates under the retaining flanges of the swashplate sub-assembly bearing. Over time, this corrosion could initiate a crack. The ASB specifies inspecting the MRM assembly for corrosion or a crack and replacing the MRM assembly if a crack or corrosion is found. The FAA and EASA use the term MRH assembly, while Eurocopter uses MRM assembly to describe the same section of the helicopter.

Costs of Compliance

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

- Inspecting the rotating and stationary swashplates for corrosion or a crack requires 8 work-hours for a cost of $680 per helicopter and $2,040 for the U.S. fleet, per inspection cycle. Making and installing the placard requires 0.5 work-hour, for a cost of $43 per helicopter. The labor cost of making changes to the flight manual is negligible.
- Replacing the MRH assembly requires 24 work-hours and parts cost $5,000, for a total cost of $7,040 per helicopter.

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):

2013–26–11 Eurocopter France Helicopters (Eurocopter): Amendment 39–17720; Docket No. FAA–2013–0635; Directorate Identifier 2012–SW–081–AD.

(a) Applicability

This AD applies to Eurocopter Model EC225LP helicopters with a main rotor hub (MRH) assembly with a rotating swashplate, part number (P/N) 332A31–3074–00 or 332A31–3076–00, and stationary swashplate, P/N 332A31–3079–00 or 332A31–3079–01, installed, certificated in any category.

(b) Unsafe Condition

This AD defines the unsafe condition as corrosion or a crack in the stationary or rotating swashplate of the MRH assembly, which could lead to failure of the swashplate and subsequent loss of helicopter control.

(c) Effective Date

This AD becomes effective February 18, 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

(1) Within 110 hours time-in-service (TIS) or before the MRH assembly accumulates 1,320 hours TIS, whichever occurs later, and thereafter at intervals not to exceed 1,320 hours TIS, visually inspect the rotating and stationary swashplates for corrosion or a crack by following the Accomplishment Instructions, paragraph 3.B.2 and Figures 1 through 3, of Eurocopter Alert Service Bulletin No. EC225–05A030, Revision 0, dated July 12, 2012 (ASB).

(2) If a crack exists in the rotating or stationary swashplates, replace the MRH assembly with an airworthy MRH assembly.

(3) If corrosion exists without any visual indication of cracking, do the following:

(i) Before further flight, install a placard stating ''NO FLIGHT IN OAT BELOW −30 °C'' in the full view of the pilots and add the statement ''NO FLIGHT IN OAT BELOW −30 °C'' to the Operating Limitations Section of the helicopter's Rotorcraft Flight Manual (RFM) by making pen and ink changes or by inserting a copy of this AD in Section 2.3 Flight Envelope, Item 2 Temperature Limits.

(ii) Within 150 hours TIS or 6 months after the inspection when the corrosion was first detected, whichever occurs first, replace the MRH assembly with an airworthy assembly. Remove any placard that states ''NO FLIGHT IN OAT BELOW −30 °C'' from the helicopter and remove any related limitation from the RFM.

(4) Replacement of an MRH assembly does not constitute terminating action for the repetitive inspections required by paragraph (e)(1) of this AD.

(f) Alternative Methods of Compliance (AMOCs)

(1) The Manager, Safety Management Group, FAA, may approve AMOCs for this AD. Send your proposal to: Gary Roach, Aviation Safety Engineer, Regulations and Policy Group, Rotorcraft Directorate, FAA, 2601 Meacham Blvd., Fort Worth, Texas 76137; telephone (817) 222–5110; email *gary.b.roach@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) You may view EASA AD No. 2012–0131, dated July 31, 2012 at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2013–0635.

(h) Subject

Joint Aircraft Service Component (JASC) Code: 6230, Main Rotor Mast/Swashplate.

(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. EC225–05A030, Revision 0, dated July 12, 2012.

(ii) Reserved.

(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 December 24, 2013.

Kim Smith,

Directorate Manager, Rotorcraft Directorate, Aircraft Certification Service.

[FR Doc. 2013–31447 Filed 1–13–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 95

[Docket No. 30940; Amdt. No. 511]

IFR Altitudes; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts miscellaneous amendments to the required IFR (instrument flight rules) altitudes and changeover points for certain Federal airways, jet routes, or direct routes for which a minimum or maximum en route authorized IFR altitude is prescribed. This regulatory action is needed because of changes occurring in the National Airspace System. These changes are designed to provide for the safe and efficient use of the navigable airspace under instrument conditions in the affected areas.

DATES: Effective 0901 UTC, February 6, 2014.

FOR FURTHER INFORMATION CONTACT: Harry Hodges, Flight Procedure Standards Branch (AMCAFS–420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd. Oklahoma City, OK 73169 (Mail Address: P.O. Box 25082, Oklahoma City, OK 73125) telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This amendment to part 95 of the Federal Aviation Regulations (14 CFR part 95) amends, suspends, or revokes IFR altitudes governing the operation of all aircraft in flight over a specified route or any portion of that route, as well as the changeover points (COPs) for Federal airways, jet routes, or direct routes as prescribed in part 95.

The Rule

The specified IFR altitudes, when used in conjunction with the prescribed changeover points for those routes, ensure navigation aid coverage that is adequate for safe flight operations and free of frequency interference. The reasons and circumstances that create the need for this amendment involve matters of flight safety and operational efficiency in the National Airspace System, are related to published aeronautical charts that are essential to the user, and provide for the safe and efficient use of the navigable airspace. In addition, those various reasons or circumstances require making this amendment effective before the next scheduled charting and publication date of the flight information to assure its timely availability to the user. The effective date of this amendment reflects those considerations. In view of the close and immediate relationship between these regulatory changes and safety in air commerce, I find that notice and public procedure before adopting this amendment are impracticable and contrary to the public interest and that good cause exists for making the amendment effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(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. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 95

Airspace, Navigation (air).

Issued in Washington, DC, on January 3, 2014.

John Duncan

Deputy Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, part 95 of the Federal Aviation Regulations (14 CFR part 95) is amended as follows effective at 0901 UTC, June 03, 2010.

PART 95—[AMENDED]

■ 1. The authority citation for part 95 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40106, 40113, 40114, 40120, 44502, 44514, 44719, 44721.

■ 2. Part 95 is amended to read as follows:

REVISIONS TO IFR ALTITUDES & CHANGEOVER POINT

[Amendment 511 Effective Date February 06, 2014]

From	To	MEA
§ 95.6001 Victor Routes–U.S		
§ 95.6007 VOR Federal Airway V7 Is Amended To Read in Part		
WIREGRASS, AL VORTAC	CLIOS, AL FIX	*2300
*1900—MOCA CLIOS, AL FIX	MONTGOMERY, AL VORTAC	2400
§ 95.6120 VOR Federal Airway V120 Is Amended To Read in Part		
BILOO, IA FIX *8000—MRA **3100—MOCA	*GRUVE, IA FIX	**6800
*GRUVE, IA FIX *8000—MRA **3100—MOCA	BANCO, IA FIX	**6800
§ 95.6131 VOR Federal Airway V131 Is Amended To Read in Part		
OKMULGEE, OK VOR/DME	TULSA, OK VORTAC	3200
§ 95.6132 VOR Federal Airway V132 Is Amended To Read in Part		
GOODLAND, KS VORTAC	ORION, KS FIX	5700
§ 95.6161 VOR Federal Airway V161 Is Amended To Read in Part		
OKMULGEE, OK VOR/DME	TULSA, OK VORTAC	3200
§ 95.6168 VOR Federal Airway V168 Is Amended To Read in Part		
LAGRANGE, GA VORTAC *6000—MCA MILER, AL FIX, S BND *2600—MCA MILER, AL FIX, N BND	*MILER, AL FIX	2600
MILER, AL FIX *6000—MCA WIREGRASS, AL VORTAC, N BND **3000—GNSS MEA	*WIREGRASS, AL VORTAC	**6000
§ 95.6187 VOR Federal Airway V187 Is Amended To Read in Part		
RATTLESNAKE, NM VORTAC	RIZAL, CO FIX	9200
RIZAL, CO FIX *11200—MCA MANCA, CO FIX, N BND	*MANCA, CO FIX	10900
MANCA, CO FIX *12400—MOCA #MEA IS ESTABLISHED WITH A GAP IN NAVIGATION SIGNAL COVERAGE	HERRM, CO FIX	#*15000
HERRM, CO FIX *10700—MCA GRAND JUNCTION, CO VOR/DME, S BND **12100—MOCA	*GRAND JUNCTION, CO VOR/DME	**15000
§ 95.6216 VOR Federal Airway V216 Is Amended To Read in Part		
ORION, KS FIX *4300—MOCA	HILL CITY, KS VORTAC	*5000

REVISIONS TO IFR ALTITUDES & CHANGEOVER POINT—Continued

[Amendment 511 Effective Date February 06, 2014]

From	To	MEA
§ 95.6241 VOR Federal Airway V241 Is Amended To Read in Part		
CRESTVIEW, FL VORTAC *3000—MCA WIREGRASS, AL VORTAC, N BND	*WIREGRASS, AL VORTAC	2000
WIREGRASS, AL VORTAC *2000—MOCA #WIREGRASS R–019 UNSABLE BELOW 6000 USE EUFAULA R–199	EUFAULA, AL VORTAC	#*3000
§ 95.6521 VOR Federal Airway V521 Is Amended To Read in Part		
WIREGRASS, AL VORTAC *1900—MOCA	CLIOS, AL FIX	*2300
CLIOS, AL FIX	MONTGOMERY, AL VORTAC	2400

[FR Doc. 2014–00516 Filed 1–13–14; 8:45 am]

BILLING CODE 4910–13–P

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 42

RIN 3038–AB90

Updates to Cross-References to Bank Secrecy Act Regulations

AGENCY: Commodity Futures Trading Commission.

ACTION: Final rule; technical amendments.

SUMMARY: The Commodity Futures Trading Commission (''Commission'') is adopting technical amendments to the Commission's regulations that correct cross-references to regulations administered by the Financial Crimes Enforcement Network (''FinCEN''), a bureau of the U.S. Department of Treasury, under the Bank Secrecy Act (''BSA''). FinCEN's regulations have been reorganized and transferred to a new chapter in the Code of Federal Regulations. The amendments update the cross-references to FinCEN regulations and are to be made effective upon publication of this rulemaking.

DATES: Effective January 14, 2014.

FOR FURTHER INFORMATION CONTACT: Helene D. Schroeder, Special Counsel, (202) 418–5424, *hschroeder@cftc.gov,* Commodity Futures Trading Commission, Division of Swap Dealer and Intermediary Oversight, Three Lafayette Centre, 1155 21st Street NW., Washington DC 2058.

SUPPLEMENTARY INFORMATION:

I. Background

The BSA [1] authorizes the Secretary of the Treasury (the ''Secretary'') to issue regulations requiring financial institutions to keep records and file reports that the Secretary determines have a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings, or in the conduct of intelligence or counterintelligence activities, including analysis, to protect against international terrorism.[2] The authority of the Secretary to administer the BSA has been delegated to the Director of FinCEN.[3]

Section 5318(h) of the BSA requires ''financial institutions'' to establish anti-money laundering (''AML'') programs and specifies that these programs must contain certain minimum requirements.[4] Section 1010.100 of FinCEN's regulations defines futures commission merchants (''FCMs'') and introducing brokers (''IBs'') as financial institutions.[5] As such, FCMs and IBs are required to establish AML programs under section 5318(h) of the BSA. FinCEN regulations also require FCMs and IBs to establish customer identification programs,[6] establish special due diligence programs for certain foreign accounts,[7] detect and report suspicious activity on suspicious activity reports,[8] and file currency transaction reports on certain cash transactions,[9] among other obligations. Section 42.2 of the Commissions regulations implements the authority FinCEN delegated to the Commission to examine FCMs and IBs and ensure that they comply with the BSA regulations to which they are subject,[10] and specifically requires every FCM and IB to comply with the applicable provisions of the BSA, the FinCEN regulations promulgated thereunder, the requirements of 31 U.S.C. 5318(l) and 31 CFR 103.123, which require that a customer identification program be adopted as part of the firm's BSA compliance program.[11]

II. Amending § 42.2 of the Commission's Regulations

Until March 1, 2011, FinCEN regulations implementing the BSA appeared at 31 CFR part 103. Section 42.2 of the Commission's regulations currently references these part 103 regulations. Effective March 1, 2011, FinCEN's regulations were re-organized, re-numbered and transferred to a new chapter, chapter X, within title 31. The re-numbered and re-organized regulations appear within parts 1000 through 1099 of chapter X and are now generally organized by financial industry. Thus, part 1026 of chapter X, for example, sets forth the regulations applicable to FCMs and IBs. Based on the reorganization and transfer of

[1] The BSA is codified at 12 U.S.C. 1829b, 12 U.S.C. 1951–1959 and 31 U.S.C. 5311–5314; 5316–5332.

[2] 31 U.S.C. 5311.

[3] *See* Treasury Order 180–01 (Sept. 26, 2002).

[4] Section 5318(h)(1) identifies these minimum requirements as follows: In order to guard against money laundering through financial institutions, each financial institution shall establish anti-money laundering programs, including, at a minimum—(A) the development of internal policies, procedures, and controls; (B) the designation of a compliance officer; (C) an ongoing employee training program; and (D) an independent audit function to test programs.

[5] 31 CFR 1010.100(t)(8) and (9).

[6] 31 CFR 1026.220.

[7] 31 CFR 1026.610 and 1026.620.

[8] 31 CFR 1026.320.

[9] 31 CFR 1026.300.

[10] *See* 31 U.S.C. 5318(a)(1) (permitting the Secretary of the Treasury to delegate BSA duties and powers to an appropriate supervising agency) and 31 CFR 1010.810(b)(9) (delegating BSA examination authority to the Commission).

[11] 17 CFR 42.2.

FinCEN regulations, the Commission is adopting technical amendments to part 42 of its regulations to replace outdated references to part 103 with the appropriate references to chapter X.

III. Related Matters

A. Administrative Procedure Act

Notice of proposed rulemaking is not required under section 553(b)(3)(B) of the Administrative Procedure Act (''APA'') when an agency, for good cause, finds ''that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.'' [12] The amendments described herein are technical changes that are required to correct inaccurate cross-references in the relevant regulation and will not impose any new substantive regulatory requirements on any person. For these reasons, the Commission finds that it is unnecessary to publish notice of these amendments under section 553(b)(3)(B) of the APA.

The Commission also finds good cause to dispense with the 30-day delayed effective date requirement under section 553(d)(3) of the APA.[13] The technical amendments update inaccurate cross references. Accordingly, the amendments will be effective on the date of publication of this action, January 14, 2014.

B. Regulatory Flexibility Analysis

The Regulatory Flexibility Act (''RFA'') requires the Commission to consider whether a rule it proposes will have a significant economic impact on a substantial number of small entities and either provide a regulatory flexibility analysis respecting the significant impact or certify that the rule will not have such an impact.[14] The RFA is applicable only to a rule for which the Commission publishes a general notice of proposed rulemaking pursuant to 5 U.S.C. 553(b).[15] The Commission has determined that it is unnecessary to publish a general notice of proposed rulemaking for the amendments to part 42 of the Commission regulations that are being adopted by this notice, as the amendments are only technical in nature and do not subject any party to any new substantive regulatory requirements. Therefore, neither a regulatory flexibility analysis nor a certification is required for this rulemaking action.

[12] 5 U.S.C. 553(b)(3)(B).

[13] 5 U.S.C. 553(d)(3).

[14] 5 U.S.C. 601 *et seq.*

[15] 5 U.S.C. 601(2).

C. Paperwork Reduction Act

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it is approved by the Office of Management and Budget as required by the Paperwork Reduction Act.[16] This final rulemaking will not impose any new recordkeeping or information collection requirements, or other collections of information.

D. Cost-Benefit Analysis

Section 15(a) of the Commodity Exchange Act (''CEA'') [17] requires the Commission to consider the costs and benefits of its actions before promulgating a regulation under the CEA. Section 15(a) specifies that the costs and benefits shall be considered against five broad areas of market and public concern: (1) Protection of market participants and the public; (2) efficiency, competitiveness and financial integrity of futures markets; (3) price discovery; (4) sound risk management practices; and (5) other public interest considerations. The Commission may give greater weight to one or more of the five enumerated considerations to determine, in its discretion, that a particular rule is necessary or appropriate to protect the public interest or to effectuate any of the provisions or accomplish any of the purposes of the CEA.

This final rule does not impose any substantive regulatory obligations on any person. Rather, the Commission solely is adopting technical amendments to § 42.2 of its regulations to ensure that its regulations implementing its BSA examination authority accurately refer to the BSA regulations administered by FinCEN. Accordingly, there are no quantifiable costs associated with this rulemaking. The sole qualitative benefit associated with this rulemaking is accuracy.

List of Subjects in 17 CFR Part 42

Anti-money laundering, Brokers, Reporting and recordkeeping requirements, Terrorist financing.

Authority and Issuance

For the reasons stated in the preamble, the Commodity Futures Trading Commission is amending part 42 of title 17 of the Code of Federal Regulations as set forth below:

[16] 44 U.S.C. 3501 *et seq.*

[17] 7 U.S.C. 19(a).

PART 42—ANTI–MONEY LAUNDERING, TERRORIST FINANCING

■ 1. The authority citation for part 42 continues to read as follows:

Authority: 7 U.S.C. 1a, 2, 5, 6, 6b, 6d, 6f, 6g, 7, 7a, 7a–1, 7a–2, 7b, 7b–1, 7b–2, 9, 12, 12a, 12c, 13a, 13a–1, 13c, 16 and 21; 12 U.S.C. 1786(q), 1818, 1829b and 1951–1959; 31 U.S.C. 5311–5314 and 5316–5332; title III, secs. 312–314, 319, 321, 326, 352, Pub. L. 107–56, 115 Stat. 307.

■ 2. Section 42.2 is revised to read as follows:

§ 42.2 Compliance with Bank Secrecy Act.

Every futures commission merchant and introducing broker shall comply with the applicable provisions of the Bank Secrecy Act and the regulations promulgated by the Department of the Treasury under that Act at 31 CFR chapter X, and with the requirements of 31 U.S.C. 5318(l) and the implementing regulation jointly promulgated by the Commission and the Department of the Treasury at 31 CFR 1026.220, which require that a customer identification program be adopted as part of the firm's Bank Secrecy Act compliance program.

Issued in Washington, DC, on January 8, 2014, by the Commission.

Melissa D. Jurgens,

Secretary of the Commission

Appendix to Technical Amendments Updating Cross-References to Bank Secrecy Act Regulations

Note: The following appendix will not appear in the Code of Federal Regulations.

Appendix 1—Commission Voting Summary

On this matter, Acting Chairman Wetjen and Commissioners Chilton and O'Malia voted in the affirmative.

[FR Doc. 2014–00406 Filed 1–13–14; 8:45 am]

BILLING CODE 6351–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Parts 110 and 165

[Docket Number USCG–2013–1014]

RIN 1625–AA00

Anchorage Grounds and Safety Zone, Delaware River; Marcus Hook, PA

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing temporary regulations in

support of the annual U.S. Army Corps of Engineers (USACE) dredging of Marcus Hook Range in the Delaware River. Anchorage restrictions and a safety zone affecting the Marcus Hook area of the Delaware River are in place every year from September 1 through December 31. The dredging operations taking place this year require the regulations to remain in place through February 28, 2014. This final rule establishes temporary regulations to extend the time that those regulations are in place.

DATES: This rule is effective without actual notice from January 14, 2014 until February 28, 2014. For the purposes of enforcement, actual notice will be used from the date the rule was signed, December 30, 2013, until January 14, 2014.

ADDRESSES: Documents mentioned in this preamble are part of docket number [USCG–2013–1014]. To view documents mentioned in this preamble as being available in the docket, go to *http://www.regulations.gov,* type the docket number in the ''SEARCH'' box and click ''SEARCH.'' Click on Open Docket Folder on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, call or email Lieutenant Veronica Smith, Chief Waterways Management, Sector Delaware Bay, U.S. Coast Guard; telephone (215) 271–4851, email *veronica.l.smith@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Cheryl Collins, Program Manager, Docket Operations, telephone (202) 366–9826.

SUPPLEMENTARY INFORMATION:

Table of Acronyms

DHS Department of Homeland Security
FR Federal Register
NPRM Notice of Proposed Rulemaking

A. Regulatory History and Information

The Coast Guard is issuing this temporary final rule without prior notice and opportunity to comment pursuant to authority under section 4(a) of the Administrative Procedure Act (APA) (5 U.S.C. 553(b)). This provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable and unnecessary. Immediate action is necessary to provide for the safety of life and property in the navigable water. Publishing an NPRM is impracticable because the final details for the dredging operation were not received by the Coast Guard until December 2, 2013 and there was insufficient time to allow for a comment period. Publishing an NPRM is unnecessary because very few members of the public will be affected by the regulations established by this Final Rule. The regulations being created are temporary and will only impact a small number of vessels in a limited geographic area. Failure to establish these regulations may present hazards to sessels transiting or attempting to transit Marcus Hook Range and the adjacent anchorage during pipe-laying or dredging operations. Delaying this rule to wait for a notice and comment period to run would be contrary to the public interest as it would inhibit the Coast Guard's ability to protect the public from the hazards associated with pipe-laying and dredging operations.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds for the same reasons described in the previous paragraph that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**.

B. Basis and Purpose

On July 15, 2005, the Coast Guard published a final rule entitled ''Anchorage Grounds and Safety Zone; Delaware River'' in the **Federal Register** (70 FR 40885). This rule established regulations for the annual dredging operations that take place in the Marcus Hook Range from September 1 through December 31. To reduce the hazards associated with the dredging operations, vessel traffic that normally transits through the Marcus Hook Range is diverted through part of Anchorage 7 during dredging operations. As a result, the rule places additional requirements and restrictions on the use of Anchorage 7 and Anchorage 6. In addition, a permanent safety zone was placed in waters within a 150 yard radius around vessels engaged in dredging operations. Norfolk Dredging Company has been hired by the Army Corps of Engineers to conduct the annual dredging in Marcus Hook Range. This year, dredging operations began on December 10, 2013, which is later in the year than previous dredging operations. This has made it necessary to extend the effective period of the existing regulations to ensure the safety of mariners transiting the area from the potential hazards associated with pipe laying and dredging operations.

C. Discussion of the Temporary Final Rule

The Captain of the Port Sector Delaware Bay is extending the effective period of the regulations found in 33 CFR 165.555 and 33 CFR 110.157 for the duration of the dredging operation in Marcus Hook Range. These regulations will be in effect until February 28, 2014, unless cancelled earlier by the Captain of the Port. The safety zone being established will include waters within a 150 yard radius of the dredge performing the dredging operations. Vessels transiting the Marcus Hook Range will have to divert from the main ship channel through Anchorage 7 and must operate at the minimum safe speed necessary to maintain steerage and reduce wake. Entry into, transiting, or anchoring within the safety zone is prohibited unless authorized by the Captain of the Port, Sector Delaware Bay, or her on-scene representative. Certain requirements will also be in place for vessels using the affected anchorages. During the effective period, vessels desiring to use Marcus Hook Anchorage (Anchorage 7), must obtain permission from the Captain of the Port Sector Delaware Bay at least 24 hours in advance. The Captain of the Port will permit only one vessel at a time to anchor in Anchorage 7 and will grant permission on a ''first come, first served'' basis. That vessel will be directed to a location within Anchorage 7 where it may anchor for a period not to exceed 12 hours. Vessels normally permitted to anchor in Anchorage 7 will be expected to use the next closest anchorage grounds, Anchorage 6 off Deepwater Point or Anchorage 9 near the entrance to Mantua Creek. To control access to Anchorages 6 and 9, the Coast Guard requires that any vessel 700 feet or greater in length to obtain advance notice from the Captain of the Port before anchoring. Any vessel 700 to 750 feet in length is required to have one tug standing alongside while at anchor and any vessel over 750 feet in length will require two tugs standing alongside. Any tug being utilized for this purpose must have sufficient horsepower to assist with necessary maneuvers to keep the vessel clear of the navigational channel. The Captain of the Port, Sector Delaware Bay, or her on-scene representative may be contacted via VHF channel 16.

D. Regulatory Analyses

We developed this rule after considering numerous statutes and executive orders related to rulemaking. Below we summarize our analyses based on these statutes and executive orders.

1. Regulatory Planning and Review

This rule is not a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review, as supplemented by Executive Order 13563, Improving Regulation and Regulatory Review, and does not require an assessment of potential costs and benefits under section 6(a)(3) of Executive Order 12866 or under section 1 of Executive Order 13563. The Office of Management and Budget has not reviewed it under those Orders.

The Coast Guard does not anticipate any significant economic impact because the safety zone will be enforced in an area and in a manner that does not conflict with transiting commercial and recreational traffic since vessels will be able to pass through Anchorage 7. During the enforcement period, vessels may request permission to transit through the safety zone. Permission may be granted by the Captain of the Port on a case-by-case basis. The operator of any vessel in the safety zone shall proceed as directed by the designated representative of the Captain of the Port and shall contact the Dredge ESSEX on VHF channel 13 or 16 at least 30 minutes prior to arrival for passing information.

Although this regulation requires certain vessels to have one or two tugs alongside while at anchor, the requirement only applies to vessels 700 feet or greater in length that choose to anchor in Anchorages 6 and 9. Alternate anchorage grounds such as Anchorage A off the entrance to the Mispillion River and Anchorage 1 (Bombay Hook) off Bombay Hook Point in Delaware Bay, are reasonably close and generally available.

2. Impact on Small Entities

The Regulatory Flexibility Act of 1980 (RFA), 5 U.S.C. 601–612, as amended, requires federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities:

(1) This rule will affect the following entities, some of which might be small entities: The owners or operators of vessels intending to operate, transit, or anchor in Anchorage 7 from January 1, 2014 until February 28, 2014 unless cancelled earlier by the Captain of the Port.

(2) This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: This rule will only be enforced for a short period of time. In the event that this temporary safety zone affects shipping, commercial vessels may request permission from the Captain of the Port, Sector Delaware Bay, to transit through the safety zone. Before activation of the zone, we will give notice to the public via a Broadcast Notice to Mariners that the regulation is in effect.

3. Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT**, above.

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

4. Collection of Information

This rule will not call for a new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

5. Federalism

A rule has implications for federalism under Executive Order 13132, Federalism, if it has 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. We have analyzed this rule under that Order and determined that this rule does not have implications for federalism.

6. Protest Activities

The Coast Guard respects the First Amendment rights of protesters. Protesters are asked to contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to coordinate protest activities so that your message can be received without jeopardizing the safety or security of people, places or vessels.

7. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by a State, local, or tribal government, in the aggregate, or by the private sector of $100,000,000 (adjusted for inflation) or more in any one year. Though this rule will not result in such an expenditure, we do discuss the effects of this rule elsewhere in this preamble.

8. Taking of Private Property

This rule will not cause a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

9. Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

10. Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not create an environmental risk to health or risk to safety that may disproportionately affect children.

11. Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and

responsibilities between the Federal Government and Indian tribes.

12. Energy Effects

This action is not a ''significant energy action'' under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.

13. Technical Standards

This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

14. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01 and Commandant Instruction M16475.lD, which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves anchorages and safety zones on the navigable waters of the United States under 33 CFR Parts 110 and 165. This zone will temporarily restrict vessel traffic from transiting through a portion of Marcus Hook Range in order to protect the safety of life and property on the waters while submerged dredge pipe-laying and dredging operations are conducted. This rule is categorically excluded from further review under paragraphs 34(f) and 34(g) of Figure 2–1 of the Commandant Instruction. A checklist and categorical exclusion determination are available in the docket. We seek any comments or information that may lead to the discovery of a significant environmental impact from this rule.

List of Subjects

33 CFR Part 110

Anchorage Grounds.

33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping requirements, Security measures, Waterways.

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 110 and 165 as follows:

PART 110—ANCHORAGE REGULATIONS

■ 1. The authority citation for part 110 continues to read as follows:

Authority: 33 U.S.C. 471; 1221 through 1236, 2030, 2035, and 2071; Department of Homeland Security Delegation No. 0170.1 and 33 CFR 1.05–1(g).

■ 2. Add temporary paragraph (b)(12) to § 110.157 to read as follows:

§ 110.157 Delaware Bay and River.

* * * * *

(b) * * *

(12) From January 1, 2014 until February 28, 2014, additional requirements and restrictions in this paragraph for the use of anchorages defined in paragraphs (a)(7), (a)(8), and (a)(10) of this section apply.

(i) Before anchoring in Anchorage 7 off Marcus Hook, as described in paragraph (a)(8) of this section, a vessel must first obtain permission from the Captain of the Port, Philadelphia, at least 24 hours in advance of arrival. Permission to anchor will be granted on a ''first-come, first-served'' basis. The Fifth Coast Guard District Commander will allow only one vessel at a time to be at anchor in Anchorage 7, and no vessel may remain within Anchorage 7 for more than 12 hours. Any vessel arriving from or departing to sea that requires an examination by the public health service, customs or immigration authorities will be directed to an anchorage for the required inspection by the Captain of the Port on a case-by-case basis.

(ii) For Anchorage 6 off Deepwater Point, as described in paragraph (a)(7) of this section, and Anchorage 9 as described in paragraph (a)(10) of this section.

(A) Any vessel 700 feet or greater in length requesting anchorage shall obtain permission from the Captain of the Port, Philadelphia, Pennsylvania, at least 24 hours in advance.

(B) Any vessel from 700 to 750 feet in length shall have one tug alongside at all times while the vessel is at anchor.

(C) Any vessel greater than 750 feet in length shall have two tugs alongside at all times while the vessel is at anchor.

(D) The Master, owner or operator of a vessel at anchor shall ensure that any tug required by this section is of sufficient horsepower to assist with necessary maneuvers to keep the vessel clear of the navigation channel.

(iii) As used in this section, Captain of the Port means the Commander of Sector Delaware Bay or any Coast Guard commissioned, warrant or petty officer who has been authorized by the Captain of the Port to act on his behalf. The Captain of the Port may be contacted by telephone at (215) 271–4807 or via VHF marine band radio, channel 16.

* * * * *

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

■ 3. The authority citation for part 165 continues to read as follows:

Authority: 33 U.S.C. 1231; 46 U.S.C. Chapter 701, 3306, 3703; 50 U.S.C. 191, 195; 33 CFR 1.05–1, 6.04–1, 6.04–6, 160.5; Pub. L. 107–295, 116 Stat. 2064; Department of Homeland Security Delegation No. 0170.1.

■ 4. Add temporary § 165.T05–1014, to read as follows:

§ 165.T05–1014 Safety Zone, Delaware River.

(a) *Regulated Area.* The following area is a safety zone: All waters located within a 150 yard radius around the dredging operation and barge, conducting dredging operations in or near the vicinity of Anchorage 7.

(b) *Regulations.* The general safety zone regulations found in 33 CFR 165.23 apply to the safety zone created by this section, § 165.T05–1014.

(1) All persons and vessels are prohibited from entering this zone, except as authorized by the Coast Guard Captain of the Port or her designated representative.

(2) All persons or vessels wishing to transit through the safety zone must request authorization to do so from the Captain of the Port or her designated representative one hour prior to the intended time of transit.

(3) Vessels granted permission to transit through the Safety Zone must do so in accordance with the directions provided by the Captain of the Port or her designated representative.

(4) To seek permission to transit this safety zone, the Captain of the Port or her designated representative can be contacted via Sector Delaware Bay Command Center (215) 271–4940 or VHF channel 16. Vessels should contact the Dredge ESSEX on VHF channel 13 or 16 at least 30 minutes prior to arrival for passing information.

(5) This section applies to all vessels wishing to transit through the safety zone except vessels that are engaged in the following operations:

(i) Enforcing laws;

(ii) Servicing aids to navigation, and

(iii) Emergency response vessels.

(6) No person or vessel may enter or remain in a safety zone without the permission of the Captain of the Port;

(7) Each person and vessel in a safety zone shall obey any direction or order of the Captain of the Port;

(8) No person may board, or take or place any article or thing on board, any vessel in a safety zone without the permission of the Captain of the Port; and

(9) No person may take or place any article or thing upon any waterfront

facility in a safety zone without the permission of the Captain of the Port.

(c) Definitions. (1) *Captain of the Port* means the Commander, Coast Guard Sector Delaware Bay, or any Coast Guard commissioned, warrant or petty officer who has been authorized by the Captain of the Port to act on her behalf.

(2) *Designated representative* means any Coast Guard commissioned, warrant or petty officer who has been authorized by the Captain of the Port Delaware Bay to assist in enforcing the safety zone described in paragraph (a) of this section.

(d) *Enforcement.* The U.S. Coast Guard may be assisted by Federal, State, and local agencies in the patrol and enforcement of the zone.

(e) *Enforcement period.* This section will be enforced from January 1, 2014 until February 28, 2014 unless cancelled earlier by the Captain of the Port.

Dated: December 30, 2013.

Steven H. Ratti,

Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. 2014–00438 Filed 1–13–14; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2013–0753; FRL–9905–29-Region 9]

Revisions to the California State Implementation Plan, El Dorado County Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking direct final action to approve revisions to the El Dorado County Air Quality Management District (EDAQMD) portion of the California State Implementation Plan (SIP). These revisions concern negative declarations for volatile organic compound (VOC) source categories for the EDAQMD. We are approving these negative declarations under the Clean Air Act as amended in 1990 (CAA or the Act).

DATES: This rule is effective on March 17, 2014 without further notice, unless EPA receives adverse comments by February 13, 2014. If we receive such comments, we will publish a timely withdrawal in the **Federal Register** to notify the public that this direct final rule will not take effect.

ADDRESSES: Submit comments, identified by docket number EPA–R09–OAR–2013–0753, by one of the following methods:

1. *Federal eRulemaking Portal: www.regulations.gov.* Follow the on-line instructions.
2. *Email: steckel.andrew@epa.gov.*
3. *Mail or deliver:* Andrew Steckel (Air-4), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Instructions: All comments will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through *www.regulations.gov* or email. *www.regulations.gov* is an ''anonymous access'' system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send email directly to EPA, your email address will be automatically captured and included as part of the public comment. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: Generally, documents in the docket for this action are available electronically at *www.regulations.gov* and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California 94105–3901. While all documents in the docket are listed at *www.regulations.gov,* some information may be publicly available only at the hard copy location (e.g., copyrighted material, large maps), and some may not be publicly available in either location (e.g., CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Stanley Tong, EPA Region IX, (415) 947–4122, *tong.stanley@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us,'' and ''our'' refer to EPA.

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I. The State's Submittal

A. What negative declarations did the State submit?

Table 1 lists the negative declarations we are approving with the dates that they were adopted by the EDAQMD and submitted by the California Air Resources Board (CARB).

TABLE 1—SUBMITTED NEGATIVE DECLARATIONS

Local agency	Title	Adopted	Submitted
EDAQMD	EPA–450/2–78–015—Control of VOC Emissions from Existing Stationary Sources, Volume VI: Surface Coating of Miscellaneous Metal Parts and Products.	12/11/12	09/30/13
EDAQMD	EPA–450/2–77–022—Control of VOC Emissions from Solvent Metal Cleaning	12/11/12	09/30/13
EDAQMD	EPA–450/2–78–033—Control of VOC Emissions from Existing Stationary Sources, Volume VIII: Graphic Arts—Rotogravure and Flexography.	12/11/12	09/30/13

On November 25, 2013, EPA determined that the EDAQMD negative declarations submitted on September 30, 2013, met the completeness criteria in 40 CFR Part 51 Appendix V, which must be met before formal EPA review.

B. Are there other versions of these negative declarations?

There are no previous versions of these negative declarations.

C. What is the purpose of the submitted negative declarations?

The negative declarations were submitted to meet the requirements of CAA section 182(b)(2). Ozone nonattainment areas classified at moderate and above are required to adopt VOC regulations for the published Control Technique Guidelines (CTG) categories and for major non-CTG sources of VOC or NO_X. If an ozone nonattainment area does not have stationary sources covered by an EPA published CTG, then the area is required to submit a negative declaration. The negative declarations were submitted because there are no stationary sources exceeding the CTG's applicability threshold within the EDAQMD jurisdiction. EPA's technical support document (TSD) has more information about these negative declarations.

II. EPA's Evaluation and Action

A. How is EPA evaluating the negative declarations?

The negative declarations are submitted as SIP revisions and must be consistent with CAA requirements for Reasonably Available Control Technology (RACT) (see section 182(b)(2)) and SIP relaxation (see sections 110(l) and 193.) To do so, the submittal should provide reasonable assurance that no sources subject to the CTG requirements currently exist or are planned for the EDAQMD.

B. Do the negative declarations meet the evaluation criteria?

We believe these negative declarations are consistent with the relevant policy and guidance regarding RACT and SIP relaxations. The TSD has more information on our evaluation.

C. Public Comment and Final Action

As authorized in section 110(k)(3) of the Act, EPA is fully approving the submitted negative declarations as additional information to the SIP because we believe they fulfill all relevant requirements. We do not think anyone will object to this approval, so we are finalizing it without proposing it in advance. However, in the Proposed Rules section of this **Federal Register**, we are simultaneously proposing approval of these negative declarations. If we receive adverse comments by February 13, 2014, we will publish a timely withdrawal in the **Federal Register** to notify the public that the direct final approval will not take effect and we will address the comments in a subsequent final action based on the proposal. If we do not receive timely adverse comments, the direct final approval will be effective without further notice on March 17, 2014.

III. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve State choices, provided that they meet the criteria of the Clean Air Act. Accordingly, this action merely approves State law as meeting Federal requirements and does not impose additional requirements beyond those imposed by State law. For that reason, this action:

- Is not a ''significant regulatory action'' subject to review by the Office of Management and Budget under Executive Order 12866 (58 FR 51735, October 4, 1993);
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 et seq.);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 et seq.);
- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act; and
- does not provide EPA with the discretionary authority to address disproportionate human health or environmental effects with practical, appropriate, and legally permissible methods under Executive Order 12898 (59 FR 7629, February 16, 1994).

In addition, this rule does not have tribal implications as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), because the SIP is not approved to apply in Indian country located in the State, and EPA notes that it will not impose substantial direct costs on tribal governments or preempt tribal law.

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 17, 2014. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. Parties with objections to this direct final rule are encouraged to file a comment in response to the parallel notice of proposed rulemaking for this action published in the Proposed Rules section of today's **Federal Register**, rather than file an immediate petition for judicial review of this direct final rule, so that EPA can withdraw this direct final rule and address the comment in the proposed rulemaking. This action may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2)).

List of Subjects in 40 CFR Part 52

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

Dated: December 16, 2013.

Jared Blumenfeld,

Regional Administrator, Region IX.

Part 52, Chapter I, Title 40 of the Code of Federal Regulations is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

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

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

Subpart F—California

■ 2. Section 52.222 is amended by adding paragraph (a)(7)(ii) to read as follows:

§ 52.222 Negative declarations.

* * * * *

(a) * * *

(7) * * *

(ii) Control of VOC Emissions from Existing Stationary Sources, Volume VI: Surface Coating of Miscellaneous Metal Parts and Products; Control of VOC Emissions from Solvent Metal Cleaning; and Control of VOC Emissions from Existing Stationary Sources, Volume VIII: Graphic Arts—Rotogravure and Flexography submitted on September 30, 2013 and adopted on December 11, 2012.

* * * * *

[FR Doc. 2014–00398 Filed 1–13–14; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Part 391

[Docket No. FMCSA–1997–2210]

RIN 2126–AB71

Medical Certification Requirements as Part of the Commercial Driver's License (CDL); Extension of Certificate Retention Requirements

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Final rule.

SUMMARY: The FMCSA amends its regulations to keep in effect until January 30, 2015, the requirement that interstate drivers subject to: either the commercial driver's license (CDL) or the commercial learner's permit (CLP) regulations: as well as the Federal physical qualification requirements, must retain paper copies of their medical examiner's certificate when operating a commercial motor vehicle. Interstate motor carriers are also required to retain copies of their drivers' medical certificates in their driver qualification files. This action is being taken to ensure that the medical qualification of CDL and CLP holders are documented adequately until all State driver licensing agencies (SDLAs) are able to post the drivers' self-certification whether the physical qualifications standards are applicable to them and the medical examiner's certificate information, on the Commercial Driver's License Information System (CDLIS) driver record. This rule does not, however, extend the compliance dates for the SDLA to collect and to post to the CDLIS driver record the CDL holder's self-certification about applicable standards and the medical examiner's certificate.

DATES: This rule is effective January 14, 2014.

ADDRESSES: You may search background documents or comments to the docket for this rule, identified by docket number FMCSA–1997–2210, by visiting the:

- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the online instructions for reviewing documents and comments. Regulations.gov is available electronically 24 hours each day, 365 days a year; or
- *DOT Docket Management Facility:* U.S. Department of Transportation (DOT), 1200 New Jersey Avenue SE., West Building, Ground Floor, Room 12–140, Washington, DC 20590–0001.

Privacy Act

Anyone may search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or of the person signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's Privacy Act Statement for the Federal Docket Management System published in the **Federal Register** on January 17, 2008 (73 FR 3316), or you may visit *http://www.gpo.gov/fdsys/pkg/FR-2008-01-17/pdf/E8-785.pdf.*

FOR FURTHER INFORMATION CONTACT: If you have questions on this rule, email or call Mr. Robert Redmond, Senior Transportation Specialist, Office of Safety Programs, Commercial Driver's License Division (MC–ESL), Federal Motor Carrier Safety Administration, 1200 New Jersey Avenue SE., Washington, DC 20590–001; Telephone (202) 366–5014; Email *Robert.Redmond@dot.gov.*

SUPPLEMENTARY INFORMATION:

I. Legal Basis

The legal basis of the final rule titled *Medical Certification Requirements as Part of the Commercial Driver's License,* (2008 final rule) (73 FR 73096–73097), is also applicable to this rule.

The legal basis for issuing this final rule without an opportunity for public comment, and without an effective date at least 30 days after publication, are the two ''good cause'' exceptions under the Administrative Procedure Act (APA), 5 U.S.C. 553(b) and (d)(3). The APA specifically provides exceptions to its notice and comment rulemaking procedures when the Agency finds that there is good cause (and incorporates the finding and a brief statement of reasons therefore in the rules issued) to dispense with them. Generally, good cause exists when the agency determines that notice and comment procedures are impractical, unnecessary, or contrary to the public interest. 5 U.S.C. 553(b). The Agency finds it necessary to take this action without notice and comment because of delays in implementation caused by those SDLAs not yet in compliance with the requirements of the 2008 final rule required by January 30, 2014. It would be impractical to conduct notice and comment procedures in the short time remaining before that date.

Moreover, under similar circumstances in 2011, when notice and an opportunity for public comment was provided, no comments were submitted either for or against the extension issued at that time. Most SDLAs will be in compliance by January 30, 2014, but obviously unless all of the SDLAs issuing CDLs and CLPs are in compliance, it will still be necessary for drivers and their employers to rely on the paper medical examiner's certificate to verify that the driver is physically qualified. Under these circumstances, FMCSA believes that no comments about this additional extension would likely be submitted, and therefore the notice and comment procedure is unnecessary. Delaying this extension beyond January 30, 2014 while comments are received would create uncertainty within the CDL and CLP program and potential inconsistencies in requirements and capabilities among States, however briefly. In this instance, notice and comment is therefore also contrary to the public interest.

The APA also provides for an exception to the required publication of a final rule on not less than 30 days' notice before its effective date. 5 U.S.C. 553(d)(3). The same reasons that justify dispensing with notice and comment procedures also justify making this final rule effective immediately, as well as the need to provide sufficient notice to the SDLAs and the affected carriers and drivers. FMCSA finds that there is good cause for making this final rule effective

on the date of publication in the **Federal Register**.

II. Background

On December 1, 2008, FMCSA published a final rule (73 FR 73096) adopting regulations to implement section 215 of the Motor Carrier Safety Improvement Act of 1999 (MCSIA) (Pub. L. 106–159, 113 Stat. 1767, Dec. 9, 1999). Section 215 (set out as a note to 49 U.S.C. 31305) directed the Secretary to initiate a rulemaking to provide for a Federal medical qualification certificate to be made a part of CDLs. The 2008 final rule requires any CDL holder subject to the physical qualification requirements of the Federal Motor Carrier Safety Regulations (FMCSRs) to provide a current original or copy of his or her medical examiner's certificate to the issuing SDLA. The final rule requires the SDLA to post in the CDLIS driver record the self-certification that CDL holders are required to make regarding applicability of the Federal physical qualification requirements and, for drivers subject to those requirements, the medical certification information specified in the regulations. The final rule also implemented other conforming requirements for both SDLAs and employers (73 FR 73096–73128). These requirements, for the most part, had a compliance date of January 30, 2012. On May 21, 2010, the Agency published several technical amendments to the 2008 final rule to make corrections and to address petitions for reconsideration of that final rule (75 FR 28499–28502).

In 2011, several SDLAs advised the Agency that they would not have the capability by January 30, 2012, to receive the required medical certification and medical examiner's certificate information provided by a non-excepted, interstate CDL holder, and then manually post the information to the CDLIS driver record. An SDLA's inability to receive and post the required material would render both the CDL holder and his or her employer unable to demonstrate or verify, respectively, that the driver is medically certified in compliance with the FMCSRs.

On November 15, 2011 (76 FR 70661), FMCSA amended the 2008 final rule to maintain in effect, until January 30, 2014, the requirement for an interstate CDL holder subject to the Federal physical qualification standards to carry a paper copy of his or her medical examiner's certificate while operating a commercial motor vehicle. CDL holders were required to continue carrying on his or her person the medical examiner's certificate specified at 49 CFR 391.43(h), or a copy, as valid proof of medical certification. 49 CFR 391.41(a)(2). Also, an interstate motor carrier that employs CDL holders would continue to maintain a copy of the CDL holder's medical examiner's certificate in its driver qualification files, as specified at 49 CFR 391.51(b)(7)(i), if the motor carrier is unable to obtain that information from the SDLA issuing the CDL due to the SDLA's inability to post the medical certificate data. In this way, the Agency could ensure the medical qualification of CDL holders until all States are able to post drivers' self-certification and medical examiner's certification information on the CDLIS driver record.

In the 2011 final rule, FMCSA did not change the compliance dates it established in the 2008 final rule for SDLAs. SDLAs were still expected to meet the January 30, 2012, date specified in 49 CFR 383.73 to start collecting information from CDL applicants and to post and retain this data on the CDLIS driver record. In addition, SDLAs were expected to collect and post the same data from all existing CDL holders by the January 30, 2014, compliance date. The Agency believed, at that time, that extending the requirement that both interstate CDL holders and motor carriers retain the copy of the medical examiner's certificate for 2 years, however, would provide sufficient overlap with the requirement that all SDLAs obtain the medical status and medical examiner's certificate information and post it on the driver's CDLIS driver record.

As a result of the commercial learner's permit (CLP) final rule, CLP holders became subject to the same requirement as CDL holders that a medical examiner's certificate be provided to the SDLAs so that this information will be available on the CDLIS record for CLP holders. *Commercial Driver's License Testing and Commercial Learner's Permit Standards,* 76 FR 26854 (May 9, 2011). The application of these requirements to CLP holders will become effective on July 8, 2015. *Id.,* 78 FR 17875 (March 25, 2013) and *General Technical, Organizational, and Conforming Amendments to the Federal Motor Carrier Safety Regulations,* 78 FR 58470 (Sept. 24, 2013).

III. Discussion of Final Rule

As the extended date of January 30, 2014 draws nearer, FMCSA has reluctantly concluded that there will still be a few SDLAs that will not be able to receive the required medical certification and medical examiner's certificate information provided by a non-excepted, interstate CDL holder, and then post it to the CDLIS driver record. Under these circumstances, the Agency cannot be certain that all CDL holders and their employers will be able to demonstrate or verify, respectively, that the driver is medically certified in compliance with the FMCSRs by reliance on the CDLIS driver records instead of the paper medical examiner's certificate. For this reason, FMCSA has decided to again extend for another year, until January 30, 2015, the date after which sole reliance on such driver records will be required for another year. The necessary amendments to 49 CFR 391.23(m), 391.41(a) and 391.51(b)(7) to accomplish this extension are set out below.

As indicated above, CLP applicants and holders will be subject to the same requirements to provide a medical examiner's certificate to the SDLAs beginning on July 8, 2015. See 49 CFR 383.71(a)(2) and (h). By the same date, SDLAs will be required to post that information on the CDLIS driver record. 49 CFR 383.73(o) and 384.225(a)(2). Therefore, conforming amendments to both 49 CFR 391.23, 391.41 and 391.51 are also incorporated below.

IV. Regulatory Analyses

Executive Order 12866 (Regulatory Planning and Review and DOT Regulatory Policies and Procedures

The FMCSA has determined that this final rule is not a significant regulatory action within the meaning of Executive Order (E.O.) 12866, as supplemented by E.O. 13563, 76 FR 3821 (Jan. 21, 2011), or within the meaning of the DOT regulatory policies and procedures (DOT Order 2100.5 dated May 22, 1980; 44 FR 11034, Feb. 26, 1979). Therefore, the rule was not submitted to the Office of Management and Budget (OMB) for a formal review. The changes made in this final rule will have minimal costs and a full regulatory evaluation is unnecessary.

Regulatory Flexibility Act

In compliance with the Regulatory Flexibility Act (5 U.S.C. 601–612), FMCSA has evaluated the effects of this rule on small entities. The rule extends, until January 30, 2015, the existing requirement for interstate CDL holders subject to Federal physical qualifications requirements and their employers to retain a copy of a medical examiner's certificate. Because extending the current requirement will not materially impact small entities, FMCSA certifies that this final rule will not have a significant economic impact on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) requires Federal agencies to assess the effects of their discretionary regulatory actions. In particular, the Act addresses actions that may result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of $151 million (which is the value of $100 million after adjusting for inflation) or more in any 1 year. The FMCSA has determined that the impact of this final rule will not reach this threshold.

Executive Order 13132 (Federalism)

The FMCSA analyzed this final rule in accordance with the principles and criteria contained in Executive Order 13132. Although the 2008 final rule had Federalism implications, FMCSA determined that it did not create 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. Today's final rule does not change that determination in any way.

Executive Order 12988 (Civil Justice Reform)

This action meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

Executive Order 13045 (Protection of Children)

The FMCSA analyzed this rule under Executive Order 13045, Protection of Children From Environmental Health Risks and Safety Risks. The Agency determined that this final rule does not concern an environmental risk to health or safety that may disproportionately affect children.

Executive Order 12630 (Taking of Private Property)

This final rule does not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference With Constitutionally Protected Property Rights.

Privacy Impact Assessment

Section 522 of title I of division H of the Consolidated Appropriations Act, 2005, enacted December 8, 2004 (Pub. L. 108–447, 118 Stat. 2809, 3268, 5 U.S.C. 552a note), requires the Agency to conduct a privacy impact assessment of a regulation that will affect the privacy of individuals. This rule does not require the collection of personally identifiable information.

Executive Order 12372 (Intergovernmental Review)

The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this final rule.

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) requires that FMCSA consider the impact of paperwork and other information collection burdens imposed on the public. FMCSA has determined that no new information collection requirements are associated with the requirements in this final rule.

National Environmental Policy Act and Clean Air Act

The FMCSA analyzed this final rule for the purpose of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and determined under our environmental procedures Order 5610.1, published March 1, 2004, (69 FR 9680) that this final rule does not have any significant impact on the environment. In addition, the actions in this rule are categorically excluded from further analysis and documentation as per paragraph 6.b of Appendix 2 of FMCSA's Order 5610.1. The FMCSA also analyzed this final rule under the Clean Air Act, as amended (CAA), section 176(c) (42 U.S.C. 7401 *et seq.*), and implementing regulations promulgated by the Environmental Protection Agency. This final rule is exempt from the CAA's general conformity requirement since the action results in no increase in emissions.

Executive Order 13211 (Energy Effects)

The FMCSA analyzed this final rule under Executive Order 13211, Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use. The Agency determined that it is not a ''significant energy action'' under that Executive Order because it is not economically significant and is not likely to have an adverse effect on the supply, distribution, or use of energy.

E.O. 13175 (Indian Tribal Governments)

This rule does not have tribal implications under E.O. 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

National Technology Transfer and Advancement Act (Technical Standards)

The National Technology Transfer and Advancement Act (NTTAA) (15 U.S.C. 272 note) directs agencies to use voluntary consensus standards in their regulatory activities unless the agency provides Congress, through OMB, with an explanation of why using these standards would be inconsistent with applicable law or otherwise impractical. Voluntary consensus standards (e.g., specifications of materials, performance, design, or operation; test methods; sampling procedures; and related management systems practices) are standards that are developed or adopted by voluntary consensus standards bodies. This rule does not use technical standards. Therefore, we did not consider the use of voluntary consensus standards.

List of Subjects in 49 CFR Part 391

Motor carriers, Reporting and recordkeeping requirements, Safety.

In consideration of the foregoing, FMCSA amends title 49 CFR part 391 as follows:

PART 391—QUALIFICATIONS OF DRIVERS AND LONGER COMBINATION VEHICLE (LCV) DRIVER INSTRUCTORS

■ 1. The authority citation for part 391 continues to read as follows:

Authority: 49 U.S.C. 504, 508, 31133, 31136, and 31502; sec. 4007(b) of Pub. L. 102–240, 105 Stat. 1914, 2152; sec. 114 of Pub. L. 103–311, 108 Stat. 1673, 1677; sec. 215 of Pub. L. 106–159, 113 Stat. 1748, 1767; sec. 32934 of Pub. L. 112–141, 126 Stat. 405, 830; and 49 CFR 1.87.

■ 2. Amend § 391.23 by revising paragraphs (m)(2) introductory text and (m)(2)(i) introductory text and adding paragraph (m)(3) to read as follows:

§ 391.23 Investigation and inquiries.

* * * * *

(m) * * *

(2) *Exception.* For drivers required to have a commercial driver's license under part 383 of this chapter:

(i) Beginning January 30, 2015, using the CDLIS motor vehicle record obtained from the current licensing State, the motor carrier must verify and document in the driver qualification file the following information before allowing the driver to operate a CMV:

* * * * *

(ii) Until January 30, 2015, if a driver operating in non-excepted, interstate

commerce has no medical certification status information on the CDLIS MVR obtained from the current State driver licensing agency, the employing motor carrier may accept a medical examiner's certificate issued to that driver, and place a copy of it in the driver qualification file before allowing the driver to operate a CMV in interstate commerce.

(3) *Exception.* For drivers required to have a commercial learner's permit under part 383 of this chapter:

(i) Beginning July 8, 2015, using the CDLIS motor vehicle record obtained from the current licensing State, the motor carrier must verify and document in the driver qualification file the following information before allowing the driver to operate a CMV:

(A) The type of operation the driver self-certified that he or she will perform in accordance with § 383.71(a)(1)(ii) and (g) of this chapter.

(B) That the driver was certified by a medical examiner listed on the National Registry of Certified Medical Examiners as of the date of medical examiner's certificate issuance.

(C) *Exception.* If the driver provided the motor carrier with a copy of the current medical examiner's certificate that was submitted to the State in accordance with § 383.73(a)(5) of this chapter, the motor carrier may use a copy of that medical examiner's certificate as proof of the driver's medical certification for up to 15 days after the date it was issued.

(ii) Until July 8, 2015, if a driver operating in non-excepted, interstate commerce has no medical certification status information on the CDLIS MVR obtained from the current State driver licensing agency, the employing motor carrier may accept a medical examiner's certificate issued to that driver, and place a copy of it in the driver qualification file before allowing the driver to operate a CMV in interstate commerce.

■ 3. In § 391.41, revise paragraph (a)(2) to read as follows:

§ 391.41 Physical qualifications for drivers.

(a) * * *

(2) *CDL/CLP exception.* (i) Beginning January 30, 2015, a driver required to have a commercial driver's license under part 383 of this chapter, and who submitted a current medical examiner's certificate to the State in accordance with § 383.71(h) of this chapter documenting that he or she meets the physical qualification requirements of this part, no longer needs to carry on his or her person the medical examiner's certificate specified at § 391.43(h), or a copy for more than 15 days after the date it was issued as valid proof of medical certification.

(ii) Beginning July 8, 2015, a driver required to have a commercial learner's permit under part 383 of this chapter, and who submitted a current medical examiner's certificate to the State in accordance with § 383.71(h) of this chapter documenting that he or she meets the physical qualification requirements of this part, no longer needs to carry on his or her person the medical examiner's certificate specified at § 391.43(h), or a copy for more than 15 days after the date it was issued as valid proof of medical certification.

(iii) A CDL or CLP holder required by § 383.71(h) of this chapter to obtain a medical examiner's certificate, who obtained such by virtue of having obtained a medical variance from FMCSA, must continue to have in his or her possession the original or copy of that medical variance documentation at all times when on-duty.

* * * * *

■ 4. In § 391.51, revise paragraph (b)(7)(ii) to read as follows:

§ 391.51 General requirements for driver qualification files.

* * * * *

(b) * * *

(7) * * *

(ii) *Exception.* For CDL holders, beginning January 30, 2012, if the CDLIS motor vehicle record contains medical certification status information, the motor carrier employer must meet this requirement by obtaining the CDLIS motor vehicle record defined at § 384.105 of this chapter. That record must be obtained from the current licensing State and placed in the driver qualification file. After January 30, 2015, a non-excepted, interstate CDL or CLP holder without medical certification status information on the CDLIS motor vehicle record is designated ''not-certified'' to operate a CMV in interstate commerce. After January 30, 2015, a motor carrier may use a copy of the driver's current medical examiner's certificate that was submitted to the State for up to 15 days from the date it was issued as proof of medical certification.

* * * * *

Issued under the authority delegated in 49 CFR 1.87 on: January 8, 2014.

Anne S. Ferro,

Administrator.

[FR Doc. 2014–00445 Filed 1–13–14; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket Nos. FWS–R4–ES–2011–0043; FWS–R2–ES–2013–0001; FWS–R4–ES–2013–0026; 4500030113]

RINs 1018–AX83; 1018–AZ24; 1018–AZ48

Endangered and Threatened Wildlife and Plants; Corrections to Rules Adding Species to the List of Endangered Wildlife

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rules; corrections.

SUMMARY: We, the U.S. Fish and Wildlife Service, published final rules in the **Federal Register** on April 6, 2012, August 20, 2013, and September 26, 2013, revising our List of Endangered and Threatened Wildlife. Inadvertently, we made some errors in our amendatory instructions. With this technical correction, we correct those errors.

DATES: Effective January 14, 2014.

FOR FURTHER INFORMATION CONTACT: Susan Wilkinson, (703) 358–2506.

SUPPLEMENTARY INFORMATION: The Office of the Federal Register (OFR) has made us aware that one rule that published in 2012 and two rules that published in 2013 to revise the List of Endangered and Threatened Wildlife (List) in title 50 of the Code of Federal Regulations (CFR) at 50 CFR part 17 contained amendatory instructions that could not be followed. This document corrects these administrative errors, which in turn corrects errors in the List in § 17.11(h).

Final Rule of April 6, 2012 (77 FR 20948)

In a rule that published April 6, 2012, ''Listing of the Miami Blue Butterfly as Endangered Throughout Its Range; Listing of the Cassius Blue, Ceraunus Blue, and Nickerbean Blue Butterflies as Threatened Due to Similarity of Appearance to the Miami Blue Butterfly in Coastal South and Central Florida'' (77 FR 20948), the second amendatory instruction at 77 FR 20986 directed OFR to amend § 17.11(h) by adding entries for four species to the List. For three of the species, the instruction was to include these words in the Status column of the List: ''T(S/A) (coastal south and central FL).'' However, the configuration of the table as presented in the CFR does not provide sufficient space in that column to accommodate an addition of that length (i.e., most entries in the Status column consist of just a single letter, with the longest

entries containing only three letters and punctuation). Therefore, we are correcting this instruction as set forth in the rule portion of this document and the rule text so that the Status column will contain only ''T(S/A)'' and the words ''Coastal south and central FL'' will be added to the preceding column in the List (''Vertebrate population where endangered or threatened'') for the three species. Although these three species are invertebrates, the only place in the table to identify where they are listed is in the column ''Vertebrate population where endangered or threatened.'' This change does not affect the status of these species under the Endangered Species Act of 1973, as amended (16 U.S.C 1531 et seq.).

Final Rule of August 20, 2013 (78 FR 51328)

In a rule of August 20, 2013, ''Designation of Critical Habitat for the Austin Blind and Jollyville Plateau Salamanders'' (78 FR 51328), the second amendatory instruction at 78 FR 51362 directed OFR to amend § 17.11(h) by adding entries for ''Salamander, Georgetown'' and ''Salamander, Salado''. However, the entries set forth following this instruction were for the Austin blind and Jollyville Plateau salamanders. The instruction was erroneous; the table entries were correct. These same two species, the Austin blind salamander and the Jollyville Plateau salamander, were added to the List in § 17.11(h) as the result of a final rule that also published August 20, 2013, ''Determination of Endangered Species Status for the Austin Blind Salamander and Threatened Species Status for the Jollyville Plateau Salamander Throughout Their Ranges'' (78 FR 51278). Accordingly, we are removing the second amendatory instruction for this final rule and the accompanying rule text as the instruction was erroneous and is unnecessary.

Final Rule of September 26, 2013 (78 FR 59556)

In a rule of September 26, 2013, ''Designation of Critical Habitat for the Fluted Kidneyshell and Slabside Pearlymussel'' (78 FR 59556), the second amendatory instruction at 78 FR 59584 directed OFR to amend § 17.11(h) by adding entries for ''Kidneyshell, fluted'' and ''Pearlymussel, slabside''. However, the species were added to the List in another final rule that published the same day, ''Endangered Species Status for the Fluted Kidneyshell and Slabside Pearlymussel'' (78 FR 59269; September 26, 2013). Because the species were added to the List by the rule that published at 78 FR 59269, they could not be added to the List again by another rule. Therefore, we are removing amendatory instruction number 2 from the rule at 78 FR 59556 and the accompanying rule text as the instruction is unnecessary and cannot be performed.

Corrections

Accordingly, the following corrections are made to FR Doc. 2013–19713, 2013–23357, and 2012–8088 as follows:

PART 17—[AMENDED]

■ 1. In FR Doc. 2013–19713 appearing in the **Federal Register** of Tuesday, August 20, 2013, on page 51362, in the third column, the second amendatory instruction and the accompanying table are removed.

■ 2. In FR Doc. 2013–23357 appearing in the **Federal Register** of Thursday, September 26, 2013, on page 59584 in the third column, the second amendatory instruction and the accompanying table are removed.

■ 3. In FR Doc. 2012–8088 appearing in the **Federal Register** of Friday, April 6, 2012, on page 20986 in the third column, the second amendatory instruction and the table that follows it are revised to read as follows:

■ 2. Amend § 17.11(h) by adding new entries for the following, in alphabetical order under Insects, to the List of Endangered and Threatened Wildlife:

§17.11 Endangered and threatened wildlife.

* * * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
*	*	*	*	*	*		*
INSECTS							
*	*	*	*	*	*		*
Butterfly, cassius blue.	*Leptotes cassius theonus.*	U.S.A. (FL), Bahamas, Greater Antilles, Cayman Islands.	Coastal south and central FL.	T (S/A)	801	NA	17.47(a)
Butterfly, ceraunus blue.	*Hemiargus ceraunus antibubastus.*	U.S.A. (FL), Bahamas.	Coastal south and central FL.	T (S/A)	801	NA	17.47 (a)
*	*	*	*	*	*		*
Butterfly, nickerbean blue.	*Cyclargus ammon* ..	U.S.A. (FL), Bahamas, Cuba.	Coastal south and central FL.	T(S/A)	801	NA	17.47 (a)
*	*	*	*	*	*		*

Dated: January 9, 2014.

Tina A. Campbell,

Chief, Division of Policy and Directives Management, U.S. Fish and Wildlife Service.

[FR Doc. 2014–00504 Filed 1–13–14; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 665

RIN 0648–XD064

Hawaii Crustacean Fisheries; 2014 Northwestern Hawaiian Islands Lobster Harvest Guideline

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

ACTION: Notification of lobster harvest guideline.

SUMMARY: NMFS establishes the annual harvest guideline for the commercial lobster fishery in the Northwestern Hawaiian Islands for calendar year 2014 at zero lobsters.

DATES: January 14, 2014.

FOR FURTHER INFORMATION CONTACT: Jarad Makaiau, NMFS Pacific Islands Region, 808–944–2108.

SUPPLEMENTARY INFORMATION: The Northwestern Hawaiian Islands (NWHI) commercial lobster fishery is managed under the Fishery Ecosystem Plan for the Hawaiian Archipelago. The regulations at § 665.252(b) require NMFS to publish an annual harvest guideline for lobster Permit Area 1, comprised of Federal waters around the NWHI. Regulations governing the Papahanaumokuakea Marine National Monument in the NWHI prohibit the unpermitted removal of monument resources (§ 404.7), and establish a zero annual harvest guideline for lobsters (§ 404.10(a)). Accordingly, NMFS establishes the harvest guideline for the NWHI commercial lobster fishery for calendar year 2014 at zero lobsters. Thus, no harvest of NWHI lobster resources is allowed.

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

Dated: January 8, 2014.

Sean F. Corson,

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

[FR Doc. 2014–00484 Filed 1–13–14; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 79, No. 9
Tuesday, January 14, 2014

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 ENERGY

10 CFR Part 431

[EERE–2013–BT–NOC–0039]

Appliance Standards and Rulemaking Federal Advisory Committee: Notice of Open Meeting for the Commercial/Industrial Pumps Working Group To Negotiate a Notice of Proposed Rulemaking (NOPR) for Energy Conservation Standards for Commercial/Industrial Pumps

AGENCY: Office of Energy Efficiency and Renewable Energy, U.S. Department of Energy.

ACTION: Notice of open meetings.

SUMMARY: This notice announces open public meetings for the Commercial/Industrial Pumps Working Group negotiated rulemaking under the Appliance Standards and Rulemaking Federal Advisory Committee (ASRAC) in accordance with the Federal Advisory Committee Act (FACA) and the Negotiated Rulemaking Act (NRA) to negotiate proposed Federal standards for the energy efficiency of commercial/industrial pumps. The purpose of the meetings will be to discuss and, if possible, reach consensus on a proposed rule for the energy efficiency of commercial/industrial pumps, as authorized by the Energy Policy and Conservation Act (EPCA) of 1975, as amended. The working group consists of representatives of parties having a defined stake in the outcome of the proposed standards, and will consult as appropriate with a range of experts on technical issues.

DATES: The meetings will be held:

- January 30–31, 2014;
- March 4–5;
- March 26–27;
- April 29–30;
- May 28–29;
- June 18–19;
- July 23–24 (if necessary);

ADDRESSES: Unless otherwise specified in a subsequent **Federal Register** notice and email blasts, the meetings will be held at U.S. Department of Energy, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585. Individuals will also have the opportunity to participate by webinar. To register for the webinar and receive call-in information, please register at *http://www1.eere.energy.gov/buildings/appliance_standards/asrac.html.*

FOR FURTHER INFORMATION CONTACT: John Cymbalsky, U.S. Department of Energy, Office of Building Technologies (EE–2J), 950 L'Enfant Plaza SW., Washington, DC 20024. Phone: 202–287–1692. Email: *asrac@ee.doe.gov.*

SUPPLEMENTARY INFORMATION: *Purpose of Meeting:* To provide advice and recommendations to the U.S. Department of Energy on a proposed rule for Commercial and Industrial pumps and equipment under the authority of the Negotiated Rulemaking Act (5 U.S.C. 561–570, Pub. L. 104–320).

Public Participation: Members of the public are welcome to observe the business of the meeting and, if time allows, may make oral statements during the specified period for public comment. To attend the meeting and/or to make oral statements regarding any of the items on the agenda, email *asrac@ee.doe.gov.* In the email, please indicate your name, organization (if appropriate), citizenship, and contact information. Please note that foreign nationals visiting DOE Headquarters are subject to advance security screening procedures. Any foreign national wishing to participate in the meeting should advise ASRAC staff as soon as possible by emailing *asrac@ee.doe.gov* to initiate the necessary procedures. Anyone attending the meeting will be required to present a government photo identification, such as a passport, driver's license, or government identification. Due to the required security screening upon entry, individuals attending should arrive early to allow for the extra time needed.

Members of the public will be heard in the order in which they sign up for the Public Comment Period. Time allotted per speaker will depend on the number of individuals who wish to speak but will not exceed five minutes. Reasonable provision will be made to include the scheduled oral statements on the agenda. A third-party neutral facilitator will make every effort to allow the presentations of views of all interested parties and to facilitate the orderly conduct of business.

Participation in the meeting is not a prerequisite for submission of written comments. Written comments are welcome from all interested parties. Any comments submitted must identify the Commercial/Industrial Pumps Working Group, and provide docket number EERE–2013–BT–NOC–0039. Comments may be submitted using any of the following methods:

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

2. *Email: ASRACworkgroup2013NOC0039@ee.doe.gov.* Include docket number EERE–2013–BT–NOC–0023 in the subject line of the message.

3. *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.

4. *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 a CD, in which case it is not necessary to include printed copies.

No telefacsimilies (faxes) will be accepted.

Docket: The docket is available for review at *www.regulations.gov,* including **Federal Register** notices, public meeting attendee lists and transcripts, comments, and other supporting documents/materials. All documents in the docket are listed in the *www.regulations.gov* index. However, not all documents listed in the index may be publicly available, such as information that is exempt from public disclosure.

V. Approval of the Office of the Secretary

The Secretary of Energy has approved publication of today's notice.

Issued in Washington, DC, on January 8, 2014.

Kathleen B. Hogan,

Deputy Assistant Secretary for Energy Efficiency and Renewable Energy.

[FR Doc. 2014–00515 Filed 1–13–14; 8:45 am]

BILLING CODE 6450–01–P

BUREAU OF CONSUMER FINANCIAL PROTECTION

12 CFR Part 1006

[Docket No. CFPB–2013–0033]

RIN 3170–AA41

Debt Collection (Regulation F)

AGENCY: Bureau of Consumer Financial Protection.

ACTION: Advance notice of proposed rulemaking; extension of comment period.

SUMMARY: On November 12, 2013, the Bureau of Consumer Financial Protection (the Bureau) published in the **Federal Register** an Advance Notice of Proposed Rulemaking about debt collection practices (Debt Collection ANPR). The Debt Collection ANPR allowed a 90-day comment period, closing on February 10, 2014. To allow interested persons more time to consider and craft their responses, the Bureau has determined that an extension of the comment period until February 28, 2014 is appropriate.

DATES: The comment period for the Debt Collection ANPR published November 12, 2013, at 78 FR 67868, is extended. Responses must now be received on or before February 28, 2014.

ADDRESSES: You may submit comments, identified by Docket No. CFPB–2013–0033 or Regulatory Identification Number (RIN) *3170–AA41,* by any of the following methods:

- *Electronic: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail/Hand Delivery:* Monica Jackson, Office of the Executive Secretary, Bureau of Consumer Financial Protection, 1700 G Street NW., Washington, DC 20552.

Instructions: All submissions must include the agency name and docket number or RIN. Please include the question number(s) to which your comment pertains. In general, all comments received will be posted without change to *http://www.regulations.gov.* In addition, comments will be available for public inspection and copying at 1700 G Street NW., Washington, DC 20552, on official business days between the hours of 10 a.m. and 5 p.m. Eastern Time. You can make an appointment to inspect the documents by calling (202) 435–7275.

All comments submitted through the formal means described above, including attachments and other supporting materials, will become part of the public record and subject to public disclosure. Sensitive personal information, such as account numbers or Social Security numbers, should not be included. Comments will not be edited to remove any identifying or contact information.

E-Rulemaking Initiative: The Bureau is working with the Cornell e-Rulemaking Initiative (CeRI) on a pilot project, RegulationRoom (*www.RegulationRoom.org*), that uses web technologies and approaches to enhance public understanding and effective participation. This ANPR on debt collection is a focus of the project. RegulationRoom is set up to make it easier for consumers and others to understand what the Bureau is considering, to share their information, experiences, and concerns, and to discuss possible ideas and solutions. Note that RegulationRoom is not an official United States Government Web site. Although comments made on that site are not formal comments like those submitted through the means identified above, the discussion on RegulationRoom will be captured through a detailed summary, which participants will have the chance to review and suggest revisions. This summary will be filed as a formal comment on Regulations.gov. For questions about this project, please contact Whitney Patross, Counsel, Office of Regulations, at (202) 435–7700.

FOR FURTHER INFORMATION CONTACT: For general inquiries, submission process questions, or any additional information, please contact Monica Jackson, Office of the Executive Secretary, 202–435–7275.

SUPPLEMENTARY INFORMATION: On November 12, 2013, the Bureau published the Debt Collection ANPR in the **Federal Register**. The Debt Collection ANPR seeks comment, data and information from the public about debt collection practices.

The comment period for the Debt Collection ANPR was to close on February 10, 2014.

The Bureau has received three formal written requests from industry trade groups for an extension of the Debt Collection ANPR comment period. The request letters indicated more time would enable a higher quality response and yield greater insight to the Bureau. The Bureau has also received informal inquiries from other types of stakeholders expressing an interest in having more time to compile information in response to the ANPR.

The Bureau has carefully balanced interested persons' desire to have more time to consider the issues raised in the Debt Collection ANPR, gather data, and prepare their responses, with the fact that this is the first of what the Bureau expects to be many opportunities for public input over time. Accordingly, the Bureau is extending the period allotted for comments received pursuant to the Debt Collection ANPR. The comment period will now close on February 28, 2014.

Dated: January 6, 2014.

Richard Cordray,

Director, Bureau of Consumer Financial Protection.

[FR Doc. 2014–00453 Filed 1–13–14; 8:45 am]

BILLING CODE 4810–AM–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2013–0904; Notice No. 25–13–14–SC]

Special Conditions: Airbus, Model A350–900 Series Airplane; Electronic Flight Control System: Lateral-Directional and Longitudinal Stability and Low Energy Awareness

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed special conditions.

SUMMARY: This action proposes special conditions for the Airbus Model A350–900 series airplanes. These airplanes will have a novel or unusual design feature(s) associated with lateral-directional and longitudinal stability and low energy awareness. 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: Send your comments on or before February 28, 2014.

ADDRESSES: Send comments identified by docket number FAA–2013–0904 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 9 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: Joe Jacobsen, FAA, Airplane and Flightcrew Interface Branch, ANM–111, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington 98057–3356; telephone (425) 227–2011; facsimile (425) 227–1320.

SUPPLEMENTARY INFORMATION:

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 on or before the closing date for comments. We may change these proposed 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 XWB 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.

Lateral-Directional Static Stability

The electronic flight control system (EFCS) on the A350, like its predecessors the A320, A330, A340, and A380, contains fly-by-wire control laws that can result in neutral lateral-directional static stability; therefore, the conventional requirements in the regulations are not met.

Positive static directional stability is defined as the tendency to recover from a skid with the rudder free. Positive static lateral stability is defined as the tendency to raise the low wing in a sideslip with the aileron controls free. These control criteria are intended to accomplish the following:

(a) Provide additional cues of inadvertent sideslips and skids through control force changes.

(b) Ensure that short periods of unattended operation do not result in any significant changes in yaw or bank angle.

(c) Provide predictable roll and yaw response.

(d) Provide acceptable level of pilot attention (workload) to attain and maintain a coordinated turn.

The Flight Test Harmonization Working Group has recommended a rule and advisory material change for § 25.177, Static lateral-directional stability. This harmonized text will form the basis for these proposed special conditions.

Longitudinal Static Stability

Static longitudinal stability on airplanes with mechanical links to the pitch control surface means that a pull force on the controller will result in a reduction in speed relative to the trim speed, and a push force will result in a higher speed than the trim speed. Longitudinal stability is required by the regulations for the following reasons:

(a) Speed change cues are provided to the pilot through increased and decreased forces on the controller.

(b) Short periods of unattended control of the airplane do not result in significant changes in attitude, airspeed or load factor.

(c) A predictable pitch response is provided to the pilot.

(d) An acceptable level of pilot attention (workload) to attain and maintain trim speed and altitude is provided to the pilot.

(e) Longitudinal stability provides gust stability.

The pitch control movement of the sidestick on the A350 is designed to be a normal load factor or ''g'' command that results in an initial movement of the elevator surface to attain the commanded load factor that's then followed by integrated movement of the stabilizer and elevator to automatically trim the airplane to a neutral, 1g, stick-free stability. The flight path commanded by the initial sidestick input will remain, stick-free, until another command is given by the pilot. This control function is applied during ''normal'' control law within the speed range from initiation of the angle of attack protection limit, $V_{\alpha prot}$, to V_{MO}/M_{MO}. Once outside this speed range, the control laws introduce the conventional longitudinal static stability as described above.

As a result of neutral static stability, the A350 does not meet the requirements in 14 CFR part 25 for static longitudinal stability.

Low Energy Awareness

Past experience on airplanes fitted with a flight control system providing neutral longitudinal stability shows there is insufficient feedback cues to the pilot of excursion below normal operational speeds. The maximum angle of attack protection system limits the airplane angle of attack and prevents stall during normal operating speeds, but this system is not sufficient to prevent stall at low speed excursions below normal operational speeds. Until intervention, there are no stability cues since the aircraft remains trimmed. Additionally, feedback from the pitching moment due to thrust variation is reduced by the flight control laws. Recovery from a low speed excursion may become hazardous when the low speed situation is associated with a low altitude and with the engines at low

thrust or with performance limiting 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 or similar novel or unusual design feature, the proposed special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and proposed 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: A flight control design feature within the normal operational envelope in which side stick deflection in the roll axis commands roll rate; an operational design which does not comply with the static longitudinal stability requirements of §§ 25.171, 25.173, and 25.175, and a low energy state where recovery may become hazardous when associated with a low altitude and performance limiting conditions.

Discussion

1. In the absence of positive lateral stability, the curve of lateral control surface deflections against sideslip angle should be in a conventional sense, and reasonably in harmony with rudder deflection during steady heading sideslip maneuvers.

2. Since conventional relationships between stick forces and control surface displacements do not apply to the ''load factor command'' flight control system on the A350, longitudinal stability characteristics should be evaluated by assessing the airplane handling qualities during simulator and flight test maneuvers appropriate to operation of the airplane. This may be accomplished by using the Handling Qualities Rating Method presented in Appendix 7 of the Flight Test Guide, AC 25–7A, or an acceptable alternative method proposed by Airbus. Important considerations are as follows:

(a) Adequate speed control without excessive pilot workload

(b) Acceptable high and low speed protection, and

(c) Provision for adequate cues to the pilot of significant speed excursions beyond V_{MO}/M_{MO}, and low speed awareness flight conditions.

3. The airplane should provide adequate awareness cues to the pilot of a low energy (low speed/low thrust/low height) state to ensure that the airplane retains sufficient energy to recover when flight control laws provide neutral longitudinal stability significantly below the normal operating speeds. This may be accomplished as follows:

(a) Adequate low speed/low thrust cues at low altitude may be provided by a strong positive static stability force gradient (1 pound per 6 knots applied through the sidestick), or

(b) The low energy awareness may be provided by an appropriate warning with the following characteristics:

(i) It should be unique, unambiguous, and unmistakable.

(ii) It should be active at appropriate altitudes and in appropriate configurations (i.e., at low altitude, in the approach and landing configurations).

(iii) It should be sufficiently timely to allow recovery to a stabilized flight condition inside the normal flight envelope while maintaining the desired flight path and without entering the flight controls angle-of-attack protection mode.

(iv) It should not be triggered during normal operation, including operation in moderate turbulence for recommended maneuvers at recommended speeds.

(v) It should not be cancelable by the pilot other than by achieving a higher energy state.

(vi) There should be an adequate hierarchy among the various warnings so that the pilot is not confused and led to take inappropriate recovery action if multiple warnings occur.

(c) Global energy awareness and non-nuisance of low energy cues should be evaluated by simulator and flight tests in the whole take-off and landing altitude range for which certification is requested. This would include all relevant combinations of weight, center of gravity position, configuration, airbrakes position, and available thrust, including reduced and derated take-off thrust operations and engine failure cases. A sufficient number of tests should be conducted, allowing the level of energy awareness and the effects of energy management errors to be assessed.

Applicability

As discussed above, these proposed 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 proposed 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.

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 Proposed Special Conditions

Accordingly, the Federal Aviation Administration (FAA) proposes the following special conditions as part of the type certification basis for Airbus Model A350–900 series airplanes.

1. Electronic Flight Control System: Lateral-Directional and Longitudinal Stability and Low Energy Awareness. In lieu of the requirements of §§ 25.171, 25.173, 25.175 and 25.177, the following special conditions apply:

a. The airplane must be shown to have suitable static lateral, directional, and longitudinal stability in any condition normally encountered in service, including the effects of atmospheric disturbance. The showing of suitable static lateral, directional, and longitudinal stability must be based on the airplane handling qualities, including pilot workload and pilot compensation, for specific test procedures during the flight test evaluations.

b. The airplane must provide adequate awareness to the pilot of a low energy (low speed/low thrust/low height) state when fitted with flight

control laws presenting neutral longitudinal stability significantly below the normal operating speeds. ''Adequate awareness'' means warning information must be provided to alert the crew of unsafe operating conditions and to enable them to take appropriate corrective action.

c. The static directional stability (as shown by the tendency to recover from a skid with the rudder free) must be positive for any landing gear and flap position and symmetrical power condition, at speeds from 1.13 V_{SR1}, up to V_{FE}, V_{LE}, or V_{FC}/M_{FC} (as appropriate).

d. The static lateral stability (as shown by the tendency to raise the low wing in a sideslip with the aileron controls free) for any landing gear and wing-flap position and symmetric power condition, may not be negative at any airspeed (except that speeds higher than V_{FE} need not be considered for wing-flaps extended configurations nor speeds higher than V_{LE} for landing gear extended configurations) in the following airspeed ranges:

(1) From 1.13 V_{SR1} to V_{MO} /M_{MO}.

(2) From V_{MO}/M_{MO} to V_{FC}/M_{FC}, unless the divergence is—

(i) Gradual;

(ii) Easily recognizable by the pilot; and

(iii) Easily controllable by the pilot.

e. In straight, steady sideslips over the range of sideslip angles appropriate to the operation of the airplane, but not less than those obtained with one-half of the available rudder control movement (but not exceeding a rudder control force of 180 pounds), rudder control movements and forces must be substantially proportional to the angle of sideslip in a stable sense; and the factor of proportionality must lie between limits found necessary for safe operation. This requirement must be met for the configurations and speeds specified in paragraph (c) of this section.

f. For sideslip angles greater than those prescribed by paragraph (e) of this section, up to the angle at which full rudder control is used or a rudder control force of 180 pounds is obtained, the rudder control forces may not reverse, and increased rudder deflection must be needed for increased angles of sideslip. Compliance with this requirement must be shown using straight, steady sideslips, unless full lateral control input is achieved before reaching either full rudder control input or a rudder control force of 180 pounds; a straight, steady sideslip need not be maintained after achieving full lateral control input. This requirement must be met at all approved landing gear and wing-flap positions for the range of operating speeds and power conditions appropriate to each landing gear and wing-flap position with all engines operating.

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

Stephen P. Boyd,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–00449 Filed 1–13–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2013–0900; Notice No. 25–12–08–SC]

Special Conditions: Airbus, Model A350–900 Series Airplane; General Limiting Requirements

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed special conditions.

SUMMARY: This action proposes special conditions for the Airbus Model A350–900 series airplanes. This airplane will have a novel or unusual design feature associated with general limiting requirements of its flight envelope protection features. 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: Send your comments on or before February 28, 2014.

ADDRESSES: Send comments identified by docket number FAA–2013–0900 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 9 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: Joe Jacobsen, FAA, Airplane and Flightcrew Interface, ANM–111, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington, 98057–3356; telephone (425) 227–2011; facsimile (425) 227–1320.

SUPPLEMENTARY INFORMATION:

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 ask that you send us two copies of written comments.

We will consider all comments we receive on or before the closing date for comments. 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.

Flight envelope protection is the subject of several proposed special conditions for the A350. Each specific type of envelope protection is addressed individually, but some requirements are common to all limiting systems and are therefore put forth as general limiting requirements.

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 or similar novel or unusual design feature, the proposed special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and proposed 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 section 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: General Limiting Requirements for the flight envelope protection system.

Discussion

This proposed special condition and the following ones which pertain to flight envelope protection present general limiting requirements for all the unique flight envelope protection features of the basic A350 Electronic Flight Control System (EFCS) design. Current regulations do not address these types of protection features. The general limiting requirements are necessary to ensure a smooth transition from normal flight to the protection mode and adequate maneuver capability. The general limiting requirements also ensure that the structural limits of the airplane are not exceeded. Furthermore, failure of the protection feature must not create hazardous flight conditions. Envelope protection parameters include angle of attack, normal load factor, bank angle, pitch angle, and speed. To accomplish these envelope protections, one or more significant changes occur in the EFCS control laws as the normal flight envelope limit is approached or exceeded.

Applicability

As discussed above, these proposed 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 proposed 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.

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 Proposed Special Conditions

Accordingly, the Federal Aviation Administration (FAA) proposes the following special conditions as part of the type certification basis for Airbus Model A350–900 series airplanes.

1. General Limiting Requirements.

a. Onset characteristics of each envelope protection feature must be smooth, appropriate to the phase of flight and type of maneuver, and not in conflict with the ability of the pilot to satisfactorily change airplane flight path, speed, or attitude as needed.

b. Limit values of protected flight parameters (and if applicable, associated warning thresholds) must be compatible with the following:

(1) Airplane structural limits,

(2) Required safe and controllable maneuvering of the airplane, and

(3) Margins to critical conditions. Unsafe flight characteristics/conditions must not result if dynamic maneuvering, airframe and system tolerances (both manufacturing and in-service), and non-steady atmospheric conditions, in any appropriate combination and phase of flight, can produce a limited flight parameter beyond the nominal design limit value.

c. The airplane must be responsive to intentional dynamic maneuvering to within a suitable range of the parameter limit. Dynamic characteristics such as damping and overshoot must also be appropriate for the flight maneuver and limit parameter in question.

d. When simultaneous envelope limiting is engaged, adverse coupling or adverse priority must not result.

2. Failure States

EFCS failures (including sensor) must not result in a condition where a parameter is limited to such a reduced value that safe and controllable maneuvering is no longer available. The crew must be alerted by suitable means if any change in envelope limiting or maneuverability is produced by single or multiple failures of the EFCS not shown to be extremely improbable.

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

Stephen P. Boyd,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–00448 Filed 1–13–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2013–0907; Notice No. 25–13–19–SC]

Special Conditions: Airbus, Model A350–900 series airplane; Tire Failure—Debris Penetration or Rupture of Fuel Tank Structure

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed special conditions.

SUMMARY: This action proposes special conditions for the Airbus Model A350–900 series airplane. These airplanes will have a novel or unusual design feature

associated with fuel tanks constructed of carbon fiber reinforced plastic (CFRP) materials located within the tire impact zone, including the wing fuel tanks.

The ability of aluminum wing skins, as has been conventionally used, to resist penetration or rupture when impacted by tire debris is understood from extensive experience. The ability of carbon fiber composite material to resist these hazards has not been established. There are no current airworthiness standards specifically addressing this hazard for all exposed wing surfaces. 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: Send your comments on or before February 28, 2014.

ADDRESSES: Send comments identified by docket number FAA–2013–0907 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 9 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: Doug Bryant, Propulsion/Mechanical Systems, ANM–112, Transport Airplane Directorate, Aircraft Certification Service, 1601 Lind Avenue SW., Renton, Washington, 98057–3356; telephone (425) 227–2384; facsimile (425) 227–1320.

SUPPLEMENTARY INFORMATION:

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 on or before the closing date for comments. We may change these proposed 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.

Accidents have resulted from uncontrolled fires caused by fuel leaks following penetration or rupture of the lower wing by fragments of tires or from uncontained engine failure. In a November 1984 accident, a Boeing Model 747 tire burst during an aborted takeoff from Honolulu, Hawaii. That tire debris penetrated a fuel tank access cover causing substantial fuel leakage. Passengers were evacuated down the emergency slides into pools of fuel that fortunately had not ignited.

After an August 1985 Boeing Model 737 accident in Manchester, England, in which a fuel tank access panel was penetrated by engine debris creating a fire, the FAA amended Title 14, Code of Federal Regulations (14 CFR) 25.963 to require fuel tank access panels that are resistant to both tire and engine debris (engine debris is addressed outside of this proposed special condition). Modifications to the access covers were required of the existing fleet by an amendment to part 121. This regulation, § 25.963(e), only addressed the fuel tank access covers since service experience at the time showed that the lower wing skin of a conventional, subsonic airplane provided adequate inherent capability to resist tire and engine debris threats. More specifically, this regulation requires showing by analysis or tests that the access covers ''. . . minimize penetration and deformation by tire fragments, low energy engine debris, or other likely debris.'' Advisory Circular (AC) 25.963–1 defines the region of the wing that is vulnerable to impact damage from these sources and provides a method to substantiate that the rule has been met for tire fragments. No specific requirements were established for the contiguous wing areas into which the access covers are installed. AC 25.963–1 specifically notes, ''The access covers, however, need not be more impact resistant than the contiguous tank structure,'' highlighting the assumption that the wing was adequately addressed.

The Concorde accident in July 2000 is the most notable example. That accident demonstrated an unanticipated failure mode in an airplane with an unusual transport airplane configuration. Impact to the thin aluminum wing surface by tire debris induced pressure waves within the fuel tank that resulted in fuel leakage and fire. The skin on the Concorde delta wing, supersonic airplane is made of aluminum having a thickness that is much less than that of a conventional subsonic airplane.

There were several previous accidents from burst tires that damaged the fuel tank and wings in the Concorde. In 1979 a burst main gear tire put a hole through the wing and caused both fuel and hydraulic leaks. In 1980 a burst tire damaged the engine and airframe. In July 1993 a main gear tire burst, damaging the wing and causing hydraulic problems. In October 1993 a main gear tire burst, broke the water deflector, and caused some holes in the fuel tank. Fortunately the fuel did not catch fire during any of these events before the July 2000 accident involving the Concorde airplane.

Following the accident in 2000, regulatory authorities required modifications to the Concorde aircraft to improve impact resistance of the lower

wing, or means to retain fuel if the primary fuel retention means is damaged.

These accidents and incidents highlight the need to establish standards for fuel tank designs and configurations that were not envisioned when the existing standards in 14 CFR part 25 were issued.

Type Certification Basis

Under 14 CFR 21.17, Airbus must show that the Model A350–900 series meets the applicable provisions of 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 Model A350–900 series airplanes because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 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 or similar novel or unusual design feature, the proposed special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and proposed 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, in accordance with § 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: CFRP materials for most of the wing fuel tank structure.

Discussion

In order to maintain the level of safety prescribed by § 25.963(e) for fuel tank access covers, these special conditions establish a standard for resistance to potential tire debris impacts to the contiguous wing surfaces and require consideration of possible secondary effects of a tire impact, such as the induced pressure wave that was a factor in the Concorde accident. It takes into account that new construction methods and materials may not necessarily provide the resistance to debris impact that has historically been shown as adequate. These proposed special conditions are based on the defined tire impact areas and tire fragment characteristics described in AC 25.963–1.

In addition, despite practical design considerations, some uncommon debris larger than that defined in paragraph (b) may cause a fuel leak within the defined area, so paragraph (c) of these proposed special conditions also takes into consideration possible leakage paths. Fuel tank surfaces of typical transport airplanes have thick aluminum construction in the tire debris impact areas that is tolerant to tire debris larger than that defined in paragraph (b) of these proposed special conditions. Consideration of leaks caused by larger tire fragments is needed to ensure that an adequate level of safety is provided.

Note: While § 25.963 includes consideration of uncontained engine debris, the effects of engine debris are not included in these proposed special conditions because these related potential hazards will be addressed on the Model A350–900 series under the existing requirements of § 25.903(d). Section 25.903(d) requires minimizing the hazards from uncontained engine debris.

Applicability

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

Conclusion

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

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 Proposed Special Conditions

Accordingly, the Federal Aviation Administration (FAA) proposes the following special conditions as part of the type certification basis for Airbus Model A350–900 series airplanes.

Debris Impacts to Fuel Tanks

(a) Impacts by tire debris to any fuel tank or fuel system component located within 30 degrees to either side of wheel rotational planes may not result in penetration or otherwise induce fuel tank deformation, rupture (for example, through propagation of pressure waves), or cracking sufficient to allow a hazardous fuel leak. A hazardous fuel leak results if debris impact to a fuel tank surface causes—

1. A running leak,

2. a dripping leak, or

3. a leak that, 15 minutes after wiping dry, results in a wetted airplane surface exceeding 6 inches in length or diameter.

The leak must be evaluated under maximum fuel head pressure.

(b) Compliance with paragraph (a) must be shown by analysis or tests assuming all of the following.

1. The tire debris fragment size is 1 percent of the tire mass.

2. The tire debris fragment is propelled at a tangential speed that could be attained by a tire tread at the airplane flight manual airplane rotational speed (V_R at maximum gross weight).

3. The tire debris fragment load is distributed over an area on the fuel tank surface equal to 1½ percent of the total tire tread area.

(c) Fuel leaks caused by impact from tire debris larger than that specified in paragraph (b), from any portion of a fuel tank or fuel system component located within the tire debris impact area defined in paragraph (a), may not result in hazardous quantities of fuel entering any of the following areas of the airplane.

1. Engine inlet,

2. APU inlet, or

3. Cabin air inlet.

This must be shown by test or analysis, or a combination of both, for each approved engine forward thrust condition and each approved reverse thrust condition.

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

Stephen P. Boyd,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–00450 Filed 1–13–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2013–1072; Directorate Identifier 2012–NM–164–AD]

RIN 2120–AA64

Airworthiness Directives; Airbus Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: We propose to supersede Airworthiness Directive (AD) 2012–03–04, for certain Airbus Model A310 series airplanes. AD 2012–03–04 currently requires, for certain airplanes, modifying the wire routing and installing additional protective sleeves. Since we issued AD 2012–03–04, we received reports of new interferences of newly routed wire bundle 2S. This proposed AD would continue to require the actions in AD 2012–03–04, and would require additional work for certain airplanes. We are proposing this AD to prevent short circuits leading to arcing, and possible fuel tank explosion.

DATES: We must receive comments on this proposed AD by February 28, 2014.

ADDRESSES: You may send comments by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Fax:* (202) 493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Delivery:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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

Examining the AD Docket

You may examine the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2013–1072; or in person at the Docket Management Facility between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this proposed AD, the regulatory evaluation, any comments received, and other information. The street address for the Docket Operations office (telephone (800) 647–5527) is in the **ADDRESSES** section. Comments will be available in the AD docket shortly after receipt.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

We invite you to send any written relevant data, views, or arguments about this proposed AD. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2013–1072; Directorate Identifier 2012–NM–164–AD'' at the beginning of your comments. We specifically invite comments on the overall regulatory, economic, environmental, and energy aspects of this proposed AD. We will consider all comments received by the closing date and may amend this proposed AD based on those comments.

We will post all comments we receive, without change, to *http://www.regulations.gov,* including any personal information you provide. We will also post a report summarizing each substantive verbal contact we receive about this proposed AD.

Discussion

On January 26, 2012, we issued AD 2012–03–04, Amendment 39–16945 (77 FR 21397, April 10, 2012). AD 2012–03–04 required actions intended to address an unsafe condition on certain Airbus Model A310 series airplanes.

Since we issued AD 2012–03–04, Amendment 39–16945 (77 FR 21397, April 10, 2012), we received reports of new interferences of newly routed wire bundle 2S.

The European Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Community, has issued EASA Airworthiness Directive 2012–0188, dated September 19, 2012 (referred to after this as the Mandatory Continuing Airworthiness Information, or ''the MCAI''), to correct an unsafe condition for the specified products. The MCAI states:

> Within the scope of the Fuel System Safety Program (FSSP), analyses of the wire routing showed that the route 2S of the fuel electrical circuit in the Right Hand (RH) wing ensures insufficient segregation between fuel quantity indication wires and the 115 Volts Alternating Current (VAC) wires of route 2S which could, under certain conditions, lead to a short circuit and subsequent arcing, creating a potential ignition source in the fuel tank vapour space.
>
> This condition, if not detected, could result in a fuel tank explosion and consequent loss of the aeroplane.
>
> To address this potential unsafe condition, DGAC France issued [an] AD * * * to require improvements of the design as specified in Airbus Service Bulletin (SB) A310–28–2148 original issue or Revision 01. EASA AD 2007–0230 [(*http://ad.easa.europa.eu/blob/easa_ad_2007_0230_Superseded.pdf/AD_2007-0230_1*)], which superseded [a] DGAC France AD * * *, [which] required those same actions, plus additional work 1, as defined in Airbus SB A310–28–2148 Revision 02.
>
> Since EASA AD 2007–0230 was issued, an operator reported the possibility of chafing between the new routing of the wire bundle 2S in the RH wing pylon area and the wire bundle of No. 2 engine generator. The modification of this zone was introduced by Airbus SB A310–28–2148 Revision 02 as additional work 1. Investigation results showed that, to avoid the risk of chafing, the affected wiring harnesses must be installed at a higher position to provide sufficient clearance with the newly routed wire bundle 2S conduit.
>
> Airbus published Revision 03 of SB A310–28–2148 to implement these changes as additional work 2. Subsequently, a new potential interference due to insufficient clearance was found, which prompted Airbus to issue SB A310–28–2148 Revision 04.
>
> Prompted by these findings and actions, EASA issued AD 2011–0005 [(*http://ad.easa.europa.eu/blob/easa_ad_2011_0005_Superseded.pdf/AD_2011-0005_1*)], retaining the requirements of EASA AD 2007–0230, which was superseded, and required the additional work 2 as specified in Revisions 03 and 04 of Airbus SB A310–28–2148.
>
> Since EASA AD 2011–0005 was issued, several operators of aeroplanes not having been modified in-service through Airbus SB A310–36–2015, or without having Airbus modification 07633 applied in production, reported to have embodied Airbus SB A310–28–2148 at Revision 02 or Revision 03 on the aeroplane. However, the adequate instructions to avoid the new interferences were only introduced in Airbus SB A310–28–2148 Revision 04.
>
> For the reasons described above, this new [EASA] AD retains the requirements of EASA AD 2011–0005, which is superseded, and requires, for certain aeroplanes, the additional work 3 [segregating wire route 2S in the RH pylon area or modifying the wire routings] as defined in Airbus SB A310–28–

2148 Revision 06. As SB A310–28–2148 Revision 07 was issued to clarify the additional work 1, 2 and 3 [segregating wire route 2S in the RH pylon area or modifying the wire routings] for aeroplanes that have previously embodied that SB at original issue, Revision 01 or Revision 02, this AD also clarifies the required additional work.

You may examine the MCAI in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating it in Docket No. FAA–2013–1072.

Relevant Service Information

Airbus has issued Mandatory Service Bulletin A310–28–2148, Revision 07, dated February 13, 2012. The actions described in this service information are intended to correct the unsafe condition identified in the MCAI.

Change to AD 2012–03–04, Amendment 39–16945 (77 FR 21397, April 10, 2012)

This proposed AD would retain all requirements of AD 2012–03–04, Amendment 39–16945 (77 FR 21397, April 10, 2012). Since AD 2012–03–04 was issued, the AD format has been revised, and certain paragraphs have been rearranged. As a result, the corresponding paragraph designators have changed in this proposed AD, as listed in the following table:

REVISED PARAGRAPH DESIGNATORS

Requirement in AD 2012–03–04, Amendment 39–16945 (77 FR 21397, April 10, 2012)	Corresponding requirement in this proposed AD
paragraph (h)	paragraph (l)(1)
paragraph (i)	paragraph (h)
paragraph (j)	paragraph (i)
paragraph (k)	paragraph (j)
paragraph (l)	paragraph (k)
paragraph (m)	paragraph (l)(2)

Also, we have revised certain paragraphs of AD 2012–03–04, Amendment 39–16945 (77 FR 21397, April 10, 2012), by placing the required service information into sub-paragraphs in this proposed AD.

FAA's Determination and Requirements of This Proposed AD

This product has been approved by the aviation authority of another country, and is approved for operation in the United States. Pursuant to our bilateral agreement with the State of Design Authority, we have been notified of the unsafe condition described in the MCAI and service information referenced above. We are proposing this AD because we evaluated all pertinent information and determined an unsafe condition exists and is likely to exist or develop on other products of the same type design.

Costs of Compliance

We estimate that this proposed AD affects 41 airplanes of U.S. registry.

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Modification [retained actions from AD 2012–03–04, Amendment 39–16945 (77 FR 21397, April 10, 2012)].	62 work-hours × $85 per hour = $5,270	$2,210	$7,480	$306,680
Modification (additional work) [new proposed action].	32 work-hours × $85 per hour = $2,720	1,100	3,820	156,620

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

Regulatory Findings

We determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

1. Is not a ''significant regulatory action'' under Executive Order 12866;
2. Is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979);
3. Will not affect intrastate aviation in Alaska; and
4. Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

The Proposed Amendment

Accordingly, under the authority delegated to me by the Administrator, the FAA proposes to amend 14 CFR part 39 as follows:

PART 39—AIRWORTHINESS DIRECTIVES

■ 1. The authority citation for part 39 continues to read as follows:

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by removing airworthiness directive (AD) 2012–03–04, Amendment 39–16945 (77 FR 21397, April 10, 2012), and adding the following new AD:

Airbus: Docket No. FAA–2013–1072; Directorate Identifier 2012–NM–164–AD.

(a) Comments Due Date

We must receive comments by February 28, 2014.

(b) Affected ADs

This AD supersedes AD 2012–03–04, Amendment 39–16945 (77 FR 21397, April 10, 2012).

(c) Applicability

This AD applies to Airbus Model A310–203, –204, –221, –222, –304, –322, –324, and –325 airplanes, certificated in any category, all certified models, all serial numbers.

(d) Subject

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

(e) Reason

This AD was prompted by reports of new interferences of newly routed wire bundle 2S. We are issuing this AD to prevent short circuits leading to arcing, and possible fuel tank explosion.

(f) Compliance

Comply with this AD within the compliance times specified, unless already done.

(g) Retained Modification of Routing Wires With Revised Service Information

This paragraph restates the modification required by paragraph (g) of AD 2012–03–04, Amendment 39–16945 (77 FR 21397, April 10, 2012), with revised service information. For all airplanes except airplanes on which Airbus Service Bulletin A310–28–2148, Revision 02, dated March 9, 2007, has been done (Airbus Modifications 12427 and 12435): Within 4,000 flight hours after September 3, 2004 (the effective date of AD 2004–15–16, Amendment 39–13750 (69 FR 45578, July 30, 2004)), modify the routing of wires in the right-hand (RH) wing by installing cable sleeves. Do the modification as per the Accomplishment Instructions of the service information specified in paragraph (g)(1), (g)(2), (g)(3), (g)(4), or (g)(5) of this AD. As of February 20, 2008 (the effective date of AD 2008–01–05, Amendment 39–15330 (73 FR 2795, January 16, 2008)), only the service information specified in paragraphs (g)(2), (g)(3), (g)(4), and (g)(5) of this AD may be used. As of May 15, 2012 (the effective date of AD 2012–03–04), only the service information specified in paragraphs (g)(3), (g)(4), and (g)(5) of this AD may be used. As of the effective date of this AD, only the service bulletin specified in paragraph (g)(5) of this AD may be used.

(1) Airbus Service Bulletin A310–28–2148, Revision 01, dated October 29, 2002.

(2) Airbus Service Bulletin A310–28–2148, Revision 02, dated March 9, 2007.

(3) Airbus Mandatory Service Bulletin A310–28–2148, Revision 05, dated August 3, 2010.

(4) Airbus Mandatory Service Bulletin A310–28–2148, Revision 06, dated August 31, 2011.

(5) Airbus Mandatory Service Bulletin A310–28–2148, Revision 07, dated February 13, 2012.

(h) Retained Modification of Protection Sleeves With Revised Service Information

This paragraph restates the modification required by paragraph (i) of AD 2012–03–04, Amendment 39–16945 (77 FR 21397, April 10, 2012), with revised service information. For airplanes on which the actions specified in Airbus Service Bulletin A310–28–2148, dated January 23, 2002; or Airbus Service Bulletin A310–28–2148, Revision 01, dated October 29, 2002; have been done before February 20, 2008 (the effective date of AD 2008–01–05, Amendment 39–15330 (73 FR 2795, January 16, 2008)), except for airplanes on which Airbus Service Bulletin A310–28–2148, Revision 02, dated March 9, 2007, has been done (Airbus Modifications 12427 and 12435): Within 6,000 flight hours or 30 months after February 20, 2008 (the effective date of AD 2008–01–05), whichever occurs first, perform further modification by installing additional protection sleeves in the outer wing area near the cadensicon sensor and segregating wire route 2S in the RH pylon area, in accordance with the Accomplishment Instructions of service information specified in paragraph (h)(1), (h)(2), (h)(3), or (h)(4) of this AD. As of May 15, 2012 (the effective date of AD 2012–03–04), only the service information specified in paragraphs (h)(2), (h)(3), and (h)(4) of this AD may be used. As of the effective date of this AD, only the service bulletin specified in paragraph (h)(4) of this AD may be used.

(1) Airbus Service Bulletin A310–28–2148, Revision 02, dated March 9, 2007.

(2) Airbus Mandatory Service Bulletin A310–28–2148, Revision 05, dated August 3, 2010.

(3) Airbus Mandatory Service Bulletin A310–28–2148, Revision 06, dated August 31, 2011.

(4) Airbus Mandatory Service Bulletin A310–28–2148, Revision 07, dated February 13, 2012.

(i) Retained New Modification/Installation of Wire Routings for Certain Airplanes With Revised Service Information

This paragraph restates the new modification/installation required by paragraph (j) of AD 2012–03–04, Amendment 39–16945 (77 FR 21397, April 10, 2012), with revised service information. For airplanes on which the actions specified in Airbus Service Bulletin A310–28–2148, Revision 02, dated March 9, 2007, have been accomplished, and do not have production modification 07633; and on which Airbus Service Bulletin A310–36–2015 has not been done: Within 6,000 flight hours or 30 months after May 15, 2012 (the effective date of AD 2012–03–04), whichever occurs first, modify the wire routings, in accordance with the Accomplishment Instructions of the service information specified in paragraph (i)(1), (i)(2), or (i)(3) of this AD. As of the effective date of this AD, only the service bulletin specified in paragraph (i)(3) of this AD may be used.

(1) Airbus Mandatory Service Bulletin A310–28–2148, Revision 05, dated August 3, 2010.

(2) Airbus Mandatory Service Bulletin A310–28–2148, Revision 06, dated August 31, 2011.

(3) Airbus Mandatory Service Bulletin A310–28–2148, Revision 07, dated February 13, 2012.

(j) Retained New Modification/Installation of Bracket for Certain Other Airplanes With Revised Service Information

This paragraph restates the new modification/installation required by paragraph (k) of AD 2012–03–04, Amendment 39–16945 (77 FR 21397, April 10, 2012), with revised service information. For airplanes on which the actions specified in Airbus Service Bulletin A310–28–2148, Revision 02, dated March 9, 2007, have been accomplished, and have production modification 07633; or on which Airbus Service Bulletin A310–36–2015 has been done: Within 1,000 flight hours after May 15, 2012 (the effective date of AD 2012–03–04), install a modified bracket, in accordance with paragraph 3.B.(7), ''Additional Work 2,'' of the Accomplishment Instructions of the service information specified in paragraph (j)(1), (j)(2), or (j)(3) of this AD. As of the effective date of this AD, only the service bulletin specified in paragraph (j)(3) of this AD may be used.

(1) Airbus Mandatory Service Bulletin A310–28–2148, Revision 05, dated August 3, 2010.

(2) Airbus Mandatory Service Bulletin A310–28–2148, Revision 06, dated August 31, 2011.

(3) Airbus Mandatory Service Bulletin A310–28–2148, Revision 07, dated February 13, 2012.

(k) Retained Modification/Installation Provision for Certain Airplanes

This paragraph restates the modification/installation provision specified in paragraph (l) of AD 2012–03–04, Amendment 39–16945 (77 FR 21397, April 10, 2012). For airplanes on which the actions specified in Airbus Service Bulletin A310–28–2148, Revision 03, dated June 2, 2009, have been accomplished; and have modification 07633 done in production; or on which the actions specified in Airbus Service Bulletin A310–36–2015 have been done; no further action is required by paragraphs (g) through (j) of this AD.

(l) Retained Credit for Previous Actions

(1) This paragraph restates the credit for previous actions required by paragraph (h) of AD 2012–03–04, Amendment 39–16945 (77 FR 21397, April 10, 2012). This paragraph provides credit for the modification of the routing of wires required by paragraph (g) of AD 2012–03–04, if the modification was performed before September 3, 2004 (the effective date of AD 2004–15–16, Amendment 39–13750 (69 FR 45578, July 30, 2004)), using Airbus Service Bulletin A310–28–2148, dated January 23, 2002.

(2) This paragraph restates the credit for previous actions required by paragraph (m) of AD 2012–03–04, Amendment 39–16945 (77 FR 21397, April 10, 2012). This paragraph provides credit for modifications required by paragraphs (g), (i), (j), and (k) of AD 2012–03–04, if the modifications were performed before May 15, 2012 (the effective date of AD 2012–03–04), using Airbus Mandatory Service Bulletin A310–28–2148, Revision 04, dated April 14, 2010.

(m) New Requirement of This AD: Additional Work 2 and 3

For airplanes on which the actions specified in Airbus Service Bulletin A310–28–2148, Revision 02, dated March 9, 2007, have been accomplished, and on which the actions specified in Airbus Service Bulletin A310–36–2015 have not been done; or have Airbus Modification 07633 done in production: Within 1,000 flight hours or 12 months after the effective date of this AD, whichever occurs first, do the modification, in accordance with paragraphs ''Additional Work 2'' and ''Additional Work 3'' of the

Accomplishment Instructions of Airbus Mandatory Service Bulletin A310–28–2148, Revision 07, dated February 13, 2012.

(n) New Requirement of This AD: Additional Work 3

For airplanes on which the actions specified in Airbus Service Bulletin A310–28–2148, Revision 03, dated June 2, 2009, have been accomplished, and do not have production modification 07633 or Airbus Service Bulletin A310–36–2015 has not been done: Within 1,000 flight hours or 12 months after the effective date of this AD, whichever occurs first, do the modification, in accordance with paragraph ''Additional Work 3'' of the Accomplishment Instructions of Airbus Mandatory Service Bulletin A310–28–2148, Revision 07, dated February 13, 2012.

(o) New Requirement of This AD: Additional Work 1 and 2

For airplanes on which the actions specified in Airbus Service Bulletin A310–36–2015 have not been accomplished and production modification 07633 has not been done, and that have done the actions specified in paragraphs (o)(1) and (o)(2) of this AD: Within 6,000 flight hours or 30 months after the effective date of this AD, whichever occurs first, do the modification, in accordance with paragraphs ''Additional Work 1'' and ''Additional Work 2'' of the Accomplishment Instructions of Airbus Mandatory Service Bulletin A310–28–2148, Revision 07, dated February 13, 2012.

(1) Modification in accordance with the Accomplishment Instructions of Airbus Service Bulletin A310–28–2148, dated January 23, 2002; or Airbus Service Bulletin A310–28–2148, Revision 01, dated October 29, 2002.

(2) Further modification by ''Additional Work 3'' of the Accomplishment Instructions of Airbus Mandatory Service Bulletin A310–28–2148, Revision 06, dated August 31, 2011.

(p) Other FAA AD Provisions

The following provisions also apply to this AD:

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

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

(q) Related Information

(1) Refer to Mandatory Continuing Airworthiness Information (MCAI) European Aviation Safety Agency Airworthiness Directive 2012–0188, dated September 19, 2012, for related information. This MCAI may be found in the AD docket on the Internet at *http://www.regulations.gov* by searching for and locating Docket No. FAA–2013–1072.

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

Issued in Renton, Washington, on January 7, 2014.

Jeffrey E. Duven,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 2014–00495 Filed 1–13–14; 8:45 am]

BILLING CODE 4910–13–P

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 150

RIN 3038–AD82

Aggregation of Provisions

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed rule; extension of comment period.

SUMMARY: On November 15, 2013, the Commodity Futures Trading Commission (''Commission'') published in the **Federal Register** a notice of proposed rulemaking (the ''Aggregation Proposal'') to amend existing regulations setting out the Commission's policy for aggregation under its position limits regime. On the same day that the Commission adopted the Aggregation Proposal, it also adopted a proposal to establish speculative position limits for the 28 exempt and agricultural commodity futures and options contracts and the physical commodity swaps that are economically equivalent to such contracts that previously had been covered by part 151 of its regulations (the ''Position Limits Proposal''). However, the Position Limits Proposal was not published in the **Federal Register** until December 12, 2013. Because the comment period for both proposals was 60 days after publication in the **Federal Register,** the comment period for the Position Limits Proposal runs to a later date than the comment period for the Aggregation Proposal. In order to provide interested parties with an opportunity to comment on the Aggregation Proposal for so long as the comment period on the Position Limits Proposal is open, the Commission is extending the comment period for the Aggregation Proposal so that it ends at the same time as the comment period for the Position Limits Proposal.

DATES: The comment period for the Aggregation Proposal published November 15, 2013, at 78 FR 68946, is extended until February 10, 2014.

ADDRESSES: You may submit comments, identified by RIN 3038–AD82, by any of the following methods:

- *Agency Web site: http://comments.cftc.gov;*
- *Mail:* Melissa D. Jurgens, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581;
- *Hand Delivery/Courier:* Same as mail, above; or
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow instructions for submitting comments.

Please submit your comments using only one method.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to *http://www.cftc.gov.* You should submit only information that you wish to make available publicly. If you wish the Commission to consider information that may be exempt from disclosure under the Freedom of Information Act, a petition for confidential treatment of the exempt information may be submitted according to the procedures established in CFTC regulations at 17 CFR part 145.

The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from *http://www.cftc.gov* that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted

or removed that contain comments on the merits of the rulemaking will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under the Freedom of Information Act.

FOR FURTHER INFORMATION CONTACT: Stephen Sherrod, Senior Economist, Division of Market Oversight, (202) 418–5452, *ssherrod@cftc.gov;* Riva Spear Adriance, Senior Special Counsel, Division of Market Oversight, (202) 418–5494, *radriance@cftc.gov;* or Mark Fajfar, Assistant General Counsel, Office of General Counsel, (202) 418–6636, *mfajfar@cftc.gov;* Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW., Washington, DC 20581.

SUPPLEMENTARY INFORMATION:

I. Background

The Commission has long established and enforced speculative position limits for futures and options contracts on various agricultural commodities as authorized by the Commodity Exchange Act (''CEA'').[1] The part 150 position limits regime,[2] generally includes three components: (1) The level of the limits, which set a threshold that restricts the number of speculative positions that a person may hold in the spot-month, individual month, and all months combined,[3] (2) exemptions for positions that constitute bona fide hedging transactions and certain other types of transactions,[4] and (3) rules to determine which accounts and positions a person must aggregate for the purpose of determining compliance with the position limit levels.[5] The Aggregation Proposal, generally speaking, sets out proposed changes to the Commission's regulations relating to the third component of the position limits regime.[6]

The Commission has also adopted the Position Limits Proposal, proposing to establish speculative position limits for 28 exempt and agricultural commodity futures and option contracts, and physical commodity swaps that are ''economically equivalent'' to such contracts (as such term is used in section 4a(a)(5) of the CEA).[7]

The Commission adopted the Aggregation Proposal and the Position Limits Proposal separately because it believes that the proposed amendments regarding aggregation of positions could be appropriate regardless of whether the Position Limits Proposal is adopted. The Commission anticipates that it could adopt either of the proposals separately from the other, but if both proposals are finalized, the modifications in the Aggregation Proposal would apply to both the current position limits regime for futures and option contracts on nine agricultural commodities and to the position limits regime for 28 exempt and agricultural commodity futures and options contracts and the physical commodity swaps that are economically equivalent to such contracts that was proposed in the Position Limits Proposal.[8]

II. Extension of Comment Period

Subsequent to issuing the Aggregation Proposal, the Commission has received four written comments from interested parties requesting that the Commission extend the comment period so that it would end at the same time as the comment period for the Position Limits Proposal.[9] In general, these commenters said that because of the related nature of the two proposals, it would be more practicable to formulate comments on both the proposals at the same time. The commenters pointed out, for example, that in certain instances the comments to be made on an aspect of one of the proposals may depend on views regarding the other proposal. The Commission also notes that these requests for an extension of time were made by several groups representing a wide variety of market participants who are interested in commenting on the Aggregation Proposal.[10]

In light of the comments received, the Commission is extending the comment period for the Aggregation Proposal to align with the comment period for the Position Limits Proposal. Thus, both comment periods will end on February 10, 2014.

Issued in Washington, DC, on January 9, 2014, by the Commission.

Christopher J. Kirkpatrick,

Deputy Secretary of the Commission.

Note: The following appendix will not appear in the Code of Federal Regulations.

Appendix to Extension of Comment Period for the Rulemaking Amending the Aggregation Provisions of Part 150—Commission Voting Summary

On this matter, Acting Chairman Wetjen and Commissioners Chilton and O'Malia voted in the affirmative. No Commissioner voted in the negative.

[FR Doc. 2014–00496 Filed 1–13–14; 8:45 am]

BILLING CODE 6351–01–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

DEPARTMENT OF THE TREASURY

19 CFR Parts 7, 163, and 178

[Docket No. USCBP–2014–0001]

RIN 1515–AD97

Documentation Related to Goods Imported From U.S. Insular Possessions

AGENCY: U.S. Customs and Border Protection, Department of Homeland Security; Department of the Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes to amend the U.S. Customs and Border Protection (CBP) regulations to eliminate the requirement that a customs official at the port of export verify and sign CBP Form 3229, Certificate of Origin for U.S. Insular Possessions, and to require only that the importer present this form, upon CBP's request, rather than with each entry as is currently required. CBP believes that these amendments will serve to streamline the certification process and modernize the entry process by making it more efficient, as it will reduce the overall administrative burden on the importing trade as well as on CBP. The importer is still required to maintain

[1] 7 U.S.C. 1 *et seq.*

[2] *See* 17 CFR part 150. Part 150 of the Commission's regulations establishes federal position limits on certain enumerated agricultural contracts; the listed commodities are referred to as enumerated agricultural commodities.

[3] *See* 17 CFR 150.2.

[4] *See* 17 CFR 150.3.

[5] *See* 17 CFR 150.4.

[6] *See* Aggregation of Positions, 78 FR 68946 (Nov. 15, 2013).

[7] *See* Position Limits for Derivatives, 78 FR 75680 (Dec. 12, 2013).

[8] *See* Aggregation Proposal, 78 FR at 68947.

[9] *See* letter from the Asset Management Group of the Securities Industry and Financial Markets Association and the International Swaps and Derivatives Association dated December 20, 2013; letter from Sutherland Asbill & Brennan LLP on behalf of The Commercial Energy Working Group dated December 23, 2013; letter from the Edison Electric Institute, the Energy Power Supply Association and the American Gas Association dated January 3, 2014; and letter from the Futures Industry Association, Inc. (''FIA''), dated January 3, 2014. These letters, and other comments received on the Aggregation Proposal, are available at *http://comments.cftc.gov/PublicComments/CommentList.aspx?id=1427.*

[10] FIA noted that it ''supports the Commission's decision to propose, and if possible, finalize a well-crafted Aggregation Proposal as expeditiously as possible.'' FIA requested the Commission ''not delay adopting a final aggregation rule pending finalization of the 2013 Position Limits Proposal.'' *See* January 3, 2014, letter at footnote 4.

CBP Form 3229 in its possession or may be subject to the assessment of a recordkeeping penalty if it cannot be produced.

DATES: Comments must be received on or before March 17, 2014.

ADDRESSES: You may submit comments, identified by *docket number,* by *one* of the following methods:

- *Federal eRulemaking Portal at http://www.regulations.gov.* Follow the instructions for submitting comments via Docket No. USCBP–2014–0001.
- *Mail:* Trade and Commercial Regulations Branch, Regulations and Rulings, Office of International Trade, U.S. Customs and Border Protection, 90 K Street NE., 10th Floor, Washington, DC 20229–1177.

Instructions: All submissions received must include the agency name and docket number for this rulemaking. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments and additional information on the rulemaking process, see the ''Public Participation'' heading of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov.* Submitted comments may be inspected during regular business days between the hours of 9 a.m. and 4:30 p.m. at the Trade and Commercial Regulations Branch, Regulations and Rulings, Office of International Trade, Customs and Border Protection, 90 K Street NE., 10th Floor, Washington, DC 20229–1177. Arrangements to inspect submitted comments should be made in advance by calling Mr. Joseph Clark at (202) 325–0118.

FOR FURTHER INFORMATION CONTACT: Seth Mazze, Trade Agreements Branch, Trade Policy and Programs, Office of International Trade, (202) 863–6567, *seth.mazze@cbp.dhs.gov.*

SUPPLEMENTARY INFORMATION:

Public Participation

Interested persons are invited to participate in this rulemaking by submitting written data, views, or arguments on all aspects of the proposed rule. U.S. Customs and Border Protection (CBP) also invites comments that relate to the economic, environmental, or federalism effects that might result from this proposed rulemaking. Comments that will provide the most assistance to CBP will reference a specific portion of the proposed rulemaking, explain the reason for any recommended change, and include data, information, or authority that support such recommended change. See **ADDRESSES** above for information on how to submit comments.

Background

Goods imported into the customs territory of the United States from an insular possession may be eligible for duty-free treatment under the provisions of General Note 3(a)(iv) of the Harmonized Tariff Schedule of the United States (HTSUS) (19 U.S.C. 1202). In addition to the specific requirements set forth in General Note 3(a)(iv), HTSUS, the CBP regulations at part 7 of title 19 of the Code of Federal Regulations (19 CFR part 7) address insular possessions. Insular possessions of the United States are defined as American territories outside the customs territory of the United States and include the U.S. Virgin Islands, Guam, American Samoa, Wake Island, Midway Islands, and Johnston Atoll. *See* 19 CFR 7.2(a). In addition, goods imported from the Commonwealth of the Northern Mariana Islands are entitled to the same tariff treatment as imports from Guam and also subject to the provisions of section 7.3. *See* 19 CFR 7.2(a).

Section 7.3 of the CBP regulations (19 CFR 7.3) governs the duty-free treatment of goods imported from insular possessions of the United States, other than Puerto Rico. Puerto Rico is excluded from this definition because it is part of the customs territory of the United States. Currently, to receive duty-free treatment on imports from U.S. insular possessions, the importer is required by section 7.3(f) to file a signed certificate of origin on CBP Form 3229 with each entry. Section 7.3(f) also requires that CBP Form 3229 be signed by the chief or assistant chief customs officer or other official responsible for customs administration at the port of shipment. CBP Form 3229 is unique in this regard as no other CBP certificate of origin requires verification and signature by a local customs officer at the port of export. In practice, obtaining the customs officer's signature requires the shipper to deliver CBP Form 3229 to the customs officer and either wait for a signature or leave the form to be signed and retrieved at a later time.

In order to align this certification process to CBP's post-importation verification process that is used for other certificates of origin required under the various free trade agreements or trade preference programs and to ease the administrative burden on shippers as well as importers seeking duty-free treatment of goods from U.S. insular possessions by making the entry process more efficient, this document proposes to amend section 7.3(f) of the CBP regulations (19 CFR 7.3(f)) by removing the signature and date requirement of a customs official from the documentation. In addition, the proposed rule would require only that the importer present the form signed by the shipper upon CBP's request, rather than with each entry as is currently required. Under the proposed rule, the importer must have in his possession, at the time of entry or entry summary, a completed CBP Form 3229 and must present the form upon request by the Port Director or his delegate. These regulatory amendments would allow CBP to simplify CBP Form 3229 by removing the data field for the ''Verification of CBP Officer'' including block 25, ''Signature of CBP Officer''. CBP also proposes to add block 22a ''Shipper Email'' and re-designate the ''Date'' block 24 to block 23a on CBP Form 3229. These amendments would help to relieve the administrative burden on the shipper, by eliminating the need for the shipper to deliver CBP Form 3229 to a customs officer for signature and verification of the originating status of the goods; on CBP, by removing this task from the customs officer's duties; and on the importer, by removing the requirement that the form be presented with each entry.

Importers filing CBP Form 3229 are subject to the recordkeeping requirements and procedures governing the maintenance, production, inspection, and examination of records set forth in part 163 of the CBP regulations. *See* 19 U.S.C. 1508 and 1509. In general, any record required to be made, kept, and rendered for examination and inspection by CBP must be kept for five (5) years from the date of entry. 19 CFR 163.4. Failure to comply with a lawful demand for the production of an entry record, including CBP Form 3229, may result in the assessment of a recordkeeping penalty pursuant to 19 U.S.C. 1509(g). *See also* 19 CFR 163.6(b).

Lastly, CBP plans to adopt non-substantive, editorial amendments to the regulations. CBP proposes to update the outdated name of the Form which appears in the list of records and information required for the entry of merchandise in the Appendix to part 163 (commonly referred to as the ''(a)(1)(A)'' list) by amending the listing within section IV for section 7.3(f) to reflect the current name of the form from ''CF 3229'' to ''CBP Form 3229''. CBP also proposes to make editorial

changes to the sample declarations made by the shipper in the insular possession and by the importer in the United States by updating the year from the 20th Century, ''19____.'' to the 21st Century, ''20____'' in 19 CFR 7.3(f)(2).

Executive Orders 12866 and 13563

Executive Orders 12866 and 13563 direct agencies to assess the 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). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule is not a ''significant regulatory action,'' under section 3(f) of Executive Order 12866. Accordingly, OMB has not reviewed this regulation.

Regulatory Flexibility Act

This section examines the impact on small entities as required by the Regulatory Flexibility Act (5 U.S.C. 601 *et. seq.*), as amended by the Small Business Regulatory Enforcement and Fairness Act of 1996. A small entity may be a small business (defined as any independently owned and operated business not dominant in its field that qualifies as a small business per the Small Business Act); a small not-for-profit organization; or a small governmental jurisdiction (locality with fewer than 50,000 people).

As discussed above, if promulgated, the proposed rule will remove the requirement that an importer present a completed CBP Form 3229 with each shipment from an insular possession, and the importer will only be required to present a completed CBP Form 3229 upon CBP's request.[1] Additionally, this rule will remove the requirement that the shipper of a good from an insular possession obtain a customs official's signature and date of signature in order to complete a CBP Form 3229.

Using internal databases, CBP has identified that over the last six fiscal years, on average there have been approximately 3,545 shipments of goods each year, imported by approximately 135 importers, from insular possessions (see Table 1). Any importer that imports goods from an insular possession would need to comply with this rule. Therefore, CBP believes that this rule has an impact on a substantial number of small importers. Although this rule may have an effect on a substantial number of importers, CBP believes that the economic impact of this rule will not be significant. Because importers will be required to present a completed CBP Form 3229 to CBP only upon request by a CBP officer rather than with each shipment from an insular possession, CBP estimates that an average importer may, at a maximum, print approximately 26 fewer CBP Form 3229s annually. While this would be a positive economic impact, CBP believes that this maximum benefit realized will be negligible.

TABLE 1—COMPLETED CBP FORMS 3229

Fiscal year	Importers	Completed 3229s
2007	191	7,258
2008	188	4,980
2009	136	3,210
2010	97	2,183
2011	110	1,897
2012	89	1,744
Average	*135*	*3,545*

Source: Internal CBP databases.

As noted previously, CBP has identified that over the last six fiscal years, there have been an average of 3,545 shipments a year of goods to the United States from insular possessions (see Table 1). Due to data limitations, however, CBP is unable to identify the number of shippers that ship these shipments to the United States. Any shipper that ships goods to the United States from an insular possession would need to comply with this rule. Therefore, CBP believes this rule has an impact on a substantial number of small shippers shipping goods from insular possessions. Although CBP believes this rule may affect a substantial number of shippers, CBP does not believe that this rule will have a significant impact on shippers. CBP estimates that it takes a shipper, on average, approximately one hour to obtain a customs official's signature and date of signature, in order to complete CBP Form 3229.[2] If this rule is promulgated, CBP estimates that shippers shipping goods from an insular possession, including any small entities, will realize time burden reduction (i.e. time savings) of one hour per shipment. CBP estimates the average wage of a shipper's employee who is responsible for the form to be approximately $45.10 per hour. Thus, CBP estimates that each shipper, including any small entities, will save approximately $45.10 per shipment. CBP does not believe a savings of $45.10 per shipment to be a significant economic impact.

Although CBP believes that a substantial number of small entities, both importers and shippers, may be affected by this rule, CBP does not believe that the economic impacts will be significant. CBP certifies that this regulation will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

The collections of information in this document will be submitted for OMB review in accordance with the requirements of the Paperwork Reduction Act (44 U.S.C. 3507) under control number 1651–0016. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB.

The collections of information in these regulations are contained in 19 CFR 7.3(f) and currently set forth in CBP Form 3229, Certificate of Origin. This information is required at the time of entry and is used by CBP to verify the goods are eligible for duty-free treatment under General Note 3(a)(iv), HTSUS.

The proposed regulations and changes to CBP Form 3229 would reduce the estimated time burden on shippers by two minutes per completed form. Shippers currently spend an estimated 22 minutes completing CBP Form 3229, Certificate of Origin. The proposed regulations and new draft of CBP Form 3229 would reduce this time to an estimated 20 minutes to complete the form. The anticipated time savings comes as a result of the elimination of the customs officer signature requirement on the form.

The likely respondents are businesses which import from U.S. insular possessions. Such imports are almost exclusively petroleum, refined in St. Croix, U.S. Virgin Islands. Other such imports include tuna fish, watches, organic chemicals, and alcohol. The proposed burden hours for information collection 1651–0016 are as follows:

- Number of Respondents: 113.
- Number of Annual Responses: 2,260.
- Time per Response: 20 minutes.
- Total Annual Burden Hours: 746.

This reflects a decrease of 68 burden hours.

Comments concerning the collections of information should be directed to the

[1] The importer will still be required to maintain a completed CBP Form 3229 in its records in accordance to applicable record keeping requirements.

[2] This time burden differs from Paperwork Reduction Act (PRA) burden because the PRA burden is for completing the form and does not account for travel time.

Trade and Commercial Regulations Branch, Regulations and Rulings, U.S. Customs and Border Protection, 90 K Street NE., 10th Floor, Washington, DC 20229–1177. The comments should address: (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) the annual cost burden to respondents or record keepers from the collection of information (total capital/startup costs and operations and maintenance costs).

Signing Authority

This proposed regulation is being issued in accordance with 19 CFR 0.1(a)(1) pertaining to the Secretary of the Treasury's authority (or that of his delegate) to approve regulations related to certain customs revenue functions.

List of Subjects

19 CFR Part 7

American Samoa, Customs duties and inspection, Guam, Midway Islands, Puerto Rico, Wake Island.

19 CFR Part 163

Administrative practice and procedure, Customs duties and inspection, Exports, Imports, Reporting and recordkeeping requirements, Trade agreements.

19 CFR Part 178

Administrative practice and procedure, Exports, Imports, Reporting and recordkeeping requirements.

Proposed Amendments to the CBP Regulations

For the reasons set forth in the preamble, 19 CFR parts 7, 163, and 178 are proposed to be amended as set forth below.

PART 7—CUSTOMS RELATIONS WITH INSULAR POSSESSIONS AND GUANTANAMO BAY NAVAL STATION

■ 1. The general and specific authority citations for part 7 continue to read as follows:

Authority: 19 U.S.C. 66, 1202 (General Note 3(i), Harmonized Tariff Schedule of the United States), 1623, 1624; 48 U.S.C. 1406i.

§ 7.3 [Amended]

■ 2. In § 7.3:

■ a. Paragraphs (b) introductory text, (d) introductory text, (e)(1) introductory text, and (e)(2) are amended by removing the word ''shall'' and adding, in its place, the word ''will''.

■ b. Paragraph (f)(1) is revised.

■ c. Paragraph (f)(2) introductory text is amended by removing the word ''shall'' and adding, in its place, the word ''must.''; and

■ d. Paragraphs (f)(2)(i) and (ii) are amended by removing the year designation ''19__'' wherever it appears, and replacing it with the year designation ''20__''.

The revision reads as follows:

§ 7.3 Duty-free treatment of goods imported from insular possessions of the United States other than Puerto Rico.

* * * * *

(f) *Documentation.* (1) When goods are sought to be admitted free of duty as provided in paragraph (a)(1) of this section, an importer must have in his possession at the time of entry or entry summary a completed certificate of origin on CBP Form 3229, showing that the goods comply with the requirements for duty-free entry set forth in paragraph (a)(1) of this section. The importer must provide CBP Form 3229 upon request by the port director or his delegate. Except in the case of goods which incorporate a material described in paragraph (c)(3)(ii) of this section, a certificate of origin will not be required for any shipment eligible for informal entry under § 143.21 of this chapter or in any case where the port director is otherwise satisfied that the goods qualify for duty-free treatment under paragraph (a)(1) of this section.

* * * * *

PART 163—RECORDKEEPING

■ 3. The authority citation for part 163 continues to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 66, 1484, 1508, 1509, 1510, 1624.

* * * * *

Appendix to Part 163 [Amended]

■ 4. In the Appendix to part 163, within section IV, the listing for § 7.3(f) is amended by removing the abbreviation ''CF'' and adding, in its place, the words ''CBP Form''.

PART 178—APPROVAL OF INFORMATION COLLECTION REQUIREMENTS

■ 5. The authority citation for part 178 continues to read as follows:

Authority: 5 U.S.C. 301; 19 U.S.C. 1624; 44 U.S.C. 3501 *et seq.*

§ 178.2 [Amended]

■ 6. In § 178.2, the table is amended by revising the listings for § 7.3 to read as follows:

§ 178.2 Listing of OMB control numbers.

19 CFR Section	Description	OMB control No.
* * * * * * *		
§ 7.3	Claim for duty-free entry of goods imported from U.S. insular possessions	1651–0116
* * * * * * *		

* * * * *

Thomas S. Winkowski,

Acting Commissioner, U.S. Customs and Border Protection.

Approved: January 8, 2014.

Timothy E. Skud,

Deputy Assistant Secretary of the Treasury.

[FR Doc. 2014–00485 Filed 1–13–14; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

27 CFR Part 9

[Docket No. TTB–2014–0001; Notice No. 141]

RIN 1513–AC03

Proposed Establishment of the Manton Valley Viticultural Area

AGENCY: Alcohol and Tobacco Tax and Trade Bureau, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Alcohol and Tobacco Tax and Trade Bureau (TTB) proposes to establish the approximately 11,178-acre ''Manton Valley'' viticultural area in Shasta and Tehama Counties in northern California. The proposed viticultural area does not lie within, nor does it contain, any other established viticultural area. TTB designates viticultural areas to allow vintners to better describe the origin of their wines and to allow consumers to better identify wines they may purchase. TTB invites comments on this proposed addition to its regulations.

DATES: Comments must be received by March 17, 2014.

ADDRESSES: Please send your comments on this proposed rule to one of the following addresses (please note that TTB has a new address for comments submitted by U.S. mail):

- *Internet: http://www.regulations.gov* (via the online comment form for this proposed rule as posted within Docket No. TTB–2014–0001 at ''Regulations.gov,'' the Federal e-rulemaking portal);
- *U.S. Mail:* Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW., Box 12, Washington, DC 20005; or
- *Hand delivery/courier in lieu of mail:* Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW., Suite 200–E, Washington, DC 20005.

See the Public Participation section of this proposed rule for specific instructions and requirements for submitting comments, and for information on how to request a public hearing.

You may view copies of this proposed rule, selected supporting materials, and any comments that TTB receives about this proposal at *http://www.regulations.gov* within Docket No. TTB–2014–0001. A link to that docket is posted on the TTB Web site at *http://www.ttb.gov/wine/wine-rulemaking.shtml* under Notice No. 141. You also may view copies of this proposed rule, all related petitions, maps, or other supporting materials, and any comments that TTB receives about this proposal by appointment at the TTB Information Resource Center, 1310 G Street NW., Washington, DC 20005. Please call 202–453–2270 to make an appointment.

FOR FURTHER INFORMATION CONTACT: Karen A. Thornton, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW., Box 12, Washington, DC 20005; phone 202–453–1039, ext. 175.

SUPPLEMENTARY INFORMATION:

Background on Viticultural Areas

TTB Authority

Section 105(e) of the Federal Alcohol Administration Act (FAA Act), 27 U.S.C. 205(e), authorizes the Secretary of the Treasury to prescribe regulations for the labeling of wine, distilled spirits, and malt beverages. The FAA Act provides that these regulations should, among other things, prohibit consumer deception and the use of misleading statements on labels, and ensure that labels provide the consumer with adequate information as to the identity and quality of the product. The Alcohol and Tobacco Tax and Trade Bureau (TTB) administers the FAA Act pursuant to section 1111(d) of the Homeland Security Act of 2002, codified at 6 U.S.C. 531(d). The Secretary has delegated various authorities through Treasury Department Order 120–01 (Revised), dated January 21, 2003, to the TTB Administrator to perform the functions and duties in the administration and enforcement of this law.

Part 4 of the TTB regulations (27 CFR part 4) allows the establishment of definitive viticultural areas and the use of their names as appellations of origin on wine labels and in wine advertisements. Part 9 of the TTB regulations (27 CFR part 9) sets forth standards for the preparation and submission of petitions for the establishment or modification of American viticultural areas (AVAs) and lists the approved AVAs.

Definition

Section 4.25(e)(1)(i) of the TTB regulations (27 CFR 4.25(e)(1)(i)) defines a viticultural area for American wine as a delimited grape-growing region having distinguishing features as described in part 9 of the regulations and a name and a delineated boundary as established in part 9 of the regulations. These designations allow vintners and consumers to attribute a given quality, reputation, or other characteristic of a wine made from grapes grown in an area to its geographic origin. The establishment of AVAs allows vintners to describe more accurately the origin of their wines to consumers and helps consumers to identify wines they may purchase. Establishment of an AVA is neither an approval nor an endorsement by TTB of the wine produced in that area.

Requirements

Section 4.25(e)(2) of the TTB regulations (27 CFR 4.25(e)(2)) outlines the procedure for proposing an AVA and provides that any interested party may petition TTB to establish a grape-growing region as an AVA. Section 9.12 of the TTB regulations (27 CFR 9.12) prescribes standards for petitions for the establishment or modification of AVAs. Petitions to establish an AVA must include the following:

- Evidence that the area within the proposed AVA boundary is nationally or locally known by the AVA name specified in the petition;
- An explanation of the basis for defining the boundary of the proposed AVA;
- A narrative description of the features of the proposed AVA affecting viticulture, such as climate, geology, soils, physical features, and elevation, that make the proposed AVA distinctive and distinguish it from adjacent areas outside the proposed AVA boundary;
- A copy of the appropriate United States Geological Survey (USGS) map(s) showing the location of the proposed AVA, with the boundary of the proposed AVA clearly drawn thereon; and
- A detailed narrative description of the proposed AVA boundary based on USGS map markings.

Manton Valley Petition

TTB received a petition from Mark Livingston, of Cedar Crest Vineyards, on behalf of Cedar Crest Vineyards and other vineyard and winery owners in Manton, California, proposing the establishment of the ''Manton Valley'' AVA. The proposed AVA contains approximately 11,178 acres, with 11

commercial vineyards, covering approximately 200 acres, distributed across the proposed AVA. The proposed AVA also has six bonded wineries. According to the petition, the distinguishing features of the proposed Manton Valley AVA include soils, topography, and climate. Unless otherwise noted, all information and data pertaining to the proposed AVA contained in this proposed rule come from the petition for the proposed Manton Valley AVA and its supporting exhibits.

Name Evidence

The proposed Manton Valley AVA derives its name from the township of Manton, which is located within the proposed AVA and appears on the USGS maps included with the petition. Manton Road runs through the proposed AVA, and a public primary school in the community is called the Manton School. The Manton Fire Department serves the region within the proposed AVA and is shown on the USGS Manton quadrangle map.

The petitioner chose to add the word ''valley'' to the proposed name in reference to the large valley in which the proposed AVA and the town of Manton are located. The USGS maps for the region do not identify the valley in which the proposed AVA is located as ''Manton Valley,'' but the petition included evidence that the region is known by that name. The official Web site for the community of Manton states that ''Manton Valley is nestled in the shadow of Mt. Lassen'' and includes a page describing the vineyards and wineries of the ''Manton Valley Wine Country.'' (See *www.visitmantonca.com*.) The Web site for Bailey Creek Lodge describes its location as being ''nestled in the quiet Manton Valley of Northern California's Shasta County.'' (See *www.baileycreeklodge.com*.) Finally, an advertisement for the Bar Z Ranch Bed and Breakfast in northern California describes the establishment as ''a quaint bed and breakfast nestled in the rolling hills of the Manton Valley.'' (See *www.visitmantonca.com/BARZ.html*.)

Boundary Evidence

The proposed Manton Valley AVA is described in the petition as a valley located between the north and south forks of Battle Creek in Shasta and Tehama Counties, in northern California. The east-west oriented valley has a roughly teardrop shape, with a wide western border and a narrower eastern border that tapers to a point.

The northern boundary of the proposed AVA follows a series of roads that separate the lower, rolling elevations of the proposed AVA from the higher, steeper elevations of Shingletown Ridge. The intersection of two roads marks the easternmost point of the boundary of the proposed AVA. This point also marks the narrow apex of both the valley and the proposed AVA and separates the gently rolling terrain of the proposed AVA from the steeper foothills of Mount Lassen. The southern boundary follows a series of roads that separate the proposed AVA from the lower, steeper elevations to the south. The western boundary follows a series of roads that separate the proposed AVA from the lower plateaus that dominate much of the region to the west.

Distinguishing Features

The distinguishing features of the proposed Manton Valley AVA include soils, topography, and climate.

Soils

Most of the soil within the proposed Manton Valley AVA has volcanic origins and is comprised of material from weathered volcanic rock, rhyolite, or volcanic ash. The major geologic formation beneath the proposed AVA is known as the Tuscan Formation, which was formed from basalt, basaltic andesite, and mudflows from volcanic eruptions. Erosion of the Tuscan Formation has contributed to the formation of many of the soils within the proposed AVA, such as Cohasset gravelly loams, Forward sandy loams, and Manton sandy loams. These three soils comprise approximately 73 percent of the soils found in the proposed Manton Valley AVA. The three soils are described as well-drained, a characteristic that aids in preventing mildew and rot in the vines. These soils also are generally shallow and nutrient-poor. Leaf canopies do not become overly thick and excessively shady in nutrient-poor soils, so the grape clusters are exposed to more sunlight and ripen more quickly than fruit that is shaded by the excessive canopy growth that nutrient-rich soils can promote. Vineyards planted in nutrient-poor soils also yield fewer grapes than vineyards planted in more fertile soil. According to the petition, the vineyards within the proposed AVA average approximately 3 tons of grapes per acre, compared to a typical yield of 15 tons per acre from the more fertile soils of the Sacramento Valley, farther to the west and southwest.

The soils to the north of the proposed AVA are dominated by Windy and McCarthy stony loams. These series are generally associated with conifer forests and elevations higher than those found within the proposed AVA.

The soils to the east of the proposed Manton Valley AVA are primarily comprised of Sheld series soils, which occur on steep slopes. The petition notes that the shallowness, erosion potential, and excessive stoniness of the soils in this region categorize them as Class 7 soils under the Natural Resource Conservation Service land capability classification system, meaning they are generally unsuitable for agricultural purposes due to one or more deficiencies that cannot be overcome. As a result, most of the land in the region to the east of the proposed AVA is used for grazing livestock or as wildlife habitat.

Slightly south of the proposed AVA, near Paynes Creek, the soils are primarily comprised of Supan and Toomes series loams. These soils are also classified as Class 7 soils, due to their rocky nature. Small pockets of alluvial soils that do support a few small vineyards are found along Paynes Creek and the South Fork of Battle Creek; but these small vineyards are the exception, and most of the soils south of the proposed AVA are used for grazing cattle.

The soils to the immediate west of the proposed AVA are almost entirely of the Guenoc and Toomes series. These soils are very rocky, filled with boulders, and nutrient deficient and are generally used for grazing livestock, rather than agriculture. Farther to the west is the Sacramento River Valley, which has its northernmost end near the towns of Redding and Red Bluff, approximately 30–35 miles from the proposed AVA. In the Sacramento River Valley, the soils are derived primarily from deep quaternary sediments. These soils are nutrient-rich, allowing vineyards to produce much larger harvests than vineyards within the proposed AVA.

Topography

The proposed Manton Valley AVA lies entirely within a stream-cut valley bordered by the two main forks of Battle Creek. Within the western portion of the proposed AVA, the land is relatively flat. Heading eastward across the proposed AVA, the land becomes progressively hillier. The northern and southern sides of the valley are marked by vertical canyons, where the forks of Battle Creek have carved deeply into the land. Slope angles within the proposed AVA range between 0 and 30 percent, according to the USDA soil survey maps included with the petition. The slope angles are shallow enough to reduce the risk of soil erosion and to allow for grape cultivation. The USGS maps show

the average elevations within the proposed AVA range from approximately 2,000 feet to approximately 3,500 feet. According to the petition, the elevations within the proposed AVA provide vineyards with cooler temperatures than the lower elevations to the south and west of the proposed AVA. Additionally, vineyards within the proposed AVA are less subject to a risk of damaging frosts or snows than the mountains found in the higher elevations to the north and east.

The proposed AVA also has numerous spring-fed streams, which supply water to irrigation canals, irrigation ponds, and small lakes, providing a reliable, year-round source of irrigation water for vineyards. The streams also transport nutrients and minerals from eroded soils into the irrigation canals and ponds and, eventually, into the vineyards.

To the north of the proposed AVA is the steeper, higher terrain of the Shingletown Ridge. Elevations in this region range from approximately 2,400 feet to approximately 3,800 feet. According to the USDA soil survey maps, slopes in this region range between 30 and 50 percent. The slopes are generally not suitable for viticulture due to their steepness, and the elevations make the ridge prone to frost and heavy snow.

To the east of the proposed AVA, the terrain becomes steeper and higher. Slope angles in the region immediately to the east of the proposed AVA range from 30 to 65 percent. Elevations and steepness continue to increase farther to the east within Lassen Volcanic National Park, approximately 25 miles from the proposed AVA. Mount Lassen, the highest peak within the park, has an elevation of 10,457 feet. At night during the summer, cool mountain air flows down the mountains of the park, providing overnight cooling to the lower elevations outside the park, including the proposed Manton Valley AVA.

The region to the immediate south of the proposed AVA has lower elevations than the proposed AVA. Along the South Fork of Battle Creek, elevations range between 1,200 and 1,600 feet. Although the elevations are lower than within the proposed AVA, the slope angles in this region are steeper than the relatively gentle rolling valley of the proposed AVA, ranging between 30 and 50 percent, as shown on the USDA soil survey map.

To the immediate west of the proposed Manton Valley AVA are large plateaus and elevations that are generally lower than those found within the proposed AVA. The USGS maps show elevations ranging from approximately 1,000 to 1,900 feet. Slope angles in this region are similar to those within the proposed AVA.

Climate

The climate of the proposed Manton Valley AVA differs from that of the surrounding region in terms of growing degree days, diurnal temperature differential, and precipitation. Each of these climatic aspects has an effect on viticulture within the proposed AVA.

The petition included information on growing degree days (GDDs) [1] based on temperature readings for the period between April 1 and October 31 gathered from locations both within and outside of the proposed AVA. The data from Alger Vineyards, which is within the proposed AVA, was collected from 2002 to 2011. The data from the Black Butte weather station, to the north of the proposed AVA, is from the period between 2008 and 2011. The data from the weather stations in Manzanita Lake, to the east, from Chico, to the south, and from Redding and Red Bluff, to the west, was all collected between 2002 and 2011. The table below summarizes the data.

AVERAGE ANNUAL GDD ACCUMULATION

Location	Direction with respect to proposed AVA	Annual growing degree days	Winkler classification
Alger Vineyards	Within	3,428	Region III.
Black Butte	North	3,400	Region III.
Manzanita Lake	East	1,285	Region I.
Chico	South	4,200	Region V.
Redding	West	4,651	Region V.
Red Bluff	West	4,712	Region V.

As shown in the table, the proposed Manton Valley AVA accumulates significantly more GDDs than the cooler region to the east and fewer GDDs than the very warm regions to the south and west. Although the region to the north has a similar accumulation of GDDs, the petition notes that temperatures to the north of the proposed AVA reach 50 degrees F earlier in the growing season and do not drop as low at night, allowing the GDDs to accumulate at a faster rate than within the proposed AVA. A faster rate of GDD accumulation enables growers in the vicinity of Black Butte to harvest their grapes several weeks earlier than growers in the proposed Manton Valley AVA.

The GDD accumulation of the proposed Manton Valley AVA places it in the moderately warm Region III category, allowing growers to plant warmer varieties of grapes, such as Merlot, Cabernet Sauvignon, Zinfandel, and Viognier. As previously noted, the rate at which GDDs accumulate also plays a role in when grapes are ripe enough to harvest.

The proposed Manton Valley AVA also experiences a greater temperature difference between daytime highs and nighttime lows (diurnal temperature differential) than the surrounding regions. The petition states that this greater diurnal temperature differential is due to the nighttime cold air drainage that flows from the high ridges of Lassen Peak, to the east of the proposed AVA, and from the slopes of Shingletown Ridge, to the north, into the lower elevations of the proposed AVA, providing overnight cooling to the vineyards in the proposed Manton Valley AVA. The table below summarizes the July temperature differentials for the proposed AVA and the surrounding regions. July was chosen because that month is the peak of the growing season.

[1] In the Winkler climate classification system, annual heat accumulation during the growing season, measured in annual growing degree days (GDDs), defines climatic regions. One GDD accumulates for each degree Fahrenheit that a day's mean temperature is above 50 degrees, the minimum temperature required for grapevine growth. See Albert J. Winkler, *General Viticulture* (Berkeley: University of California Press, 1974), pages 61–64.

AVERAGE JULY DIURNAL TEMPERATURE DIFFERENTIAL

Location	Direction with respect to proposed AVA	Differential (in degrees F)
Alger Vineyards	Within	38.3
Black Butte	North	28
Manzanita Lake	East	30
Chico	South	32
Redding	West	32.3
Red Bluff	West	32.3

The large drop in temperature at night within the proposed AVA delays fruit maturation and extends the growing season. The petition states that harvest within the proposed AVA begins in very late September or October and often continues until early December. By contrast, most growers in the surrounding regions begin harvesting in late August and early September. The petition also states that the delayed maturation brought about by cooler nighttime temperatures allows the grapes to maintain a desirable balance of sugars, pH, and acid. Grapes within the proposed AVA are generally harvested with sugar levels between 23 and 26 brix units, a pH between 3.3 and 3.6, and total acid between 0.6 and 0.8 percent. By contrast, fruit from warmer regions to the west of the proposed AVA reaches full ripeness sooner and typically has lower acid levels, higher pH levels, and higher amounts of sugar, factors which must be compensated for during the winemaking process.

The amount of precipitation within the proposed Manton Valley AVA also differentiates it from the surrounding regions. The following table shows the average monthly and annual precipitation amounts for the proposed AVA and adjacent regions. Data was collected from weather stations from 2002 to 2011.

AVERAGE ANNUAL PRECIPITATION AMOUNTS

Month	Location (Direction with respect to proposed AVA)				
	Manton (within)	Paynes Creek (south)	Red Bluff (west)	Shingletown (north)	Manzanita Lake (east)
January	5.47	5.62	4.45	7.7	8.3
February	4.83	4.29	3.75	6.31	7.02
March	4.33	4.33	2.9	5.66	3.88
April	2.88	3.08	1.63	3.95	3.4
May	2.04	1.24	1.05	1.88	2.32
June	0.99	0.47	0.46	0.82	2.6
July	0.12	0.15	0.07	0.24	1.5
August	0.27	0.32	0.14	0.72	0.9
September	0.83	0.96	0.46	1.2	1.4
October	2.21	2.33	1.37	3.38	3.76
November	4.25	4.49	2.9	6.78	3.45
December	5.43	5.63	4.02	7.17	6.86
Average annual inches	33.65	32.91	23.2	45.81	42.43

The data in the table show that the proposed Manton Valley AVA has higher annual precipitation levels than the region to the west and lower levels than the regions to the north and east. Although low precipitation amounts during the summer months ordinarily would pose a problem for viticulture, growers within the proposed AVA are not entirely dependent on rainfall due to the area's numerous spring-fed creeks and streams that supply water to irrigation ponds and canals. The petition also states that the end of the growing season in the proposed AVA is relatively dry, with low levels of humidity during the late summer and autumn in addition to low precipitation amounts. The low rainfall levels, combined with low humidity, reduce the risk of mildew and rot caused by wet growing conditions, particularly late in the growing season. As a result, growers in the proposed AVA are able to allow their fruit to stay on the vine longer, giving the fruit time to mature slowly and achieve the desired sugar, acid, and pH levels. The petition notes that although Red Bluff has significantly less rainfall than the proposed AVA, the town's location on the Sacramento River leads to an increase in relative humidity, so grapes cannot stay on the vine as long as grapes within the proposed AVA without risking mildew or rot.

Summary of Distinguishing Features

In summary, the evidence provided in the petition indicates that the viticulturally significant geographic features of the proposed Manton Valley AVA distinguish it from the surrounding regions in each direction. To the north of the proposed AVA, the terrain is steeper and elevations are higher, the diurnal temperature differential is lower, rainfall is greater, and the soils are predominately Windy and McCarthy stony loams. To the east, elevations are higher and slope angles are greater, there are significantly fewer growing degree days, rainfall amounts are higher, and soils are predominately of the Sheld series, which are unsuitable for agriculture. To the south, elevations are lower, slope angles are greater, growing degree day accumulations are significantly higher, and the soils are of the Supan and Toomes series, which also are unsuitable for agriculture. The region to the west of the proposed AVA is characterized by lower elevations and large plateaus, significantly warmer temperatures, less rainfall, and soils of the Guenoc and Toomes series.

TTB Determination

TTB concludes that the petition to establish the 11,178-acre Manton Valley AVA merits consideration and public comment, as invited in this proposed rule.

Boundary Description

See the narrative boundary description of the petitioned-for AVA in the proposed regulatory text published at the end of this proposed rule.

Maps

The petitioner provided the required maps, and they are listed below in the proposed regulatory text.

Impact on Current Wine Labels

Part 4 of the TTB regulations prohibits any label reference on a wine that indicates or implies an origin other than the wine's true place of origin. If TTB establishes this proposed AVA, its name, ''Manton Valley,'' will be recognized as a name of viticultural significance under 27 CFR 4.39(i)(3). The text of the proposed regulation clarifies this point. Consequently, if this proposed rule is adopted as a final rule, wine bottlers using the name ''Manton Valley'' in a brand name, including a trademark, or in another label reference as to the origin of the wine, would have to ensure that the product is eligible to use the AVA name as an appellation of origin.

TTB does not believe that ''Manton,'' standing alone, should have viticultural significance if the proposed AVA is established, due to the widespread use of ''Manton'' as a geographical name within the United States. A GNIS search shows the name ''Manton'' used in reference to over 30 locations in 7 States outside the proposed AVA. Accordingly, the proposed part 9 regulatory text set forth in this document specifies only the full name ''Manton Valley'' as a term of viticultural significance for purposes of part 4 of the TTB regulations.

For a wine to be labeled with an AVA name, at least 85 percent of the wine must be derived from grapes grown within the area represented by that name, and the wine must meet the other conditions listed in 27 CFR 4.25(e)(3). If the wine is not eligible for labeling with an AVA name and that name appears in the brand name, then the label is not in compliance and the bottler must change the brand name and obtain approval of a new label. Similarly, if the AVA name appears in another reference on the label in a misleading manner, the bottler would have to obtain approval of a new label.

Different rules apply if a wine has a brand name containing an AVA name that was used as a brand name on a label approved before July 7, 1986. See 27 CFR 4.39(i)(2) for details.

Public Participation

Comments Invited

TTB invites comments from interested members of the public on whether it should establish the proposed AVA. TTB is also interested in receiving comments on the sufficiency and accuracy of the name, boundary, soils, climate, and other required information submitted in support of the petition. Please provide any available specific information in support of your comments.

Because of the potential impact of the establishment of the proposed Manton Valley AVA on wine labels that include the term ''Manton Valley,'' as discussed above under Impact on Current Wine Labels, TTB is particularly interested in comments regarding whether there will be a conflict between the proposed area name and currently used brand names. If a commenter believes that a conflict will arise, the comment should describe the nature of that conflict, including any anticipated negative economic impact that approval of the proposed AVA will have on an existing viticultural enterprise. TTB is also interested in receiving suggestions for ways to avoid conflicts, for example, by adopting a modified or different name for the AVA.

Submitting Comments

You may submit comments on this proposed rule by using one of the following three methods (please note that TTB has a new address for comments submitted by U.S. Mail):

- *Federal e-Rulemaking Portal:* You may send comments via the online comment form posted with this proposed rule within Docket No. TTB–2014–0001 on ''Regulations.gov,'' the Federal e-rulemaking portal, at *http://www.regulations.gov.* A direct link to that docket is available under Notice No. 141 on the TTB Web site at *http://www.ttb.gov/wine/wine-rulemaking.shtml.* Supplemental files may be attached to comments submitted via Regulations.gov. For complete instructions on how to use Regulations.gov, visit the site and click on the ''Help'' tab.
- *U.S. Mail:* You may send comments via postal mail to the Director, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW., Box 12, Washington, DC 20005.
- *Hand Delivery/Courier:* You may hand-carry your comments or have them hand-carried to the Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW., Suite 200–E, Washington, DC 20005.

Please submit your comments by the closing date shown above in this proposed rule. Your comments must reference Notice No. 141 and include your name and mailing address. Your comments also must be made in English, be legible, and be written in language acceptable for public disclosure. TTB does not acknowledge receipt of comments, and TTB considers all comments as originals.

In your comment, please clearly indicate if you are commenting on your own behalf or on behalf of an association, business, or other entity. If you are commenting on behalf of an entity, your comment must include the entity's name as well as your name and position title. If you comment via Regulations.gov, please enter the entity's name in the ''Organization'' blank of the online comment form. If you comment via postal mail or hand delivery/courier, please submit your entity's comment on letterhead.

You may also write to the Administrator before the comment closing date to ask for a public hearing. The Administrator reserves the right to determine whether to hold a public hearing.

Confidentiality

All submitted comments and attachments are part of the public record and subject to disclosure. Do not enclose any material in your comments that you consider to be confidential or inappropriate for public disclosure.

Public Disclosure

TTB will post, and you may view, copies of this proposed rule, selected supporting materials, and any online or mailed comments received about this proposal within Docket No. TTB–2014–0001 on the Federal e-rulemaking portal, Regulations.gov, at *http://www.regulations.gov.* A direct link to that docket is available on the TTB Web site at *http://www.ttb.gov/wine/wine-rulemaking.shtml* under Notice No. 141. You may also reach the relevant docket through the Regulations.gov search page at *http://www.regulations.gov.* For information on how to use Regulations.gov, click on the site's ''Help'' tab.

All posted comments will display the commenter's name, organization (if any), city, and State, and, in the case of mailed comments, all address information, including email addresses. TTB may omit voluminous attachments

or material that the Bureau considers unsuitable for posting.

You may also view copies of this proposed rule, all related petitions, maps and other supporting materials, and any electronic or mailed comments that TTB receives about this proposal by appointment at the TTB Information Resource Center, 1310 G Street NW., Washington, DC 20005. You may also obtain copies at 20 cents per 8.5- × 11-inch page. Contact TTB's information specialist at the above address or by telephone at 202–453–2270 to schedule an appointment or to request copies of comments or other materials.

Regulatory Flexibility Act

TTB certifies that this proposed regulation, if adopted, would not have a significant economic impact on a substantial number of small entities. The proposed regulation imposes no new reporting, recordkeeping, or other administrative requirement. Any benefit derived from the use of an AVA name would be the result of a proprietor's efforts and consumer acceptance of wines from that area. Therefore, no regulatory flexibility analysis is required.

Executive Order 12866

This proposed rule is not a significant regulatory action as defined by Executive Order 12866 of September 30, 1993. Therefore, no regulatory assessment is required.

Drafting Information

Karen A. Thornton of the Regulations and Rulings Division drafted this proposed rule.

List of Subjects in 27 CFR Part 9

Wine.

Proposed Regulatory Amendment

For the reasons discussed in the preamble, TTB proposes to amend title 27, chapter I, part 9, Code of Federal Regulations, as follows:

PART 9—AMERICAN VITICULTURAL AREAS

■ 1. The authority citation for part 9 continues to read as follows:

Authority: 27 U.S.C. 205.

Subpart C—Approved American Viticultural Areas

■ 2. Subpart C is amended by adding § 9.____ to read as follows:

§ 9. Manton Valley.

(a) *Name.* The name of the viticultural area described in this section is ''Manton Valley''. For purposes of part 4 of this chapter, ''Manton Valley'' is a term of viticultural significance.

(b) *Approved maps.* The three United States Geological Survey (USGS) 1:24,000 scale topographic maps used to determine the boundary of the Manton Valley viticultural area are titled:

(1) Manton, CA, 1995;

(2) Shingletown, CA, 1985 (provisional); and

(3) Grays Peak, CA, 1995.

(c) *Boundary.* The Manton Valley viticultural area is located in Shasta and Tehama Counties in northern California. The boundary of the Manton Valley viticultural area is as described below:

(1) The beginning point is on the Manton map, in the community of Manton, at the intersection of three unnamed light-duty roads known locally as Manton Road, Forward Road, and Rock Creek Road, section 21, T30N/R1E. From the beginning point, proceed northerly, then northeasterly on Rock Creek Road approximately 0.8 mile to the road's intersection with an unnamed light-duty road known locally as Wilson Hill Road, section 21, T30N/R1E; then

(2) Proceed westerly, then northerly on Wilson Hill Road, crossing onto the Shingletown map, then continue westerly, then northerly, then northeasterly on the turning Wilson Hill Road, approximately 4 miles in total distance, to the road's intersection with the marked power line in section 8, T30N/R1E; then

(3) Proceed east-southeasterly along the marked power line, crossing onto the Manton map, approximately 1.1 miles to the power line's intersection with the Volta Powerhouse, section 16, T30N/R1E; then

(4) From the Volta Powerhouse, proceed south-southeasterly (downstream) along an aqueduct and penstock, approximately 0.7 mile in total distance, to the penstock's intersection with the North Fork of Battle Creek, section 16, T30N/R1E; then

(5) Proceed north-northeasterly (upstream) along the North Fork of Battle Creek approximately 0.3 mile to the confluence of Bailey Creek, section 15, T30N/R1E; then

(6) Proceed east-northeasterly (upstream) along Bailey Creek approximately 2 miles to the creek's intersection with an unnamed light-duty road known locally as Manton Ponderosa Way, section 11; T30N/R1E; then

(7) Proceed southeasterly along Manton Ponderosa Way approximately 1.8 miles to the road's intersection with Rock Creek Road, and then proceed westerly on Rock Creek Road approximately 0.05 mile to the road's intersection with an unnamed light-duty road known locally as Forwards Mill Road, section 19, T30N/R2E; then

(8) Proceed easterly along Forwards Mill Road approximately 4.5 miles, crossing onto the Grays Peak map, to the road's intersection with an unnamed light-duty road known locally as Forward Road, section 26, T30N/R2E; then

(9) Proceed generally westerly along Forward Road approximately 4.8 miles, crossing onto the Manton map, to the road's intersection with an unnamed light-duty road known locally as Ponderosa Way, section 31, T30N/R2E; then

(10) Proceed southerly along Ponderosa Way approximately 1.7 miles to the road's intersection with an unimproved road (Pacific Gas and Electric service road, approximately 0.25 mile west-southwest of Bluff Springs), section 1, T29N/R1E; then

(11) Proceed westerly along the unimproved road approximately 2.2 miles to the road's intersection with the South Battle Creek Canal, section 3, T29N/R1E; then

(12) Proceed generally northwesterly (downstream) along the meandering South Battle Creek Canal approximately 1.3 miles to the canal's intersection with an unimproved road known locally as South Powerhouse Road, section 4, T29N/R1E; then

(13) Proceed northerly along South Powerhouse Road approximately 2 miles to the road's intersection with an unnamed light-duty road known locally as Manton Road, section 21, T30N/R1E; then

(14) Proceed easterly along Manton Road approximately 0.1 mile, returning to the beginning point.

Signed: December 20, 2013.

John J. Manfreda,

Administrator.

[FR Doc. 2014–00523 Filed 1–13–14; 8:45 am]

BILLING CODE 4810–31–P?≤

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2013–0753; FRL–9905–28–Region 9]

Revisions to the California State Implementation Plan, El Dorado County Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve revisions to the El Dorado County Air Quality Management District (EDAQMD) portion of the California State Implementation Plan (SIP). These revisions concern negative declarations for volatile organic compound (VOC) source categories for the EDAQMD. We are proposing to approve these negative declarations under the Clean Air Act as amended in 1990 (CAA or the Act).

DATES: Any comments on this proposal must arrive by February 13, 2014.

ADDRESSES: Submit comments, identified by docket number EPA–R09–OAR–2013–0753, by one of the following methods:

1. *Federal eRulemaking Portal: www.regulations.gov.* Follow the on-line instructions.
2. *Email: steckel.andrew@epa.gov.*
3. *Mail or Deliver:* Andrew Steckel (Air-4), U.S. Environmental Protection Agency Region IX, 75 Hawthorne Street, San Francisco, CA 94105–3901.

Instructions: All comments will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Information that you consider CBI or otherwise protected should be clearly identified as such and should not be submitted through *www.regulations.gov* or email. *www.regulations.gov* is an ''anonymous access'' system, and EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send email directly to EPA, your email address will be automatically captured and included as part of the public comment. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses.

Docket: Generally, documents in the docket for this action are available electronically at *www.regulations.gov* and in hard copy at EPA Region IX, 75 Hawthorne Street, San Francisco, California 94105–3901. While all documents in the docket are listed at *www.regulations.gov,* some information may be publicly available only at the hard copy location (e.g., copyrighted material, large maps), and some may not be publicly available in either location (e.g., CBI). To inspect the hard copy materials, please schedule an appointment during normal business hours with the contact listed in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Stanley Tong, EPA Region IX, (415) 947–4122, *tong.stanley@epa.gov.*

SUPPLEMENTARY INFORMATION: This proposal addresses the following negative declarations listed in Table 1:

TABLE 1—SUBMITTED NEGATIVE DECLARATIONS

Local agency	Title	Adopted	Submitted
EDAQMD	EPA–450/2–78–015—Control of VOC Emissions from Existing Stationary Sources, Volume VI: Surface Coating of Miscellaneous Metal Parts and Products.	12/11/12	09/30/13
EDAQMD	EPA–450/2–77–022—Control of VOC Emissions from Solvent Metal Cleaning	12/11/12	09/30/13
EDAQMD	EPA–450/2–78–033—Control of VOC Emissions from Existing Stationary Sources, Volume VIII: Graphic Arts—Rotogravure and Flexography.	12/11/12	09/30/13

In the Rules and Regulations section of this **Federal Register**, we are approving these negative declarations in a direct final action without prior proposal because we believe these negative declarations are not controversial. If we receive adverse comments, however, we will publish a timely withdrawal of the direct final rule and address the comments in a subsequent action based on this proposed rule. Please note that if we receive adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, we may adopt as final those provisions of the rule that are not the subject of an adverse comment.

We do not plan to open a second comment period, so anyone interested in commenting should do so at this time. If we do not receive adverse comments, no further activity is planned. For further information, please see the direct final action.

Dated: December 16, 2013.

Jared Blumenfeld,

Regional Administrator, Region IX.

[FR Doc. 2014–00399 Filed 1–13–14; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MB Docket No. 13–282; RM–11706; DA 13–2229]

Radio Broadcasting Services; Bruce, Mississippi

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rulemaking filed by Telesouth Communications, Inc., proposing the substitution of Channel 284A for vacant Channel 233A at Bruce, Mississippi to accommodate the contingently filed ''hybrid'' application for Station WTNM(FM), Water Valley, Mississippi. A staff engineering analysis indicates that Channel 284A can be allotted to Bruce consistent with the minimum distance separation requirements of the Commission's rules with a site restriction 15.5 kilometers (9.6 miles) northeast of the community. The reference coordinates are 34–02–51 NL and 89–11–41 WL. *See* **SUPPLEMENTARY INFORMATION.**

DATES: Comments must be filed on or before January 13, 2014, and reply comments on or before January 28, 2014.

ADDRESSES: Secretary, Federal Communications Commission, 445 12th Street SW., Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner as follows: M. Scott Johnson, Esq., Anne Goodwin Crump, Esq., Fletcher, Heald & Hildreth, P.L.C., 1300 N. 17th Street, Eleventh Floor, Arlington, Virginia 22209.

FOR FURTHER INFORMATION CONTACT: Rolanda F. Smith, Media Bureau, (202) 418–2700.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MB Docket No. 13–282, adopted November 21, 2013,

and released November 22, 2013. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY–A257, 445 12th Street SW., Washington, DC 20554. This document may also be purchased from the Commission's duplicating contractors, Best Copy and Printing, Inc., 445 12th Street SW., Room CY–B402, Washington, DC 20554, telephone 1–800–378–3160 or via email *www.BCPIWEB.com.* This document does not contain proposed information collection requirements subject to the Paperwork Reduction Act of 1995, Public Law 104–13. In addition, therefore, it does not contain any proposed information collection burden ''for small business concerns with fewer than 25 employees,'' pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, *see* 44 U.S.C. 3506(c)(4).

The FM Table of Allotments does not currently list vacant Channel 233A at Bruce, Mississippi. Channel 233A at Bruce, Mississippi is a vacant allotment resulting from the cancellation of the construction permit for Station DWLFQ, Bruce, Mississippi, File No. BPH–19851204MA. Channel 233A at Bruce, Mississippi was previously allotted in MM Docket No. 83–75. *See* 49 FR 29602, published July 23, 1984.

Provisions of the Regulatory Flexibility Act of l980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio, Radio broadcasting.

Federal Communications Commission.

Nazifa Sawez,

Assistant Chief, Audio Division, Media Bureau.

For the reasons discussed in the preamble, the Federal Communications Commission proposes to amend 47 CFR Part 73 as follows:

PART 73—RADIO BROADCAST SERVICES

■ 1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303, 334, 336 and 339.

§ 73.202 [Amended]

■ 2. Section 73.202(b), the Table of FM Allotments under Mississippi, is amended by adding Bruce, Channel 284A.

[FR Doc. 2014–00439 Filed 1–13–14; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register

Vol. 79, No. 9

Tuesday, January 14, 2014

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

Forest Service

Lincoln County Resource Advisory Committee

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Lincoln County Resource Advisory Committee will meet in Libby, Montana. The committee is authorized under the Secure Rural Schools and Community Self-Determination Act (Pub. L. 110–343) (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of the committee is to improve collaborative relationships and to provide advice and recommendations to the Forest Service concerning projects and funding consistent with the title II of the Act. The meeting is open to the public. The purpose of the meeting is to review past year project status, and review and vote to recommend funding projects for the 2013 Secure Rural Schools Act reauthorizaion.

DATES: The meeting will be held January 30, 2014 @ 6:00 p.m.

ADDRESSES: The meeting will be held at the Forest Supervisor's Office, 31374 Hwy 2 West, Libby, Montana. Written comments may be submitted as described under Supplementary Information. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received at the Forest Supervisor's Office, 31374 Hwy 2 West, Libby, Montana. Please call ahead to 406–283–7764 to facilitate entry into the building to view comments.

FOR FURTHER INFORMATION CONTACT: Janette Turk, RAC Coordinator, Kootenai National Forest Supervisor's Office @4 406–283–7764.

Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8:00 a.m. and 8:00 p.m., Eastern Standard Time, Monday through Friday. Please make requests in advance for sign language interpreting, assistive listening devices or other reasonable accomodation for access to the facility or procedings by contacting the person listed For Further Information.

SUPPLEMENTARY INFORMATION: The following business will be conducted: The purpose of the meeting is to review past year project status, and review and vote to recommend projects for the 2013 Secure Rural Schools Act reauthorizaion. Anyone who would like to bring related matters to the attention of the committee may file written statements with the committee staff before or after the meeting. The agenda will include time for people to make oral statements of three minutes or less. Individuals wishing to make an oral statement should request in writing by January 27, 2014 to be scheduled on the agenda. Written comments and requests for time for oral comments must be sent to Kootenai National Forest, 31374 Hwy 2 West or by email to *jturk@fs.fed.us*, or via facsimile to 406–283–7709.

A summary of the meeting will be posted at: *https://fsplaces.fs.fed.us/fsfiles/unit/wo/secure_rural_schools.nsf/RAC/Lincoln+County?OpenDocument*, within 21 days of the meeting.

Dated: January 6, 2014.

Paul Bradford,

Forest Supervisor.

[FR Doc. 2014–00507 Filed 1–13–14; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Basin Electric Power Cooperative, Inc.: Notice of Availability of a Supplemental Draft Environmental Impact Statement

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of Availability of a Supplemental Draft Environmental Impact Statement.

SUMMARY: The Rural Utilities Service (RUS), an agency within the U.S. Department of Agriculture (USDA), has issued a Supplemental Draft Environmental Impact Statement (SDEIS) for Basin Electric Power Cooperative's (Basin Electric) proposed Antelope Valley Station (AVS) to Neset 345-kV Transmission Project (proposed Project) in North Dakota. RUS is issuing the SDEIS to inform the public and interested parties about a change in the proposed Project and invite the public to comment on the scope, proposed action, and other issues addressed in the SDEIS. RUS also will use the SDEIS to meet its responsibilities under Section 106 of the National Historic Preservation Act, 16 U.S.C. 470, and its implementing regulations, ''Protection of Historic Properties'' (36 CFR Part 800).

RUS made the decision to prepare a SDEIS for the AVS Project to evaluate significant project changes. These changes in the scope of the proposed Project are due to an increase in the electric load forecast for western North Dakota. To accommodate this change, the SDEIS will evaluate additional alternatives for the siting of the transmission line.

The SDEIS addresses the construction, operation, and maintenance of approximately 278 miles of new 345-kV single pole transmission line (approximately 85 miles more than the project identified in the Draft EIS *http://www.rurdev.usda.gov/UWP-AVS-Neset.html*), 230-kV single pole transmission line and double circuit 345/115-kV transmission lines, 4 new substations and a switchyard, modifications to 4 existing substations, maintenance access roads, temporary construction roads, river crossings, temporary construction staging sites, and other facilities to be described in the SDEIS. The overall project area encompasses parts of Dunn, McKenzie, Mercer, Mountrail, and Williams counties in western North Dakota.

Portions of Basin Electric's proposed Project may affect floodplains and wetlands. This NOA also serves as a notice of proposed floodplain or wetland action. RUS will hold a public hearing meeting to share information and receive comments on the SDEIS.

FOR FURTHER INFORMATION CONTACT: For information on the proposed Project, the SDEIS process, and RUS financing, contact Mr. Dennis Rankin, Engineering and Environmental Staff, Rural Utilities

Service, 1400 Independence Avenue SW., Stop 1571, Washington, DC 20250–1571, *telephone:* (202) 720–1953, or *email: dennis.rankin@wdc.usda.gov.* Parties wishing to be placed on the Project mailing list for future information and to receive copies of the SDEIS and the Final EIS when available should also contact Mr. Rankin.

SUPPLEMENTARY INFORMATION: RUS is authorized to make loans and loan guarantees that finance the construction of electric distribution, transmission, and generation facilities, including system improvements and replacements required to furnish and improve electric service in rural areas, as well as demand side management, energy conservation programs, and on-grid and off-grid renewable energy systems. Based on an interconnection with the Western Area Power Administration's (Western) transmission system, Western has, in accordance with 40 CFR 1501.6, requested to serve as a cooperating agency for the environmental review of the proposed Project. The U.S. Forest Service may issue a special use permit under the Federal Land Policy Management Act and is also serving as a cooperating agency.

Basin Electric is a regional wholesale electric generation and transmission cooperative owned and controlled by its member cooperatives. Basin Electric serves approximately 2.5 million customers covering 430,000 square miles in portions of nine states, including Colorado, Iowa, Minnesota, Montana, Nebraska, New Mexico, North Dakota, South Dakota, and Wyoming.

Project Description: Basin Electric has identified the need for additional electric transmission capacity in northwestern North Dakota to meet reliability and system stability requirements for the region resulting from increases in demand and load forecasts. Investigations and analyses conducted for the overall power delivery systems found that without improvements, the flow of power along existing lines may result in local line overloads, especially in the vicinity of Williston, North Dakota.

To resolve these issues, Basin Electric is proposing to construct, own and operate a new 345-kV transmission line and associated supporting infrastructure. The entire proposed Project will consist of constructing approximately 278 miles of new single circuit 345-kV (approximately 85 miles more than the project identified in the DEIS), 230-kV and double circuit 345/115-kV transmission lines, the construction of 4 new substations and a switchyard, modifications to 4 existing substations, maintenance access roads, temporary construction roads, river crossings, temporary construction staging sites, and other facilities. The proposed Project would connect to the Integrated System at several locations, including Western's Williston Substation. The proposed Project would be located in portions of Dunn, McKenzie, Mercer, Mountrail, and Williams counties in western North Dakota.

The new 345-kV transmission line would start at the AVS Electric Generation Station located near Beulah, North Dakota, and extend west where it would connect with Basin Electric's existing Charlie Creek 345-kV Substation located near Grassy Butte. The line would then extend north where it would connect with Basin Electric's proposed Judson Substation near Williston and terminate at Basin Electric's newly proposed Tande Substation. Additional 230-kV transmission lines would be constructed between the new Judson 345-kV Substation and Western's existing Williston Substation, between a new 345/230/115-kV substation referred to as the Blue Substation and Western's existing 230-kV transmission line, and also between the Tande 345-kV Substation and Basin Electric's existing Neset 230-kV Substation located near Tioga, North Dakota.

Basin Electric has requested financial assistance from RUS for the proposed Project. Along with other technical and financial considerations, completing the EIS is one of RUS's requirements in processing Basin Electric's application.

In accordance with 36 CFR § 800.2(b)(2), Western has been designated as the lead agency for Section 106 review. Following publication of the SDEIS, Western will meet with the Section 106 review consulting parties, including at this time the North Dakota State Historic Preservation Office, the Standing Rock Sioux Tribe, the Sisseton Wahpeton Oyate of the Lake Traverse Reservation and the Killdeer Mountain Battlefield Alliance, to consider and evaluate the effects of the project on historic properties. Anyone wishing to participate in Section 106 review must submit that request in writing via Davie Kluth at Western Area Power Administration, Upper Great Plains region, P.O. Box 35800, Billings, MT 59107–5800 or via email to *Kluth@WAPA.GOV.*

The proposed Project is subject to the jurisdiction of the North Dakota Public Service Commission (NDPSC), which has regulatory authority for siting electrical transmission facilities within the State. Basin Electric has submitted applications to the NDPSC for Transmission Corridor and Route Permits. The NDPSC Permits would authorize Basin Electric to construct the proposed Project under North Dakota rules and regulations.

RUS has prepared a SDEIS and intends to issue a Final EIS to analyze the impacts of its respective Federal actions and the proposed Project in accordance with the National Environmental Policy Act (NEPA), as amended, Council on Environmental Quality (CEQ) Regulation for Implementing the Procedural Provisions of the NEPA (40 CFR parts 1500–1508), Department of Energy NEPA Implementing Procedures (10 CFR part 1021), and RUS Environmental Policies and Procedures (7 CFR part 1794). RUS has already prepared and published a Draft EIS which was released to the public on December 7, 2012, and can be found on the internet at *http://www.rurdev.usda.gov/UWP-AVS-Neset.html.*

Because the Project covers a large land area and access in some cases has been restricted, Section 106 review will be phased in accordance with 36 CFR 800.4(b)(2) and 800.5(a)(3). Accordingly, Western will complete Section 106 review using a Programmatic Agreement (PA) pursuant to 36 CFR § 800.14(b)(1)(ii). RUS, at the request of Western, will manage the development and execution of the PA. RUS may issue the Record of Decision for the Final EIS once the PA has been executed.

Because the proposed Project may involve action in floodplains or wetlands, this NOA also serves as a notice of proposed floodplain or wetland action. The SDEIS will include a floodplain/wetland assessment and, if required, a floodplain/wetland statement of findings will be issued with the Final EIS.

Agency Responsibilities: RUS is serving as the lead Federal agency, as defined at 40 CFR 1501.5, for preparation of the SDEIS. Western Area Power Administration and the U.S. Forest Service are participating as cooperating agencies and will be issuing decisions relevant to the proposed Project under separate authorities. Western is also serving as the lead Federal agency for the Section 106 review, as defined at 36 CFR 800.2(b)(2), and for the review of threatened and endangered species under Section 7 of the Endangered Species Act.

Public Participation: Pursuant to 36 CFR 800.22(d)(3), it is the intent of RUS to use its NEPA procedures for public involvement in lieu of the public

involvement requirements of 36 CFR 800.3 through 800.7.

RUS held public scoping meetings for the original project on November 15 and 16, 2011. The EIS process has included a scoping comment period to solicit comments from interested parties; publication of a DEIS with a public hearing and comment period; and consultation and involvement with appropriate Federal, State, local, and tribal governmental agencies. A Notice of Intent to prepare a SDEIS was published in the **Federal Register** on August 16, 2012 (78 FR 50026). In addition, there is a 45-day review/comment period beginning December 20, 2013. RUS will hold an open-house public hearing in January 2014 once the SDEIS is published. The time and location of the meeting will be well-advertised in local media outlets a minimum of 15 days prior to the time of the meeting. Attendees will be welcome to come and go at their convenience and provide written or oral comments on the proposed Project. In addition, attendees may provide written comments by letter, fax, or email to the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice. Subsequent to the public comment period on the SDEIS, RUS will respond to comments received from all parties and publish a Final EIS. After a 30-day public comment period on the Final EIS, RUS will publish a Record of Decision. The expected environmental project review completion date is expected to be early spring 2014.

Dated: December 12, 2013.

Nivin Elgohary,

Assistant Administrator, Electric Programs, USDA, Rural Utilities Service.

[FR Doc. 2014–00461 Filed 1–13–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Census Bureau

Proposed Information Collection; Comment Request; Monthly Wholesale Trade Survey

AGENCY: U.S. Census Bureau.

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)).

DATES: To ensure consideration, written comments must be submitted on or before March 17, 2014.

ADDRESSES: Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at *jjessup@doc.gov*).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to to William Abriatis, U.S. Census Bureau, Room 8K081, Washington, DC 20233–6500, (301) 763–3686 (or via the Internet at *william.m.abriatis@census.gov*).

SUPPLEMENTARY INFORMATION:

I. Abstract

The Monthly Wholesale Trade Survey (MWTS) provides the only continuous measure of monthly sales, end-of-month inventories, and inventories/sales ratios in the United States by selected kinds of business for merchant wholesalers, excluding manufacturers' sales branches and offices. The Bureau of Economic Analysis uses this information to improve the inventory valuation adjustments applied to estimates of the Gross Domestic Product. The Bureau of Labor Statistics uses the data as input to their Producer Price Indexes and in developing productivity measurements.

Estimates produced from the MWTS are based on a probability sample and are published on the North American Industry Classification System (NAICS) basis. The sample design consists of small, medium, and large cases requested to report sales and inventories each month. The sample, consisting of about 4,200 wholesale businesses, is drawn from the Business Register, which contains all Employer Identification Numbers (EINs) and listed establishment locations. The sample is updated quarterly to reflect employer business ''births'' and ''deaths''; adding new employer businesses identified in the Business and Professional Classification Survey and deleting firms and EINs when it is determined they are no longer active.

The MWTS will continue to generate its monthly report form through a print-on demand system. This system allows us to tailor the survey instrument to a specific industry. For example, it will print an additional instruction for a particular NAICS code. This system also reduces the time and cost of preparing mailout packages that contain unique variable data, while improving the look and quality of the products produced.

II. Method of Collection

We collect this information by Internet, fax, mail, and telephone follow-up.

III. Data

OMB Control Number: 0607–0190.

Form Number: SM4212–A and SM4212–E.

Type of Review: Regular submission.

Affected Public: U.S. merchant wholesale firms, excluding manufacturers' sales branches and offices.

Estimated Number of Respondents: 4,200.

Estimated Time per Response: 7 minutes.

Estimated Total Annual Burden Hours: 5,880 hours.

Estimated Total Annual Cost: The cost to the respondent for fiscal year 2013 is estimated to be $179,634.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13, United States Code, Section 182.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: January 9, 2014.

Glenna Mickelson,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 2014–00501 Filed 1–13–14; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 1928]

Approval of Subzone Expansion Mitsubishi Electric Power Products Inc.; Subzone 33D; Southwestern Pennsylvania

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Foreign-Trade Zones Act provides for ''. . . the establishment . . . of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,'' and authorizes the Foreign-Trade Zones Board to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs and Border Protection ports of entry;

Whereas, the Board's regulations (15 CFR part 400) provide for the establishment of subzones when existing zone facilities cannot serve the specific use involved;

Whereas, the Regional Industrial Development Corporation, grantee of Foreign-Trade Zone 33, has made application to the Board for the expansion of Subzone 33D on behalf of Mitsubishi Electric Power Products Inc., in southwestern Pennsylvania (FTZ Docket B–79–2013, docketed 8–16–2013);

Whereas, notice inviting public comment has been given in the **Federal Register** (78 FR 52758, 8–26–2013) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

Whereas, the Board adopts the findings and recommendations of the examiner's memorandum, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied;

Now, therefore, the Board hereby approves the expansion of Subzone 33D on behalf of Mitsubishi Electric Power Products Inc. in southwestern Pennsylvania, as described in the application and **Federal Register** notice, subject to the FTZ Act and the Board's regulations, including Section 400.13.

Signed at Washington, DC, this 2nd day of January 2014.

Christian Marsh,

Acting Assistant Secretary of Commerce for Enforcement and Compliance, Alternate Chairman, Foreign-Trade Zones Board.

[FR Doc. 2014–00533 Filed 1–13–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–81–2013]

Subzone 7F; Puma Energy Caribe, LLC (Biodiesel Blending); Bayamon, Puerto Rico

On August 26, 2013, Puma Energy Caribe, LLC submitted a notification of proposed production activity to the Foreign-Trade Zones (FTZ) Board for its facility within Subzone 7F, in Bayamon, Puerto Rico.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (78 FR 54623, 9–5–2013). Pursuant to Section 400.37, the FTZ Board has determined that further review is warranted and has not authorized the proposed activity. If the applicant wishes to seek authorization for this activity, it will need to submit an application for production authority, pursuant to Section 400.23.

Dated: January 9, 2014.

Andrew McGilvray,

Executive Secretary.

[FR Doc. 2014–00535 Filed 1–13–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 1927]

Reorganization of Foreign-Trade Zone 182 (Expansion of Service Area) Under Alternative Site Framework; Fort Wayne, Indiana

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

WHEREAS, the Board adopted the alternative site framework (ASF) (15 CFR Sec. 400.2(c)) as an option for the establishment or reorganization of zones;

WHEREAS, the City of Fort Wayne, grantee of Foreign-Trade Zone 182, submitted an application to the Board (FTZ Docket B–71–2013, docketed 6–28–2013) for authority to expand the service area of the zone to include Blackford, Jay, LaGrange, Randolph and Steuben Counties, as described in the application, adjacent to the Fort Wayne Customs and Border Protection port of entry;

WHEREAS, notice inviting public comment was given in the **Federal Register** (78 FR 40426–40427, 7–5–2013) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

WHEREAS, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and the Board's regulations would be satisfied if approval is limited to Blackford, Jay, LaGrange and Steuben Counties;

NOW, THEREFORE, the Board hereby orders:

The application to reorganize FTZ 182 to expand the service area under the ASF is approved with regard to Blackford, Jay, LaGrange and Steuben Counties, subject to the FTZ Act and the Board's regulations, including Section 400.13, and to the Board's standard 2,000-acre activation limit for the zone.

Signed at Washington, DC, this 2nd day of January 2014.

Christian Marsh,

Acting Assistant Secretary of Commerce for Enforcement and Compliance, Alternate Chairman, Foreign-Trade Zones Board.

[FR Doc. 2014–00531 Filed 1–13–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–008]

Calcium Hypochlorite From the People's Republic of China: Initiation of Antidumping Duty Investigation

AGENCY: Enforcement and Compliance, formerly Import Administration, International Trade Administration, Department of Commerce.

DATES: *Effective Date:* January 14, 2014.

FOR FURTHER INFORMATION CONTACT: Kabir Archuletta, Office V, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–2593.

SUPPLEMENTARY INFORMATION:

The Petition

On December 18, 2013, the Department of Commerce (''Department'') received an antidumping duty (''AD'') petition concerning imports of calcium hypochlorite from the People's Republic of China (''PRC''), filed in proper form on behalf of Arch Chemicals, Inc. (''Petitioner''), a domestic producer of calcium hypochlorite.[1] The AD Petition

[1] *See* ''Petition for the Imposition of Antidumping and Countervailing Duties on Calcium Hypochlorite

was accompanied by a countervailing duty (''CVD'') petition concerning imports of calcium hypochlorite from the PRC. On December 19, 2013, and December 24, 2013, the Department requested additional information and clarification of certain areas of the Petition, and on December 23, 2013, and December 30, 2013, Petitioner filed a response to each request.[2]

In accordance with section 732(b) of the Tariff Act of 1930, as amended (the ''Act''), Petitioner alleges that imports of calcium hypochlorite from the PRC are being, or are likely to be, sold in the United States at less than fair value within the meaning of section 731 of the Act, and that such imports are materially injuring, or threatening material injury to, an industry in the United States. Also, consistent with section 732(b)(1) of the Act, the Petition is accompanied by information reasonably available to Petitioner in support of its allegations.

The Department finds that Petitioner filed this Petition on behalf of the domestic industry because Petitioner is an interested party as defined in section 771(9)(C) of the Act. The Department also finds that Petitioner has demonstrated sufficient industry support with respect to the initiation of the AD investigation that Petitioner is requesting.[3]

Period of Investigation

The period of investigation (''POI'') is April 1, 2013, through September 30, 2013, in accordance with 19 CFR 351.204(b)(1).

Scope of the Investigation

The product covered by this investigation is calcium hypochlorite from the PRC. For a full description of the scope of the investigation, please see the ''Scope of Investigation'' in the appendix to this notice.

Comments on the Scope of the Investigation

During our review of the Petition, we solicited information from Petitioner to ensure that the proposed scope language is an accurate reflection of the product for which the domestic industry is seeking relief. Moreover, as discussed in the preamble to the Department's regulations,[4] we are setting aside a period for interested parties to raise issues regarding product coverage. The Department encourages all interested parties to submit such comments by January 27, 2014, which is 20 calendar days from the signature date of this notice. All comments must be filed on the record of the AD investigation, as well as the concurrent CVD investigation.

Comments on the Product Characteristics for AD Questionnaire

The Department requests comments from interested parties regarding the appropriate physical characteristics of calcium hypochlorite to be reported in response to the Department's AD questionnaire. This information will be used to identify the key physical characteristics of the merchandise under consideration in order to report the relevant factors and costs of production accurately, as well as to develop appropriate product-comparison criteria.

Interested parties may provide any information or comments that they feel are relevant to the development of an accurate list of physical characteristics. Specifically, they may provide comments as to which characteristics are appropriate to use as: (1) General product characteristics and (2) product-comparison criteria. We note that it is not always appropriate to use all product characteristics as product-comparison criteria. We base product-comparison criteria on meaningful commercial differences among products. In other words, while there may be some physical product characteristics utilized by manufacturers to describe calcium hypochlorite, it may be that only a select few product characteristics take into account commercially meaningful physical characteristics. In addition, interested parties may comment on the order in which the physical characteristics should be used in matching products. Generally, the Department attempts to list the most important physical characteristics first and the least important characteristics last.

In order to consider the suggestions of interested parties in developing and issuing the AD questionnaire, we must receive comments on product characteristics no later than January 27, 2014. Rebuttal comments must be received no later than February 3, 2014. All comments and submissions to the Department must be filed electronically using Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (''IA ACCESS'').

Filing Requirements

All submissions to the Department must be filed electronically using IA ACCESS. An electronically filed document must be received successfully in its entirety by the Department's electronic records system, IA ACCESS, by 5 p.m. on the due date. Documents excepted from the electronic submission requirements must be filed manually (*i.e.,* in paper form) with the Enforcement and Compliance's APO/Dockets Unit, Room 1870, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, and stamped with the date and time of receipt by the deadline established by the Department.[5]

Determination of Industry Support for the Petition

Section 732(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 732(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) At least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 732(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, the Department shall: (i) Poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) if there is a large number of producers in the industry, the Department may determine industry support using a statistically valid sampling method to poll the industry.

Section 771(4)(A) of the Act defines the ''industry'' as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the requisite industry support, the statute directs the Department to look to

from the People's Republic of China,'' dated December 18, 2013 (hereafter referred to as the ''Petition'').

[2] *See* Petitioner's December 23, 2013, filing titled, ''Calcium Hypochlorite from the People's Republic of China: Response to Supplemental Questions'' (''PRC AD Supplement''); *see also* Petitioner's December 30, 2013, filing titled, ''Petition for the Imposition of Antidumping Duties on Imports of Calcium Hypochlorite from the People's Republic of China: Response to General Supplemental Questions''.

[3] *See* ''Determination of Industry Support for the Petition'' section, below.

[4] *See Antidumping Duties; Countervailing Duties; Final Rule,* 62 FR 27296, 27323 (May 19, 1997).

[5] 19 CFR 351.303(b)(1). Information on help using IA ACCESS can be found at *https://iaaccess.trade.gov/help.aspx* and a handbook can be found at *https://iaaccess.trade.gov/help/Handbook%20on%20Electronic%20Filing%20Procedures.pdf.*

producers and workers who produce the domestic like product. The U.S. International Trade Commission (''ITC''), which is responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both the Department and the ITC must apply the same statutory definition regarding the domestic like product,[6] they do so for different purposes and pursuant to a separate and distinct authority. In addition, the Department's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.[7]

Section 771(10) of the Act defines the domestic like product as ''a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to an investigation'' (*i.e.,* the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition).

With regard to the domestic like product, Petitioner does not offer a definition of domestic like product distinct from the scope of the investigation. Based on our analysis of the information submitted on the record, we have determined that calcium hypochlorite, as defined in the scope of the investigation, constitutes a single domestic like product and we have analyzed industry support in terms of that domestic like product.[8]

In determining whether Petitioner has standing under section 732(c)(4)(A) of the Act, we considered the industry support data contained in the Petition with reference to the domestic like product as defined in the ''Scope of Investigation'' section above. To establish industry support, Petitioner provided its production of the domestic like product in 2012, and compared this to the estimated total production of the domestic like product for the entire domestic industry.[9] Petitioner estimated total 2012 production of the domestic like product using its own production data and knowledge of the industry.[10] We have relied upon data Petitioner provided for purposes of measuring industry support.[11]

Based on information provided in the Petition, supplemental submission, and other information readily available to the Department, we determine that Petitioner has met the statutory criteria for industry support under section 732(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petition account for at least 25 percent of the total production of the domestic like product.[12] Based on information provided in the Petition, the domestic producers (or workers) have met the statutory criteria for industry support under section 732(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petition account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petition. Accordingly, the Department determines that the Petition was filed on behalf of the domestic industry within the meaning of section 732(b)(1) of the Act.[13]

The Department finds that Petitioner filed the Petition on behalf of the domestic industry because it is an interested party as defined in section 771(9)(C) of the Act and it has demonstrated sufficient industry support with respect to the antidumping duty investigation that it is requesting the Department initiate.[14]

Allegations and Evidence of Material Injury and Causation

Petitioner alleges that the U.S. industry producing the domestic like product is being materially injured, or is threatened with material injury, by reason of the imports of the subject merchandise sold at less than normal value (''NV''). In addition, Petitioner alleges that subject imports exceed the negligibility threshold provided for under section 771(24)(A) of the Act.[15]

Petitioner contends that the industry's injured condition is illustrated by reduced market share; underselling and price depression or suppression; lost sales and revenues; reduced production and capacity utilization; decline in employment variables; and decline in financial performance.[16] We have assessed the allegations and supporting evidence regarding material injury, threat of material injury, and causation, and we have determined that these allegations are properly supported by adequate evidence and meet the statutory requirements for initiation.[17]

Allegation of Sales at Less Than Fair Value

The following is a description of the allegation of sales at less than fair value upon which the Department has based its decision to initiate investigations of imports of calcium hypochlorite from the PRC. The sources of data for the deductions and adjustments relating to U.S. price and NV are discussed in greater detail in the AD Initiation Checklist.

Export Price

Petitioner based export price (''EP'') on the POI average unit values (''AUVs'') of U.S. imports of calcium hypochlorite from the PRC, under the Harmonized Tariff Schedule of the United States subheading 2828.10.0000.[18] From the POI AUV, Petitioner deducted an amount for foreign brokerage and handling charges in the PRC and foreign inland freight from the manufacturing plant to the port of exportation.[19] Petitioner made no other adjustments.[20]

Normal Value

Petitioner states that the Department has treated the PRC as a non-market economy (''NME'') country in every proceeding in which the PRC has been involved.[21] The presumption of NME status for the PRC has not been revoked by the Department and, therefore, in accordance with section 771(18)(C)(i) of the Act, remains in effect for purposes of the initiation of this investigation.

[6] *See* section 771(10) of the Act.

[7] *See USEC, Inc.* v. *United States,* 132 F. Supp. 2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd.* v. *United States,* 688 F. Supp. 639, 644 (CIT 1988), *aff'd* 865 F.2d 240 (Fed. Cir. 1989)).

[8] *See* Antidumping Duty Investigation Initiation Checklist: Calcium Hypochlorite from the People's Republic of China (''AD Initiation Checklist''), at Attachment II, Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Calcium Hypochlorite from the People's Republic of China (''Attachment II''). This checklist is dated concurrently with this notice and on file electronically via IA ACCESS. Access to documents filed via IA ACCESS is also available in the Central Records Unit (''CRU''), Room 7046 of the main Department of Commerce building.

[9] *See* Volume I of the Petition, at 3–4 and Exhibit GEN–2.

[10] *Id.*

[11] *See* AD Initiation Checklist, at Attachment II.

[12] *Id.*

[13] *Id.*

[14] *Id.*

[15] *See* Volume I of the Petition, at 18.

[16] *See* Volume I of the Petition, at 17–30 and Exhibits INJ–1 through INJ–8.

[17] *See* AD Initiation Checklist, at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Petitions Covering Calcium Hypochlorite from the People's Republic of China.

[18] *See* AD Initiation Checklist at 5–6; *see also* Volume II of the Petition, at 4 and Exhibits AD–4, AD–5 and AD–14; and PRC AD Supplement, at 2–4 and revised Exhibit AD–14.

[19] *See* AD Initiation Checklist at 5–6; *see also* Volume II of the Petition, at Exhibits AD–6 through AD–14; and PRC AD Supplement, at 2–4 and revised Exhibits AD–9, AD–11, and AD–14, and Exhibits AD–28 and AD–29.

[20] *Id.*

[21] *See* Volume II of the Petition, at 1–2.

Accordingly, the NV of the product for the investigation is appropriately based on factors of production valued in a surrogate market-economy country in accordance with section 773(c) of the Act. In the course of this investigation, all parties will have the opportunity to provide relevant information related to the issues of the PRC's NME status and granting of separate rates to individual exporters.

Petitioner contends that the Philippines is the appropriate surrogate country for the PRC because: (1) It is at a level of economic development comparable to that of the PRC; and (2) it is a significant producer of comparable merchandise.[22] Based on the information provided by Petitioner, we conclude that it is appropriate to use the Philippines as a surrogate country for initiation purposes.[23] After initiation of this investigation, interested parties will have the opportunity to submit comments regarding surrogate country selection and, pursuant to 19 CFR 351.301(c)(3)(i), will be provided an opportunity to submit publicly available information to value factors of production (''FOPs'') within 30 days before the scheduled date of the preliminary determination.[24]

Petitioner calculated NV using the Department's NME methodology as required by 19 CFR 351.202(b)(7)(i)(C) and 19 CFR 351.408. Petitioner based its NV on two different production methods.[25] For a non-integrated production process, which Petitioner believes to be comparable to calcium hypochlorite producers in the PRC, Petitioner based NV on its own U.S production experience during the time period January–September 2013.[26] For the production process of an integrated producer of calcium hypochlorite, Petitioner based NV on a 2009 feasibility study conducted by Petitioner that analyzed the costs associated with setting up a fully integrated facility.[27] This study was supported by an affidavit from the individual who assisted with the calculation of expected per-kg factors of production (''FOPs'').[28] Petitioner also submitted information indicating that at least one major PRC producer employs an integrated production process.[29]

Petitioner valued the factors of production using reasonably available, public surrogate country data, specifically, Philippine import data from the Global Trade Atlas (''GTA'') for the most recent six-month period for which data was available (*i.e.,* March 2013 through August 2013).[30] Petitioner excluded from these GTA import statistics imports from NME countries, countries that maintain broadly available export subsidies, and any imports from ''unspecified'' countries.[31] Further, Petitioner made currency conversions, where applicable, based on the POI-average Philippine Peso/U.S. dollar exchange rates.[32] The Department determines that the surrogate values used by Petitioner are reasonably available and, thus, are acceptable for purposes of initiation.

Petitioner determined direct materials costs from Philippine import data from the GTA.[33] Petitioner applied certain conversion factors to align the units of measure with its own FOPs.[34] Petitioner calculated financial ratios (*i.e.,* factory overhead expenses, selling, general, and administrative (''SG&A'') expenses, and profit) on the financial statements of Mabuhay Vinyl Corporation (''Mabuhay Vinyl''), a Philippine manufacturer of sodium hypochlorite (a product that Petitioner claims is comparable to calcium hypochlorite), for the year ending December 31, 2012.[35]

Fair Value Comparisons

Based on the data provided by Petitioner, there is reason to believe that imports of calcium hypochlorite from the PRC are being, or are likely to be, sold in the United States at less than fair value. Based on comparisons of EP to NV for both integrated and non-integrated production processes in accordance with section 773(c) of the Act, Petitioner calculated the estimated dumping margins to be 182.51–210.52 percent with respect to imports of calcium hypochlorite from the PRC.[36]

Initiation of AD Investigation

Based on our examination of the Petition on calcium hypochlorite from the PRC, the Department finds that the Petition meets the requirements of section 732 of the Act. Therefore, we are initiating an AD investigation to determine whether imports of calcium hypochlorite from the PRC are being, or likely to be, sold in the United States at less than fair value. In accordance with section 733(b)(1)(A) of the Act and 19 CFR 351.205(b)(1), unless postponed, we will issue our preliminary determination no later than 140 days after the publication date of this initiation. For a discussion of evidence supporting our initiation determination, *see* the AD Initiation Checklist which accompanies this notice.

Respondent Selection and Quantity and Value Questionnaire

In accordance with our standard practice for respondent selection in AD investigations involving NME countries, we intend to issue quantity and value questionnaires to each potential respondent, and will base respondent selection on the responses received. In addition, the Department will post the quantity and value questionnaire along with the filing instructions on the Enforcement and Compliance Web site (*http://www.trade.gov/enforcement/news.asp*). Exporters and producers of calcium hypochlorite from the PRC that do not receive quantity and value questionnaires via mail may still submit a quantity and value response, and can obtain a copy from the Enforcement and Compliance Web site. The quantity and value questionnaire must be submitted by all PRC exporters/producers no later than January 21, 2014. All quantity and value questionnaires must be filed electronically using IA ACCESS.

Separate Rates

In order to obtain separate rate status in an NME AD investigation, exporters and producers must submit a separate rate application.[37] The specific requirements for submitting the separate rate application in the PRC investigation are outlined in detail in the application itself, which will be available on the Department's Web site at *http://trade.gov/enforcement/ia-highlights-and-news.html* on the date of publication of this initiation notice in the **Federal Register**. The separate rate application will be due 60 days after the publication of this initiation notice. For exporters and producers who submit a separate rate status application and have been selected as mandatory respondents, these exporters and

[22] *Id.,* at 2–4 and Exhibits AD–2 and AD–3.

[23] *See* AD Initiation Checklist.

[24] *See* 19 CFR 351.301(c)(3)(i). Note that this is the revised regulation published on April 10, 2013. *See http://enforcement.trade.gov/frn/2013/1304frn/2013-08227.txt.*

[25] *See* Volume II of the Petition, at 5–6.

[26] *Id.,* at 5–6 and Exhibits AD–17 and AD–19.

[27] *Id.,* at 6 and Exhibits AD–16, AD–17 and AD–19.

[28] *Id.,* at Exhibit AD–18.

[29] *Id.,* at 5 and Exhibit AD–15.

[30] *Id.,* at Exhibit AD–20.

[31] *Id.,* at 6.

[32] *Id.,* at Exhibit AD–13.

[33] *Id.,* at 6–7 and Exhibit AD–20.

[34] *Id.,* at Exhibit AD–17.

[35] *Id.,* at 8 and Exhibit AD–26.

[36] *See* PRC AD Supplement, at 3–4 and Exhibit AD–27.

[37] *See* Policy Bulletin 05.1: Separate-Rates Practice and Application of Combination Rates in Antidumping Investigation involving Non-Market Economy Countries (April 5, 2005) (Separate Rates and Combination Rates Bulletin), available on the Department's Web site at *http://enforcement.trade.gov/policy/*).

producers will no longer be eligible for consideration for separate rate status unless they respond to all parts of the Department's AD questionnaire as mandatory respondents. The Department requires that the PRC respondents submit a response to the separate rate application by the deadline referenced above in order to receive consideration for separate rate status.

Use of Combination Rates

The Department will calculate combination rates for certain respondents that are eligible for a separate rate in an NME investigation. The Separate Rates and Combination Rates Bulletin states:

{w}hile continuing the practice of assigning separate rates only to exporters, all separate rates that the Department will now assign in its NME investigations will be specific to those producers that supplied the exporter during the period of investigation. Note, however, that one rate is calculated for the exporter and all of the producers which supplied subject merchandise to it during the period of investigation. This practice applies both to mandatory respondents receiving an individually calculated separate rate as well as the pool of non-investigated firms receiving the weighted-average of the individually calculated rates. This practice is referred to as the application of ''combination rates'' because such rates apply to specific combinations of exporters and one or more producers. The cash-deposit rate assigned to an exporter will apply only to merchandise both exported by the firm in question *and* produced by a firm that supplied the exporter during the period of investigation.[38]

Distribution of Copies of the Petition

In accordance with section 732(b)(3)(A) of the Act, and 19 CFR 351.202(f), copies of the public version of the Petition have been provided to the Government of the PRC. Because of the particularly large number of producers/exporters identified in the Petition, the Department considers the service of the public version of the Petition to the foreign producers/exporters to be satisfied by the provision of the public version of the Petition to the Government of the PRC, consistent with 19 CFR 351.203(c)(2).

ITC Notification

We have notified the ITC of our initiation, as required by section 732(d) of the Act.

Preliminary Determination by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petition was filed, whether there is a reasonable indication that imports of calcium hypochlorite from the PRC materially injure, or threaten material injury to, a U.S. industry.[39] A negative ITC determination will result in the investigation being terminated.[40] Otherwise, this investigation will proceed according to statutory and regulatory time limits.

Submission of Factual Information

On April 10, 2013, the Department published *Definition of Factual Information and Time Limits for Submission of Factual Information: Final Rule,* 78 FR 21246 (April 10, 2013), which modified two regulations related to AD and CVD proceedings: 1) The definition of factual information (19 CFR 351.102(b)(21)), and 2) the time limits for the submission of factual information (19 CFR 351.301). The final rule identifies five categories of factual information in 19 CFR 351.102(b)(21), which are summarized as follows: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by the Department; and (v) evidence other than factual information described in (i)–(iv). The final rule requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct. The final rule also modified 19 CFR 351.301 so that, rather than providing general time limits, there are specific time limits based on the type of factual information being submitted. These modifications are effective for all proceeding segments initiated on or after May 10, 2013, and thus are applicable to this investigation. Please review the final rule, available at *http://enforcement.trade.gov/frn/2013/1304frn/2013-08227.txt,* prior to submitting factual information for this investigation.

Revised Extension of Time Limits Regulation

On September 20, 2013, the Department modified its regulation concerning the extension of time limits for submissions in AD and CVD proceedings. The modification clarifies that parties may request an extension of time limits before a time limit established under Part 351 expires, or as otherwise specified by the Secretary. In general, an extension request will be considered untimely if it is filed after the time limit established under Part 351 expires. For submissions which are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. on the due date. Examples include, but are not limited to: (1) Case and rebuttal briefs, filed pursuant to 19 CFR 351.309; (2) factual information to value factors under section 19 CFR 351.408(c), or to measure the adequacy of remuneration under section 19 CFR 351.511(a)(2), filed pursuant to 19 CFR 351.301(c)(3) and rebuttal, clarification and correction filed pursuant to 19 CFR 351.301(c)(3)(iv); (3) comments concerning the selection of a surrogate country and surrogate values and rebuttal; (4) comments concerning CBP data; and (5) quantity and value questionnaires. Under certain circumstances, the Department may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, the Department will inform parties in the letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. This modification also requires that an extension request must be made in a separate, stand-alone submission, and clarifies the circumstances under which the Department will grant untimely-filed requests for the extension of time limits. These modifications are effective for all segments initiated on or after October 21, 2013. Review *Extension of Time Limits; Final Rule,* available at *http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm,* prior to submitting factual information in this segment.

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.[41] Parties are hereby reminded that revised certification requirements are in effect for company/government officials as well as their representatives in all AD or CVD investigations or proceedings initiated on or after August 16, 2013,

[38] *See* Separate Rates and Combination Rates Bulletin at 6 (emphasis added).

[39] *See* section 733(a) of the Act.

[40] *Id.*

[41] *See* section 782(b) of the Act.

including this investigation.[42] The formats for the revised certifications are provided at the end of the *Final Rule.* The Department intends to reject factual submissions if the submitting party does not comply with the revised certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305(b). Instructions for filing such applications may be found on the Department's Web site at *http://enforcement.trade.gov/apo/index.html.*

This notice is issued and published pursuant to section 777(i) of the Act.

Dated: January 7, 2014.

Paul Piquado,

Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The product covered by this investigation is calcium hypochlorite, regardless of form (*e.g.,* powder, tablet (compressed), crystalline (granular), or in liquid solution), whether or not blended with other materials, containing at least 10% available chlorine measured by actual weight. The scope also includes bleaching powder and hemibasic calcium hypochlorite.

Calcium hypochlorite has the general chemical formulation $Ca(OCl)_2$, but may also be sold in a more dilute form as bleaching powder with the chemical formulation, $Ca(OCl)_2.CaCl_2.Ca(OH)_2.2H_2O$ or hemibasic calcium hypochlorite with the chemical formula of $2Ca(OCl)_2.Ca(OH)_2$ or $Ca(OCl)_2.0.5Ca(OH)_2$. Calcium hypochlorite has a Chemical Abstract Service (''CAS'') registry number of 7778–54–3, and a U.S. Environmental Protection Agency (''EPA) Pesticide Code (''PC'') Number of 014701. The subject calcium hypochlorite has an International Maritime Dangerous Goods (''IMDG'') code of Class 5.1 UN 1748, 2880, or 2208 or Class 5.1/8 UN 3485, 3486, or 3487.

Calcium hypochlorite is currently classifiable under the subheading 2828.10.0000 of the Harmonized Tariff Schedule of the United States (''HTSUS''). The subheading covers commercial calcium hypochlorite and other calcium hypochlorite. When tableted or blended with other materials, calcium hypochlorite may be entered under other tariff classifications, such as 3808.94.5000 and 3808.99.9500, which cover disinfectants and similar products. While the HTSUS subheadings, the CAS registry number, the U.S. EPA PC number, and the IMDG codes are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

[FR Doc. 2014–00522 Filed 1–13–14; 8:45 am]

BILLING CODE 3510–DS–P

[42] *See Certifications of Factual Information To Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (''*Final Rule*'').

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–912]

Certain New Pneumatic Off-The-Road Tires From the People's Republic of China: Final Results of the Expedited Sunset Review of the Antidumping Duty Order

AGENCY: Enforcement and Compliance, formerly Import Administration, International Trade Administration, Department of Commerce.

SUMMARY: On August 1, 2013, the Department of Commerce (''the Department'') initiated the sunset review of the antidumping duty order on certain new pneumatic off-the-road tires (''OTR tires'') from the People's Republic of China (''PRC'') pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act''). As a result of its analysis, the Department finds that revocation of the antidumping duty order would be likely to lead to continuation or recurrence of dumping at the margins indicated in the ''Final Results of Sunset Review'' section of this notice.

DATES: *Effective Date:* January 14, 2014.

FOR FURTHER INFORMATION CONTACT: Demitrios Kalogeropoulos, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street & Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–2623.

SUPPLEMENTARY INFORMATION:

Background

On August 1, 2013, the Department published the notice of initiation of the sunset review of the antidumping duty order on OTR tires from the PRC, pursuant to Section 751(c) of the Act.[1] The Department received a notice of intent to participate from Titan Tire Corporation (''Titan'') and the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL–CIO–CLC (''USW'') (collectively, ''domestic interested parties''). Titan claimed interested party status under section 771(9)(C) of the Act, as a domestic producer of the domestic like product. USW claimed interested party status under section 771(9)(D) of the Act as a certified or recognized union representing workers engaged in manufacturing the domestic like product.

On September 3, 2013, the Department received an adequate substantive response from the domestic interested parties identified above within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i). The Department did not receive a substantive response from any respondent interested party. As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(ii)(C)(2), the Department has conducted an expedited (120-day) sunset review of the antidumping duty order on OTR tires from the PRC.

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.[2] Therefore, all deadlines in this segment of the proceeding have been extended by 16 days.

Scope of the Order

The products covered by the order are 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. While HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope is dispositive.

For a full description of the scope, *see* ''Issues and Decision Memorandum for the Final Results of Expedited First Sunset Review of the Antidumping Duty Order on New Pneumatic Off-The-Road Tires from the People's Republic of China,'' from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Ronald K. Lorentzen, Acting Assistant Secretary for Enforcement and Compliance, dated December 16, 2013 (''Issues and Decision Memorandum'').

[1] *See Initiation of Five-Year (''Sunset'') Review,* 78 FR 46575 (August 1, 2013).

[2] *See* Memorandum for the Record from Paul Piquado, Assistant Secretary for Enforcement and Compliance, ''Deadlines Affected by the Shutdown of the Federal Government.''

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 dumping and the magnitude of the margins likely to prevail if the order were revoked. Parties can find a complete discussion of these issues and the corresponding recommendations in this public document, which is on file electronically via 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 Department of Commerce building. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly on the internet at *http://enforcement.ita.doc.gov/frn/index.html.* The signed Issues and Decision Memorandum and the electronic versions of the Issues and Decision Memorandum are identical in content.

Final Results of Sunset Review

We determine that revocation of the antidumping duty order on OTR tires from the PRC would be likely to lead to continuation or recurrence of dumping at the following weighted-average percentage margins:

Exporters/producers	Weighted-average margin (percent)
Guizhou Tyre Co., Ltd./Guizhou Advance Rubber	5.10
Guizhou Tyre Co., Ltd./Guizhou Tyre Co., Ltd.	5.10
Hebei Starbright Co., Ltd./GPX International Tire Corporation, Ltd./Hebei Starbright Co., Ltd.	29.93
Tianjin United Tire Rubber International Co., Ltd. (“TUTRIC”)	8.39
Xuzhou Xugong Tyres Co., Ltd.	9.92
Aeolus Tyre Co., Ltd.	12.83
Double Coin Holdings Ltd.	12.83
Double Coin Holdings Ltd./Double Coin Group Rugao Tyre Co., Ltd.	12.83
Double Coin Holdings Ltd./Double Coin Group Shanghai Donghai Tyre Co., Ltd.	12.83
Double Happiness Tyre Industries Corp., Ltd.	12.83
Jiangsu Feichi Co., Ltd.	12.83
Kenda Rubber (China) Co., Ltd./Kenda Global Holding Co., Ltd. (Cayman Islands)/Kenda Rubber (China) Co., Ltd.	12.83
KS Holding Limited/Oriental Tyre Technology Ltd.	12.83
KS Holding Limited/Shandong Taishan Tyre Co., Ltd.	12.83
KS Holding Limited/Xu Zhou Xugong Tyres Co., Ltd.	12.83
Laizhou Xiongying Rubber Industry Co., Ltd.	12.83
Oriental Tyre Technology Limited/Midland Off the Road Tire Co., Ltd.	12.83
Oriental Tyre Technology Limited/Midland Specialty Tire Co., Ltd.	12.83
Oriental Tyre Technology Limited/Xuzhou Hanbang Tyres Co., Ltd.	12.83
Qingdao Aonuo Tyre Co., Ltd.	12.83
Qingdao Etyre International Trade Co., Ltd./Shandong Xingda Tyre Co. Ltd.	12.83
Qingdao Etyre International Trade Co., Ltd./Shandong Xingyuan International Trade Co. Ltd.	12.83
Qingdao Etyre International Trade Co., Ltd./Shandong Xingyuan Rubber Co. Ltd.	12.83
Qingdao Free Trade Zone Full-World International Trading Co., Ltd./Qingdao Eastern Industrial Group Co., Ltd.	12.83
Qingdao Free Trade Zone Full-World International Trading Co., Ltd./Qingdao Qihang Tyre Co., Ltd.	12.83
Qingdao Free Trade Zone Full-World International Trading Co., Ltd./Qingdao Shuanghe Tyre Co., Ltd.	12.83
Qingdao Free Trade Zone Full-World International Trading Co., Ltd./Qingdao Yellowsea Tyre Factory	12.83
Qingdao Free Trade Zone Full-World International Trading Co., Ltd./Shandong Zhentai Tyre Co., Ltd.	12.83
Qingdao Hengda Tyres Co., Ltd.	12.83
Qingdao Milestone Tyre Co., Ltd./Qingdao Shuanghe Tyre Co., Ltd.	12.83
Qingdao Milestone Tyre Co., Ltd./Shandong Zhentai Tyre Co., Ltd.	12.83
Qingdao Milestone Tyre Co., Ltd./Shifeng Double-Star Tire Co., Ltd.	12.83
Qingdao Milestone Tyre Co., Ltd./Weifang Longtai Tyre Co., Ltd.	12.83
Qingdao Qihang Tyre Co., Ltd.	12.83
Qingdao Qizhou Rubber Co., Ltd.	12.83
Qingdao Sinorient International Ltd./Qingdao Hengda Tyres Co., Ltd.	12.83
Qingdao Sinorient International Ltd./Shifeng Double-Star Tire Co., Ltd.	12.83
Qingdao Sinorient International Ltd./Tengzhou Broncho Tyre Co., Ltd.	12.83
Shandong Huitong Tyre Co., Ltd.	12.83
Shandong Jinyu Tyre Co., Ltd.	12.83
Shandong Taishan Tyre Co., Ltd.	12.83
Shandong Wanda Boto Tyre Co., Ltd.	12.83
Shandong Xingyuan International Trading Co., Ltd./Shangdong Xingda Tyre Co., Ltd.	12.83
Shandong Xingyuan International Trading Co., Ltd./Xingyuan Tyre Group Co., Ltd.	12.83
Techking Tires Limited/Shandong Xingda Tyre Co. Ltd.	12.83
Techking Tires Limited/Shandong Xingyuan International Trade Co. Ltd.	12.83
Techking Tires Limited/Shandong Xingyuan Rubber Co. Ltd.	12.83
Triangle Tyre Co., Ltd.	12.83
Wendeng Sanfeng Tyre Co., Ltd.	12.83
Zhaoyuan Leo Rubber Co., Ltd.	12.83
PRC-Entity Rate	210.48

Notification to Interested Parties

This notice also serves as the only reminder to parties subject to administrative protective orders (‘‘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.

We are issuing and publishing the final results of this sunset review in accordance with sections 751(c), 752(c), and 777(i)(1) of the Act.

Dated: December 16, 2013.

Ronald K. Lorentzen,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2014–00395 Filed 1–13–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–009]

Calcium Hypochlorite From the People's Republic of China: Initiation of Countervailing Duty Investigation

AGENCY: Enforcement and Compliance, formerly Import Administration, International Trade Administration, Department of Commerce.

DATES: *Effective Date:* January 14, 2014.

FOR FURTHER INFORMATION CONTACT: Katie Marksberry, Office V, AD/CVD Operations, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 482–7906.

SUPPLEMENTARY INFORMATION:

The Petition

On December 18, 2013, the Department of Commerce (the ''Department'') received a countervailing duty (''CVD'') petition concerning imports of calcium hypochlorite from the People's Republic of China (''PRC''), filed in proper form by Arch Chemicals, Inc. (''Petitioner''), a domestic producer of calcium hypochlorite.[1] The CVD Petition was accompanied by an antidumping duty (''AD'') petition concerning imports of calcium hypochlorite from the PRC. On December 19, 2013, and December 24, 2013, the Department requested additional information and clarification of certain areas of the Petition, and on December 23, 2013, and December 30, 2013, Petitioner filed a response to each request.[2]

In accordance with section 702(b)(1) of the Tariff Act of 1930, as amended (the ''Act''), Petitioner alleges that producers/exporters of calcium hypochlorite in the PRC received countervailable subsidies within the meaning of sections 701 and 771(5) of the Act, and that imports from these producers/exporters materially injure, or threaten material injury to, an industry in the United States.

The Department finds that Petitioner filed this Petition on behalf of the domestic industry because it is an interested party as defined in section 771(9)(C) of the Act. The Department also finds that Petitioner has demonstrated sufficient industry support with respect to the initiation of the CVD investigation that Petitioner is requesting.[3]

Period of Investigation

The period of investigation (''POI'') is January 1, 2012 through December 31, 2012, in accordance with 19 CFR 351.204(b)(2).

Scope of the Investigation

The product covered by this investigation is calcium hypochlorite from the PRC. For a full description of the scope of the investigation, please see the ''Scope of Investigation'' in the appendix to this notice.

Comments on the Scope of the Investigation

During our review of the Petition, we solicited information from Petitioner to ensure that the proposed scope language is an accurate reflection of the products for which the domestic industry is seeking relief. Moreover, as discussed in the preamble to the Department's regulations[4], we are setting aside a period for interested parties to raise issues regarding product coverage. The Department encourages all interested parties to submit such comments by January 27, 2014, which is 20 calendar days from the signature date of this notice. All comments must be filed on the record of the CVD investigation, as well as the concurrent AD investigation.

Filing Requirements

All submissions to the Department must be filed electronically using Enforcement & Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (''IA ACCESS''). An electronically filed document must be received successfully in its entirety by the Department's electronic records system, IA ACCESS, by 5 p.m. on the due date. Documents excepted from the electronic submission requirements must be filed manually (*i.e.,* in paper form) with the Enforcement & Compliance's APO/Dockets Unit, Room 1870, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230, and stamped with the date and time of receipt by the deadline established by the Department.[5]

Consultations

Pursuant to section 702(b)(4)(A)(ii) of the Act, the Department held consultations with the government of the PRC (hereinafter, the ''GOC'') with respect to the Petition on January 3, 2014.[6]

Determination of Industry Support for the Petition

Section 702(b)(1) of the Act requires that a petition be filed on behalf of the domestic industry. Section 702(c)(4)(A) of the Act provides that a petition meets this requirement if the domestic producers or workers who support the petition account for: (i) At least 25 percent of the total production of the domestic like product; and (ii) more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the petition. Moreover, section 702(c)(4)(D) of the Act provides that, if the petition does not establish support of domestic producers or workers accounting for more than 50 percent of the total production of the domestic like product, the Department shall: (i) Poll the industry or rely on other information in order to determine if there is support for the petition, as required by subparagraph (A); or (ii) determine industry support using a statistically valid sampling method to poll the industry.

Section 771(4)(A) of the Act defines the ''industry'' as the producers as a whole of a domestic like product. Thus, to determine whether a petition has the

[1] *See* ''Petition for the Imposition of Antidumping and Countervailing Duties on Calcium Hypochlorite from the People's Republic of China, dated December 18, 2013 (hereafter referred to as the ''Petition'').

[2] *See* Petitioner's December 23, 2013, filing titled, ''Calcium Hypochlorite from the People's Republic of China: Response to Supplemental Questions''; *see also* Petitioner's December 30, 2013, filing titled, ''Petition for the Imposition of Antidumping Duties on Imports of Calcium Hypochlorite from the People's Republic of China: Response to General Supplemental Questions'' (''General Issues Supplement'').

[3] *See* ''Determination of Industry Support for the Petition'' section, below.

[4] *See Antidumping Duties; Countervailing Duties; Final Rule,* 62 FR 27296, 27323 (May 19, 1997).

[5] 19 CFR 351.303(b)(1). Information on help using IA ACCESS can be found at *https://iaaccess.trade.gov/help.aspx* and a handbook can be found at *https://iaaccess.trade.gov/help/Handbook%20on%20Electronic%20Filing%20Procedures.pdf.*

[6] *See* ''Countervailing Duty Petition on Calcium Hypochlorite from the People's Republic of China: Consultations with the Government of the People's Republic of China,'' dated January 3, 2014.

requisite industry support, the statute directs the Department to look to producers and workers who produce the domestic like product. The U.S. International Trade Commission (''ITC''), which is responsible for determining whether ''the domestic industry'' has been injured, must also determine what constitutes a domestic like product in order to define the industry. While both the Department and the ITC must apply the same statutory definition regarding the domestic like product,[7] they do so for different purposes and pursuant to a separate and distinct authority. In addition, the Department's determination is subject to limitations of time and information. Although this may result in different definitions of the like product, such differences do not render the decision of either agency contrary to law.[8]

Section 771(10) of the Act defines the domestic like product as ''a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this title.'' Thus, the reference point from which the domestic like product analysis begins is ''the article subject to an investigation'' (*i.e.,* the class or kind of merchandise to be investigated, which normally will be the scope as defined in the petition).

With regard to the domestic like product, Petitioner does not offer a definition of domestic like product distinct from the scope of the investigation. Based on our analysis of the information submitted on the record, we have determined that calcium hypochlorite, as defined in the scope of the investigation, constitutes a single domestic like product and we have analyzed industry support in terms of that domestic like product.[9]

In determining whether Petitioner has standing under section 702(c)(4)(A) of the Act, we considered the industry support data contained in the Petition with reference to the domestic like product as defined in the ''Scope of Investigation'' section above. To establish industry support, Petitioner provided its production of the domestic like product in 2012, and compared this to the estimated total production of the domestic like product for the entire domestic industry.[10] Petitioner estimated total 2012 production of the domestic like product using its own production data and knowledge of the industry.[11] We have relied upon data Petitioner provided for purposes of measuring industry support.[12]

Based on information provided in the Petition, supplemental submission, and other information readily available to the Department, we determine that Petitioner has met the statutory criteria for industry support under section 702(c)(4)(A)(i) of the Act because the domestic producers (or workers) who support the Petition account for at least 25 percent of the total production of the domestic like product.[13] Based on information provided in the Petition, the domestic producers (or workers) have met the statutory criteria for industry support under section 702(c)(4)(A)(ii) of the Act because the domestic producers (or workers) who support the Petition account for more than 50 percent of the production of the domestic like product produced by that portion of the industry expressing support for, or opposition to, the Petition. Accordingly, the Department determines that the Petition was filed on behalf of the domestic industry within the meaning of section 702(b)(1) of the Act.[14]

The Department finds that Petitioner filed the Petition on behalf of the domestic industry because it is an interested party as defined in section 771(9)(C) of the Act and it has demonstrated sufficient industry support with respect to the countervailing duty investigation that it is requesting the Department initiate.[15]

Injury Test

Because the PRC is a ''Subsidies Agreement Country'' within the meaning of section 701(b) of the Act, section 701(a)(2) of the Act applies to this investigation. Accordingly, the ITC must determine whether imports of the subject merchandise from the PRC materially injure, or threaten material injury to, a U.S. industry.

Allegations and Evidence of Material Injury and Causation

Petitioner alleges that imports of the subject merchandise are benefitting from countervailable subsidies and that such imports are causing, or threaten to cause, material injury to the U.S. industry producing the domestic like product. Petitioner alleges that subject imports exceed the negligibility threshold provided for under section 771(24)(A) of the Act.[16]

Petitioner contends that the industry's injured condition is illustrated by reduced market share; underselling and price depression or suppression; lost sales and revenues; reduced production and capacity utilization; decline in employment variables; and decline in financial performance.[17] We have assessed the allegations and supporting evidence regarding material injury, threat of material injury, and causation, and we have determined that these allegations are properly supported by adequate evidence and meet the statutory requirements for initiation.[18]

Initiation of CVD Investigation

Section 702(b)(1) of the Act requires the Department to initiate a CVD proceeding whenever an interested party files a CVD petition on behalf of an industry that: (1) Alleges the elements necessary for an imposition of a duty under section 701(a) of the Act; and (2) is accompanied by information reasonably available to the petitioner supporting the allegations.

The Department has examined the Petition on calcium hypochlorite from the PRC and finds that it complies with the requirements of section 702(b)(1) of the Act. Therefore, in accordance with section 702(b)(1) of the Act, we are initiating a CVD investigation to determine whether producers/exporters of calcium hypochlorite in the PRC receive countervailable subsidies. For a discussion of evidence supporting our initiation determination, *see* the CVD Initiation Checklist which accompanies this notice.

Based on our review of the Petition, we find that there is sufficient information to initiate a CVD investigation of all 21 alleged programs. For a full discussion of the basis for our decision to initiate on each program, *see* the CVD Initiation Checklist.

[7] *See* section 771(10) of the Act.

[8] *See USEC, Inc.* v. *United States,* 132 F. Supp. 2d 1, 8 (CIT 2001) (citing *Algoma Steel Corp., Ltd.* v. *United States,* 688 F. Supp. 639, 644 (CIT 1988), *aff'd* 865 F.2d 240 (Fed. Cir. 1989)).

[9] *See* Countervailing Duty Investigation Initiation Checklist: Calcium Hypochlorite from the People's Republic of China (''CVD Initiation Checklist''), at Attachment II, Analysis of Industry Support for the Antidumping and Countervailing Duty Petitions Covering Calcium Hypochlorite from the People's Republic of China (''Attachment II''). This checklist is dated concurrently with this notice and on file electronically via IA ACCESS. Access to documents filed via IA ACCESS is also available in the Central Records Unit (''CRU''), Room 7046 of the main Department of Commerce building.

[10] *See* Volume I of the Petition, at 3–4 and Exhibit GEN–2.

[11] *Id.*

[12] *See* CVD Initiation Checklist, at Attachment II.

[13] *Id.*

[14] *Id.*

[15] *Id.*

[16] *See* Volume I of the Petition, at 18.

[17] *See* Volume I of the Petition, at 17–30 and Exhibits INJ–1 through INJ–8.

[18] *See* Initiation Checklist, at Attachment III, Analysis of Allegations and Evidence of Material Injury and Causation for the Petitions Covering Calcium Hypochlorite from the People's Republic of China.

Respondent Selection

For this investigation, the Department intends to select respondents based on U.S. Customs and Border Protection (''CBP'') data for U.S. imports during the POI (*i.e.,* calendar year 2012) under the following Harmonized Tariff Schedule of the United States number: 2828.10.0000. We intend to release the CBP data under Administrative Protective Order (''APO'') to all parties with access to information protected by APO within five days of the announcement of the initiation of this investigation. Interested parties may submit comments regarding the CBP data and respondent selection within seven calendar days of release of this data. We intend to make our decision regarding respondent selection within 20 days of publication of this **Federal Register** notice.

Distribution of Copies of the Petition

In accordance with section 702(b)(4)(A)(i) of the Act and 19 CFR 351.202(f), a copy of the public version of the Petition has been provided to the representatives of the GOC. Because of the particularly large number of producers/exporters identified in the Petition, the Department considers the service of the public version of the petition to the foreign producers/exporters satisfied by the provision of the public version to the GOC, consistent with 19 CFR 351.203(c)(2).

ITC Notification

We have notified the ITC of our initiation, as required by section 702(d) of the Act.

Preliminary Determination by the ITC

The ITC will preliminarily determine, within 45 days after the date on which the Petition was filed, whether there is a reasonable indication that imports of subsidized calcium hypochlorite from the PRC materially injure, or threaten material injury to, a U.S. industry.[19] A negative ITC determination will result in the investigation being terminated.[20] Otherwise, the investigation will proceed according to statutory and regulatory time limits.

Submission of Factual Information

On April 10, 2013, the Department published *Definition of Factual Information and Time Limits for Submission of Factual Information: Final Rule,* 78 FR 21246 (April 10, 2013), which modified two regulations related to AD and CVD proceedings: The definition of factual information (19 CFR 351.102(b)(21)), and the time limits for the submission of factual information (19 CFR 351.301). The final rule identifies five categories of factual information in 19 CFR 351.102(b)(21), which are summarized as follows: (i) Evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by the Department; and (v) evidence other than factual information described in (i)–(iv). The final rule requires any party, when submitting factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct. The final rule also modified 19 CFR 351.301 so that, rather than providing general time limits, there are specific time limits based on the type of factual information being submitted. These modifications are effective for all proceeding segments initiated on or after May 10, 2013, and thus are applicable to this investigation. Please review the final rule, available at *http://enforcement.trade.gov/frn/2013/1304frn/2013-08227.txt,* prior to submitting factual information for this investigation.

Revised Extension of Time Limits Regulation

On September 20, 2013, the Department modified its regulation concerning the extension of time limits for submissions in AD and CVD proceedings.[21] The modification clarifies that parties may request an extension of time limits before a time limit established under Part 351 expires, or as otherwise specified by the Secretary. In general, an extension request will be considered untimely if it is filed after the time limit established under Part 351 expires. For submissions which are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. on the due date. Examples include, but are not limited to: (1) Case and rebuttal briefs, filed pursuant to 19 CFR 351.309; (2) factual information to value factors under section 19 CFR 351.408(c), or to measure the adequacy of remuneration under section 19 CFR 351.511(a)(2), filed pursuant to 19 CFR 351.301(c)(3) and rebuttal, clarification and correction filed pursuant to 19 CFR 351.301(c)(3)(iv); (3) comments concerning the selection of a surrogate country and surrogate values and rebuttal; (4) comments concerning CBP data; and (5) quantity and value questionnaires. Under certain circumstances, the Department may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, the Department will inform parties in the letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. This modification also requires that an extension request must be made in a separate, stand-alone submission, and clarifies the circumstances under which the Department will grant untimely-filed requests for the extension of time limits. These modifications are effective for all segments initiated on or after October 21, 2013. Review *Extension of Time Limits; Final Rule,* available at *http://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm,* prior to submitting factual information in this segment.

Certification Requirements

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information.[22] Parties are hereby reminded that revised certification requirements are in effect for company/government officials as well as their representatives in all AD or CVD investigations or proceedings initiated on or after August 16, 2013, including this investigation.[23] The formats for the revised certifications are provided at the end of the *Final Rule.* The Department intends to reject factual submissions if the submitting party does not comply with the revised certification requirements.

Notification to Interested Parties

Interested parties must submit applications for disclosure under APO in accordance with 19 CFR 351.305(b). Instructions for filing such applications may be found on the Department's Web site at *http://enforcement.trade.gov/apo/index.html.*

[19] *See* section 703(a)(2) of the Act.

[20] *See* section 703(a)(1) of the Act.

[21] *See* Extension of Time Limits; Final Rule, 78 FR 57790 (September 20, 2013).

[22] *See* section 782(b) of the Act.

[23] *See Certification of Factual Information To Import Administration During Antidumping and Countervailing Duty Proceedings,* 78 FR 42678 (July 17, 2013) (''*Final Rule*'').

This notice is issued and published pursuant to section 777(i) of the Act.

Dated: January 7, 2014.

Paul Piquado,

Assistant Secretary for Enforcement & Compliance.

Appendix I

Scope of the Investigation

The product covered by this investigation is calcium hypochlorite, regardless of form (*e.g.,* powder, tablet (compressed), crystalline (granular), or in liquid solution), whether or not blended with other materials, containing at least 10% available chlorine measured by actual weight. The scope also includes bleaching powder and hemibasic calcium hypochlorite.

Calcium hypochlorite has the general chemical formulation $Ca(OCl)_2$, but may also be sold in a more dilute form as bleaching powder with the chemical formulation, $Ca(OCl)_2.CaCl_2.Ca(OH)_2.2H_2O$ or hemibasic calcium hypochlorite with the chemical formula of $2Ca(OCl)_2.Ca(OH)_2$ or $Ca(OCl)_2.0.5Ca(OH)_2$. Calcium hypochlorite has a Chemical Abstract Service (''CAS'') registry number of 7778–54–3, and a U.S. Environmental Protection Agency (''EPA) Pesticide Code (''PC'') Number of 014701. The subject calcium hypochlorite has an International Maritime Dangerous Goods (''IMDG'') code of Class 5.1 UN 1748, 2880, or 2208 or Class 5.1/8 UN 3485, 3486, or 3487.

Calcium hypochlorite is currently classifiable under the subheading 2828.10.0000 of the Harmonized Tariff Schedule of the United States (''HTSUS''). The subheading covers commercial calcium hypochlorite and other calcium hypochlorite. When tableted or blended with other materials, calcium hypochlorite may be entered under other tariff classifications, such as 3808.94.5000 and 3808.99.9500, which cover disinfectants and similar products. While the HTSUS subheadings, the CAS registry number, the U.S. EPA PC number, and the IMDG codes are provided for convenience and customs purposes, the written description of the scope of this investigation is dispositive.

[FR Doc. 2014–00527 Filed 1–13–14; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Environmental Technologies Trade Advisory Committee Public Meeting

AGENCY: International Trade Administration, DOC.

ACTION: Notice of Federal Advisory Committee Meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a meeting of the Environmental Technologies Trade Advisory Committee (ETTAC).

DATES: The teleconference meeting is scheduled for Friday, February 14, 2014, at 11:00 a.m. Eastern Standard Time (EST). Please register by 5:00 p.m. EST on Friday, January 31, 2014 to listen in on the teleconference meeting.

ADDRESSES: The meeting will take place via teleconference. For logistical reasons, all participants are required to register in advance by the date specified above. Please contact Ms. Maureen Hinman at the contact information below to register and obtain call-in information.

FOR FURTHER INFORMATION CONTACT: Ms. Maureen Hinman, Office of Energy & Environmental Industries (OEEI), International Trade Administration, Room 4053, 1401 Constitution Avenue NW., Washington, DC 20230. Phone: 202–482–0627; Fax: 202–482–5665; email: *maureen.hinman@trade.gov*.

SUPPLEMENTARY INFORMATION: The meeting will take place from 11:00 a.m. to 12:00 p.m. This meeting is open to the public. Written comments concerning ETTAC affairs are welcome any time before or after the meeting. Minutes will be available within 30 days of this meeting.

Topic to be considered: The agenda for the February 14, 2014 ETTAC meeting has only the following item:

Deliberation on the recommendations of ETTAC subcommittees and committee approval of said recommendations.

Background: The ETTAC is mandated by Section 2313(c) of the Export Enhancement Act of 1988, as amended, 15 U.S.C. 4728(c), to advise the Environmental Trade Working Group of the Trade Promotion Coordinating Committee, through the Secretary of Commerce, on the development and administration of programs to expand U.S. exports of environmental technologies, goods, services, and products. The ETTAC was originally chartered in May of 1994. It was most recently re-chartered until September 2014.

The teleconference will be accessible to people with disabilities. Please specify any requests for reasonable accommodation when registering to participate in the teleconference. Last minute requests will be accepted, but may be impossible to fulfill.

No time will be available for oral comments from members of the public during this meeting. As noted above, any member of the public may submit pertinent written comments concerning the Committee's affairs at any time before or after the meeting. Comments may be submitted to Ms. Maureen Hinman at the contact information indicated above. To be considered during the meeting, comments must be received no later than 5:00 p.m. Eastern Standard Time on Friday, January 31, 2014, to ensure transmission to the Committee prior to the meeting. Comments received after that date will be distributed to the members but may not be considered at the meeting.

Dated: January 7, 2014.

Catherine Vial,

Team Leader, Office of Energy and Environmental Industries.

[FR Doc. 2014–00435 Filed 1–13–14; 8:45 am]

BILLING CODE 3510–DR–P

DEPARTMENT OF COMMERCE

International Trade Administration

Environmental Technologies Trade Advisory Committee Public Meeting

AGENCY: International Trade Administration, DOC.

ACTION: Notice of Federal Advisory Committee Meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a meeting of the Environmental Technologies Trade Advisory Committee (ETTAC).

DATES: The meeting is scheduled for Tuesday, February 25, 2014, at 9:00 a.m. Eastern Standard Time (EST).

ADDRESSES: The meeting will be held in Room 4830 at the U.S. Department of Commerce, Herbert Clark Hoover Building, 1401 Constitution Avenue NW., Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Ms. Maureen Hinman, Office of Energy & Environmental Industries (OEEI), International Trade Administration, Room 4053, 1401 Constitution Avenue NW., Washington, DC 20230 (Phone: 202–482–0627; Fax: 202–482–5665; email: *maureen.hinman@trade.gov.*) This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to OEEI at (202) 482–5225 no less than one week prior to the meeting.

SUPPLEMENTARY INFORMATION: The meeting will take place from 9:00 a.m. to 3:30 p.m. E.S.T. The general meeting is open to the public and time will be permitted for public comment from 3:00–3:30 p.m. EST. Those interested in attending must provide notification by Tuesday, February 11, 2014 at 5:00 p.m. EST, via the contact information provided above. Written comments concerning ETTAC affairs are welcome any time before or after the meeting.

Minutes will be available within 30 days of this meeting.

Topics to be considered: The agenda for this meeting will include the provision of the committee's recommendations to the Secretary of Commerce or her designated representative. The status of the U.S. Environmental Export Initiative will also be discussed.

Background: The ETTAC is mandated by Public Law 103–392. It was created to advise the U.S. government on environmental trade policies and programs, and to help it to focus its resources on increasing the exports of the U.S. environmental industry. ETTAC operates as an advisory committee to the Secretary of Commerce and the Trade Promotion Coordinating Committee (TPCC). ETTAC was originally chartered in May of 1994. It was most recently re-chartered until September 2014.

Dated: January 7, 2014.

Catherine Vial,

Acting Office Director, Office of Energy and Environmental Industries.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XC833

Taking of Marine Mammals Incidental to Specified Activities; Construction of the East Span of the San Francisco-Oakland Bay Bridge

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

ACTION: Notice of issuance of an incidental harassment authorization.

SUMMARY: In accordance with regulations implementing of the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that an Incidental Harassment Authorization (IHA) has been issued to the California Department of Transportation (CALTRANS) to take small numbers of California sea lions, Pacific harbor seals, harbor porpoises, and gray whales, by harassment, incidental to construction of a replacement bridge for the East Span of the San Francisco-Oakland Bay Bridge (SF–OBB) in California.

DATES: This authorization is effective from January 8, 2014, until January 7, 2015.

ADDRESSES: A copy of the application, IHA, and/or a list of references used in this document may be obtained by writing to P. Michael Payne, Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Shane Guan, NMFS, (301) 427–8418, ext 137, or Monica DeAngelis, NMFS, (562) 980–3232.

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, the taking is limited to harassment, notice of a proposed authorization is provided to the public for review.

Permission shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for certain subsistence uses and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring, and reporting of such taking are set forth. NMFS has defined ''negligible impact'' in 50 CFR 216.103 as '' . . . an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.''

Section 101(a)(5)(D) of the MMPA established an expedited process by which citizens of the United States can apply for an authorization to incidentally take small numbers of marine mammals by harassment. Except with respect to certain activities not pertinent here, the MMPA defines ''harassment'' as ''any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment].''

Section 101(a)(5)(D) establishes a 45-day time limit for NMFS review of an application followed by a 30-day public notice and comment period on any proposed authorizations for the incidental harassment of small numbers of marine mammals. Within 45 days of the close of the comment period, NMFS must either issue or deny issuance of the authorization.

Summary of Request

On April 15, 2013, CALTRANS submitted a request to NOAA requesting an IHA for the possible harassment of small numbers of California sea lions (*Zalophus californianus*), Pacific harbor seals (*Phoca vitulina richardsii*), harbor porpoises (*Phocoena phocoena*), and gray whales (*Eschrichtius robustus*) incidental to construction associated with a replacement bridge for the East Span of the SF–OBB, in San Francisco Bay (SFB), California.

An IHA was previously issued to CALTRANS for this activity on January 8, 2013 (78 FR 2371; January 11, 2013). The current IHA expires on January 7, 2014. Since the construction activity would last for approximately additional two years after the expiration of the current IHA, CALTRANS requests to renew its IHA. In its IHA renewal request, CALTRANS also states that there has been no change in the scope of work for the SF–OBB Project from what was outlined in its original IHA application submitted to NMFS on April 23, 2012, and published in the **Federal Register** notice for the proposed IHA (77 FR 50473; August 21, 2012), and the **Federal Register** notice for the issuance of that IHA (78 FR 2371; January 11, 2013). Please refer to these documents for a detailed description of CALTRANS' SF–OBB construction activities.

Supplemental Information Regarding CALTRANS Construction Activities

As stated in CALTRANS original IHA application, work at the Yerba Buena Island (YBI) access would involve the construction of a small (approximately 650 m^2, or 7,000 ft^2) H-pile supported trestle. The size of the H-pile was not identified in the proposed IHA. Discussion with CALTRANS indicated that it is unclear the size of the H-piles would be used. However, it is known that the contractor would most likely use HP H-piles, which with dimensions between 9.70 x 10.075 in. and 14.21 x 14.885 in., with length between 25 and 100 feet.

CALTRANS also stated that it's very unlikely that multiple pile driving would occur simultaneously. If in the case that more than one contractor

would be employed to conduct the construction activity, maximum of two pile work could occur and most likely it would be one pile driving and one pile removal.

For defining the marine mammal take zones, NMFS initially worked with CALTRANS to revise the size of the exclusion zones and Level B harassment zones due to the lack of on-site data to establish specific zones for driving of 24- and 36-in piles, H-piles, and sheet piles. CALTRANS agreed that it will use the data of 48-in piles to establish the temporary exclusion zones and Level B harassment zones based on in-situ measurements conducted in 2009 (CALTRANS 2009) before revised zones are established based on on-site measurements during the test pile driving. Likewise, for vibratory pile driving, if hydroacoustic monitoring indicates that sound levels have the potential to exceed the 180 or 190 dB SPL, corresponding exclusion zones will be established. The temporary exclusion zones and Level B zones for various pile driving and dismantling activities for the current IHA are listed in Table 1. On site measurements during 2013 construction under the current IHA confirms that these zones are valid. Specifically, installation of five 36-inch diameter steel pipe piles using vibratory hammer conducted on August 20, 2013, showed that received sound level at 2,000 meters would be 119 dB (Illingworth & Rodkin, Inc. 2013a). Sound source measurement during temporary foundation removal activities using impact hammer showed that the mean received level at 22 m from the source was 146 dB re 1 μPa, and that 160 dB re 1 μPa was not detected. Noise from saw cutting at construction site for dismantling was not detectable at any of the monitoring locations (as close as to 22 m from the site) (Illingworth & Rodkin, Inc. 2013b). Based on these measurements, NMFS believes that the exclusion and Level B harassment zones used in Table 1 for the current IHA are still valid.

TABLE 1—EXCLUSION AND LEVEL B HARASSMENT ZONES FOR VARIOUS PILE DRIVING AND DISMANTLING ACTIVITIES

Pile driving/dismantling activities	Pile size (m)	Distance to 120 dB re 1 μPa (rms) (m)	Distance to 160 dB re 1 μPa (rms) (m)	Distance to 180 dB re 1 μPa (rms) (m)	Distance to 190 dB re 1 μPa (rms) (m)
Vibratory Driving	24	2,000	NA	NA	NA
	36	2,000	NA	NA	NA
	Sheet pile	2,000	NA	NA	NA
Attenuated Impact Driving	24	NA	1,000	235	95
	36	NA	1,000	235	95
Unattenuated Proofing	24	NA	1,000	235	95
	36	NA	1,000	235	95
Unattenuated Impact Driving	H-pile	NA	1,000	235	95
Dismantling		2,000	NA	100	100

Comments and Responses

A notice of receipt and request for public comment on the application and proposed authorization was published on October 2, 2013 (78 FR 60852). During the 30–day public comment period, the Marine Mammal Commission (Commission) provided the only comment.

Comment 1: The Commission recommends that NMFS require CALTRANS to conduct in-situ sound propagation measurements if multiple vibratory hammers are used at any given time and adjust the level A and B harassment zones as necessary.

Response: NMFS worked with CALTRANS and both agree that CALTRANS will conduct in-site sound propagation measurements if multiple vibratory hammers are used at any given time and adjust the Level A and B harassment zones as necessary.

Comment 2: The Commission recommends that NMFS require CALTRANS to implement full-time monitoring of Level A and B harassment zones during all in-water sound-producing activities (i.e., pile-driving and removal and bridge dismantling activities).

Response: NMFS does not agree with the Commission's recommendation. As described in the **Federal Register** notice for the issuance of the previous IHA (78 FR 2371; January 11, 2013), NMFS had discussed with CALTRANS specific protocols concerning marine mammal monitoring during its proposed in-water construction activities. As described in detail in the **Federal Register** notice for the previous proposed IHA (77 FR 50473; August 21, 2012) and in CALTRANS IHA application, CALTRANS' planned construction includes an average annual installation of up to 635 temporary falsework piles, 1,925 steel sheet piles, and various mechanical dismantling activities. The extent of the work made it infeasible and costly to implement marine mammal monitoring for Level A and B harassment zones at all times, particularly since some of the Level B harassment zones for vibratory pile driving extend to a radius of 2 km. CALTRANS will monitor the 180 and 190 dB exclusion zones and 160 dB behavioral harassment zone for all unattenuated impact pile driving of H-piles, and the 180 and 190 dB exclusion zones for attenuated impact pile driving and mechanical dismantling, thereby minimizing the possibility of injuring. Further, for the purposes of better understand behavioral efforts, CALTRANS will also monitor the 160 dB behavioral harassment zone for 20% of the attenuated impact pile driving, and 120 dB behavioral harassment zone for 20% of vibratory pile driving and mechanic dismantling. However, CALTRANS will not monitor the unattenuated impact pile proofing, which only lasts for less than one minute. Proposed proofing of piles will be limited to a maximum of two piles per day, and for less than 1 minute per pile, administering a maximum of twenty blows per pile. CALTRANS states, and NMFS agrees, that the logistics of scheduling and mobilizing a monitoring team for activities that will last less than one minute is not practical.

Comment 3: The Commission recommends that NMFS include in each proposed incidental harassment authorization that NMFS publishes in the **Federal Register** a detailed description of the proposed activities rather than referring to previous documents.

Response: NMFS agrees with the Commission's recommendation and will provide detailed description of the proposed activities in the **Federal Register** notice for proposed IHAs moving forward.

Description of Marine Mammals in the Area of the Specified Activity

General information on the marine mammal species found in California waters can be found in Caretta *et al.* (2013), which is available at the following URL: *http://www.nmfs.noaa.gov/pr/pdfs/sars/po2012.pdf.* Refer to that document for information on these species.

The marine mammals most likely to be found in the SF–OBB area are the California sea lion, Pacific harbor seal, and harbor porpoise. From December through May gray whales may also be present in the SF–OBB area. Information on California sea lion, harbor seal, and gray whale was provided in the November 14, 2003 (68 FR 64595), **Federal Register** notice; information on harbor porpoise was provided in the January 26, 2006 (71 FR 4352), **Federal Register** notice.

Potential Effects on Marine Mammals and Their Habitat

CALTRANS and NMFS have determined that open-water pile driving and pile removal, as well as dredging and dismantling of concrete foundation of existing bridge by saw cutting, flame cutting, mechanical splitting, drilling, pulverizing and/or hydro-cutting, as outlined in the project description, have the potential to result in behavioral harassment of California sea lions, Pacific harbor seals, harbor porpoises, and gray whales that may be swimming, foraging, or resting in the project vicinity while pile driving is being conducted. Pile driving and removal could potentially harass those few pinnipeds that are in the water close to the project site, whether their heads are above or below the surface.

Marine mammals exposed to high intensity sound repeatedly or for prolonged periods can experience hearing threshold shift (TS), which is the loss of hearing sensitivity at certain frequency ranges (Kastak *et al.* 1999; Schlundt *et al.* 2000; Finneran *et al.* 2002; 2005). TS can be permanent (PTS), in which case the loss of hearing sensitivity is unrecoverable, or temporary (TTS), in which case the animal's hearing threshold will recover over time (Southall *et al.* 2007). Since marine mammals depend on acoustic cues for vital biological functions, such as orientation, communication, finding prey, and avoiding predators, marine mammals that incur PTS or TTS may have reduced fitness in survival and reproduction, either permanently or temporarily. Repeated noise exposure that leads to TTS could cause PTS.

Measured source levels from impact pile driving can be as high as 214 dB re 1 μPa @1 1 m. Although no marine mammals have been shown to experience TTS or PTS as a result of being exposed to pile driving activities, experiments on a bottlenose dolphin (*Tursiops truncates*) and beluga whale (*Delphinapterus leucas*) showed that exposure to a single watergun pulse at a received level of 207 kPa (or 30 psi) peak-to-peak (p-p), which is equivalent to 228 dB (p-p) re 1 μPa, resulted in a 7 and 6 dB TTS in the beluga whale at 0.4 and 30 kHz, respectively. Thresholds returned to within 2 dB of the pre-exposure level within 4 minutes of the exposure (Finneran *et al.* 2002). No TTS was observed in the bottlenose dolphin. Although the source level of pile driving from one hammer strike is expected to be much lower than the single watergun pulse cited here, animals exposed for a prolonged period to repeated hammer strikes could receive more noise exposure in terms of sound exposure level (SEL) than from the single watergun pulse (estimated at 188 dB re 1 μPa^2-s) in the aforementioned experiment (Finneran *et al.* 2002).

Noises from dismantling of marine foundations by mechanical means include, but are not limited to, saw cutting, mechanical splitting, drilling and pulverizing. Saw cutting and drilling constitute non-pulse noise, whereas mechanical splitting and pulverizing constitute impulse noise. Although the characteristics of these noises are not well studied, noises from saw cutting and drilling are expected to be similar to vibratory pile driving, and noises from mechanical splitting and pulverizing are expected to be similar to impact pile driving, but at lower intensity, due to the similar mechanisms in sound generating but at a lower power outputs. CALTRANS states that drilling and saw cutting are anticipated to produce underwater sound pressure levels (SPLs) in excess of 120 dB RMS, but are not anticipated to exceed the 180 dB re 1 μPa (RMS). The mechanical splitting and pulverizing of concrete with equipment such as a hammer hoe has the potential to generate high sound pressure levels in excess of 190 dB re 1 μPa (RMS) at 1 m.

However, in order for marine mammals to experience TTS or PTS, the animals have to be close enough to be exposed to high intensity noise levels for prolonged period of time. Based on the best scientific information available, the expected received sound levels are far below the threshold that could cause TTS or the onset of PTS.

In addition, chronic exposure to excessive, though not high-intensity, noise could cause masking at particular frequencies for marine mammals that utilize sound for vital biological functions. Masking can interfere with detection of acoustic signals such as communication calls, echolocation sounds, and environmental sounds important to marine mammals. Therefore, under certain circumstances, marine mammals whose acoustical sensors or environment are being severely masked could also be impaired from maximizing their performance fitness in survival and reproduction.

Masking occurs at the frequency band which the animals utilize. Therefore, since noise generated from in-water pile driving during the SF–OBB construction activities is mostly concentrated at low frequency ranges, it may have less effect on high frequency echolocation sounds by harbor porpoises. However, lower frequency noises are more likely to affect detection of communication calls and other potentially important natural sounds such as surf and prey noise. It may also affect communication signals when they occur near the noise band and thus reduce the communication space of animals (e.g., Clark *et al.* 2009) and cause increased stress levels (e.g., Foote *et al.* 2004; Holt *et al.* 2009).

Unlike TS, masking can potentially impact the species at population, community, or even ecosystem levels, as well as individual levels. Masking affects both senders and receivers of the signals and could have long-term chronic effects on marine mammal species and populations. Recent science suggests that low frequency ambient sound levels have increased by as much as 20 dB (more than 3 times in terms of SPL) in the world's ocean from pre-industrial periods, and most of these increases are from distant shipping (Hildebrand 2009). All anthropogenic noise sources, such as those from vessels traffic, pile driving, dredging, and dismantling existing bridge by mechanic means, contribute to the elevated ambient noise levels, thus intensifying potential for masking.

Nevertheless, the sum of noise from the proposed SF–OBB construction activities is confined in an area of inland waters (San Francisco Bay) that is bounded by landmass, therefore, the noise generated is not expected to contribute to increased ocean ambient noise. Due to shallow water depth near the Oakland shore, dredging activities are mainly used to create a barge access channel to dismantle the existing bridge. Therefore, underwater sound propagation from dredging is expected

to be poor due to the extremely shallowness of the area to be dredged.

Finally, exposure of marine mammals to certain sounds could lead to behavioral disturbance (Richardson *et al.* 1995), such as: changing durations of surfacing and dives, number of blows per surfacing, or moving direction and/or speed; reduced/increased vocal activities, changing/cessation of certain behavioral activities (such as socializing or feeding); visible startle response or aggressive behavior (such as tail/fluke slapping or jaw clapping), avoidance of areas where noise sources are located, and/or flight responses (e.g., pinnipeds flushing into water from haulouts or rookeries).

The onset of behavioral disturbance from anthropogenic noise depends on both external factors (characteristics of noise sources and their paths) and the receiving animals (hearing, motivation, experience, demography) and is also difficult to predict (Southall *et al.* 2007), especially if the detected disturbances appear minor. However, the consequences of behavioral modification could be expected to be biologically significant if the change affects growth, survival, or reproduction. Some of these significant behavioral modifications include:

- Drastic change in diving/surfacing patterns (such as those thought to be causing beaked whale stranding due to exposure to military mid-frequency tactical sonar);
- Habitat abandonment due to loss of desirable acoustic environment; and
- Cessation of feeding or social interaction.

The proposed project area is not believed to be a prime habitat for marine mammals, nor is it considered an area frequented by marine mammals. Therefore, behavioral disturbances that could result from anthropogenic noise associated with SF–OBB construction activities are expected to affect only a limited number of marine mammals on an infrequent basis.

Currently NMFS uses 160 dB re 1 μPa (RMS) at received level for impulse noises (such as impact pile driving, mechanic splitting and pulverizing) as the onset of marine mammal behavioral harassment, and 120 dB re 1 μPa (RMS) for non-impulse noises (vibratory pile driving, saw cutting, drilling, and dredging).

As far as airborne noise is concerned, based on airborne noise levels measured and on-site monitoring conducted during 2004 under a previous IHA, noise levels from the East Span project did not result in the harassment of harbor seals hauled out on Yerba Buena Island (YBI). Also, noise levels from the East Span project are not expected to result in harassment of the sea lions hauled out at Pier 39 as airborne and waterborne sound pressure levels (SPLs) would attenuate to levels below where harassment would be expected by the time they reach that haul-out site, 5.7 km (3.5 miles) from the project site. Therefore, no pinniped hauled out would be affected as a result of the proposed pile-driving. A detailed description of the acoustic measurements is provided in the 2004 CALTRANS marine mammal and acoustic monitoring report for the same activity (CALTRANS 2005).

Short-term impacts to habitat may include minimal disturbance of the sediment where individual bridge piers are constructed. Long-term impacts to marine mammal habitat will be limited to the footprint of the piles and the obstruction they will create following installation. However, this impact is not considered significant as the marine mammals can easily swim around the piles of the new bridge, as they currently swim around the existing bridge piers.

Mitigation Measures

For the issuance of the IHA for the planned 2014—2015 SF–OBB construction activities to reduce adverse impacts to marine mammals to the lowest extent practicable, NMFS requires the following mitigation measures to be implemented.

Use of Noise Attenuation Devices

To reduce impact on marine mammals, CALTRANS shall use marine pile driving energy attenuator (i.e., air bubble curtain system), or other equally effective sound attenuation method (e.g., dewatered cofferdam) for all impact pile driving, with the exception of pile proofing.

Establishment of Exclusion and Level B Harassment Zones

Before the commencement of in-water construction activities, which include impact pile driving, vibratory pile driving, and mechanical dismantling of existing bridge, CALTRANS shall establish exclusion zones where received underwater sound pressure levels (SPLs) are higher than 180 dB (rms) and 190 dB (rms) re 1 μPa for cetaceans and pinnipeds, respectively, and Level B behavioral harassment zones where received underwater sound pressure levels (SPLs) are higher than 160 dB (rms) and 120 dB (rms) re 1 μPa for impulse noise sources (impact pile driving) and non-impulses noise sources (vibratory pile driving and mechanic dismantling), respectively. Before the sizes of actual zones are determined based on hydroacoustic measurements, CALTRANS shall establish these zones based on prior measurements conducted during SF–OBB constructions, as described in Table 1 of this document.

Once the underwater acoustic measurements are conducted during initial test pile driving, CALTRANS shall adjust the size of the exclusion zones and Level B behavioral harassment zones, and monitor these zones accordingly.

NMFS-approved protected species observers (PSOs) shall conduct initial survey of the safety zone to ensure that no marine mammals are seen within the zones before impact pile driving of a pile segment begins. If marine mammals are found within the safety zone, impact pile driving of the segment would be delayed until they move out of the area. If a marine mammal is seen above water and then dives below, the contractor would wait 15 minutes for pinnipeds and harbor porpoise and 30 minutes for gray whales. If no marine mammals are seen by the observer in that time it would be assumed that the animal has moved beyond the safety zone. This 15-minute criterion is based on scientific evidence that harbor seals in San Francisco Bay dive for a mean time of 0.50 minutes to 3.33 minutes (Harvey and Torok, 1994), and the mean diving duration for harbor porpoises ranges from 44 to 103 seconds (Westgate *et al.,* 1995).

Once the pile driving of a segment begins it cannot be stopped until that segment has reached its predetermined depth due to the nature of the sediments underlying the Bay. If pile driving stops and then resumes, it would potentially have to occur for a longer time and at increased energy levels. In sum, this would simply amplify impacts to marine mammals, as they would endure potentially higher SPLs for longer periods of time. Pile segment lengths and wall thickness have been specially designed so that when work is stopped between segments (but not during a single segment), the pile tip is never resting in highly resistant sediment layers. Therefore, because of this operational situation, if seals, sea lions, or harbor porpoises enter the safety zone after pile driving of a segment has begun, pile driving will continue and marine mammal observers will monitor and record marine mammal numbers and behavior. However, if pile driving of a segment ceases for 30 minutes or more and a marine mammal is sighted within the designated safety zone prior to commencement of pile driving, the observer(s) must notify the Resident Engineer (or other authorized

individual) immediately and follow the mitigation requirements as outlined previously in this document.

Soft Start

It should be recognized that although marine mammals will be protected from Level A harassment (i.e., injury) through marine mammal observers monitoring a 190-dB exclusion zone for pinnipeds and 180-dB exclusion zone for cetaceans, mitigation may not be 100 percent effective at all times in locating marine mammals. Therefore, in order to provide additional protection to marine mammals near the project area by allowing marine mammals to vacate the area prior to receiving a potential injury, CALTRANS and its contractor will also ''soft start'' the hammer prior to operating at full capacity. This should expose fewer animals to loud sounds both underwater and above water. This would also ensure that, although not expected, any pinnipeds and cetaceans that are missed during the initial exclusion zone monitoring will not be injured.

Power Down and Shut-Down

As mentioned previously, although power down and shut-down measures will not be required for pile driving activities, these measures are required for mechanical dismantling of the existing bridge. The contractor perform mechanical dismantling work will stop in-water noise generating machinery when marine mammals are sighted within the designated exclusion zones.

Monitoring Measures

The following monitoring measures are required for the proposed SF–OBB construction activities.

Visual Monitoring

Besides using mitigation measures as a mean of implementing power down and shut-down measures for mechanical bridge dismantling, marine mammal monitoring will also be conducted to assess potential impacts from CALTRANS construction activities. CALTRANS will implement onsite marine mammal monitoring for 100% of all unattenuated impact pile driving of H-piles for 180- and 190-dB re 1 μPa exclusion zones and 160-dB re 1 μPa Level B harassment zone, attenuated impact pile driving (except pile proofing) and mechanical dismantling for 180- and 190-dB re 1 μPa exclusion zones. CALTRANS will also monitor 20% of the attenuated impact pile driving for the 160-dB re 1 μPa Level B harassment zone, and 20% of vibratory pile driving and mechanic dismantling for the 120-dB re 1 μPa Level B harassment zone.

Monitoring of the pinniped and cetacean exclusion zones shall be conducted by a minimum of three qualified NMFS-approved protected species observers (PSOs). Observations will be made using high-quality binoculars (e.g., Zeiss, 10 x 42 power). PSOs will be equipped with radios or cell phones for maintaining contact with other observers and CALTRANS engineers, and range finders to determine distance to marine mammals, boats, buoys, and construction equipment.

Data on all observations will be recorded and will include the following information:

(1) Location of sighting;
(2) Species;
(3) Number of individuals;
(4) Number of calves present;
(5) Duration of sighting;
(6) Behavior of marine animals sighted;
(7) Direction of travel;
(8) When in relation to construction activities did the sighting occur (e.g., before, ''soft-start'', during, or after the pile driving or removal).

The reactions of marine mammals will be recorded based on the following classifications, which are consistent with the Richmond Bridge Harbor Seal survey methodology (for information on the Richmond Bridge authorization, see 68 FR 66076, November 25, 2003): (1) No response, (2) head alert (looks toward the source of disturbance), (3) approach water (but not leave), and (4) flush (leaves haul-out site). The number of marine mammals under each disturbance reaction will be recorded, as well as the time when seals re-haul after a flush.

Hydroacoustic Monitoring

The purpose of the underwater sound monitoring during dismantling of concrete foundations via mechanical means is to establish the exclusion zones of 180 dB re 1 μPa (rms) for cetaceans and 190 dB re 1 μPa (rms) for pinnipeds. Monitoring will occur during the initial use of concrete dismantling equipment with the potential to generate sound pressure levels in excess of 180 dB re 1 μPa (rms). Monitoring will likely be conducted from construction barges and/or boats. Measurements will be taken at various distances as needed to determine the distance to the 180 and 190 dB re 1 μPa (rms) contours.

The purpose of underwater sound monitoring during impact pile driving will be to verify sound level estimates and confirm that sound levels do not equal or exceed 180 dB re 1 μPa (rms).

Reporting

CALTRANS will notify NMFS prior to the initiation of the pile driving and dismantling activities for the removal of the existing east span. NMFS will be informed of the initial sound pressure level measurements for both pile driving and foundation dismantling activities, including the final exclusion zone and Level B harassment zone radii established for impact and vibratory pile driving and marine foundation dismantling activities.

Monitoring reports will be posted on the SFOBB Project's biological mitigation Web site (*www.biomitigation.org*) on a weekly basis if in-water construction activities are conducted. Marine mammal monitoring reports will include species and numbers of marine mammals observed, time and location of observation and behavior of the animal. In addition, the reports will include an estimate of the number and species of marine mammals that may have been harassed as a result of activities.

In addition, CALTRANS will provide NMFS with a draft final report within 90 days after the expiration of the IHA. This report should detail the monitoring protocol, summarize the data recorded during monitoring, and estimate the number of marine mammals that may have been harassed due to pile driving. If no comments are received from NMFS within 30 days, the draft final report will constitute the final report. If comments are received, a final report must be submitted within 30 days after receipt of comments.

Marine Mammal Monitoring Report From Previous IHA

As mentioned above, limited construction activities were conducted between August and October 2013 for the SF–OBB East Span Seismic Safety Project. Construction activities included falsework installation of temporary piles using vibratory piling hammer on August 20, 2013, and foundation demolition using hydraulic hammer and shears on October 14 and 15, 2013. Marine mammal monitoring was conducted throughout these activities by NMFS-approved PSOs. The monitoring reports (CALTRANS 2013a; 2013b) show that seven harbor seals and one California sea lion were observed within the 120-dB behavioral harassment ZOI during the August 20, 2013, vibratory pile driving; and a total of eight harbor seals were observed within the 120-dB behavioral harassment ZOI during the October 14

and October 15, 2013, foundation demolition work. It was reported that none of the animals exposed to noise levels above Level B behavioral harassment showed a response to either pile driving or demolition work (CALTRANS 2013a; 2013b).

Estimated Take by Incidental Harassment

Marine mammal take estimates are based on marine mammal monitoring reports and marine mammal observations made during pile driving activities associated with the SF–OBB construction work authorized under prior IHAs. For pile driving activities conducted in 2006, 5 harbor seals and no other marine mammals were detected within the isopleths of 160 dB (rms) re 1 μPa during impact pile driving where air bubble curtains were deployed for mitigation measures (radius of zone of influence (ZOI) at 500 m) (CALTRANS 2007). For pile driving activities conducted in the 2008 and 2009 seasons, CALTRANS monitored a much larger ZOI of 120 dB (rms) re 1 μPa as a result of vibratory pile driving. A total of 11 harbor seals and 1 California sea lion were observed entering the 120 dB (rms) re 1 μPa ZOI (CALTRANS). Finally, as discussed above, for all the construction activities conducted under the current IHA, so far 15 harbor seals and one California sea lion were exposed to received noise levels above 120 dB (rms) re 1 μPa (CALTRANS 2013a; 2013b). No harbor porpoise or gray whales were observed during pile driving activities associated to CALTRANS' SF–OBB construction work (CALTRANS 2007; 2010; 2013a; 2013b).

Based on these results, and accounting for a certain level of uncertainty regarding the next phase of construction (which will include dismantling of the existing bridge by mechanical means), NMFS concludes that at maximum 50 harbor seals, 10 California sea lions, 10 harbor porpoises, and 5 gray whales could be exposed to noise levels that could cause Level B harassment as a result of the CALTRAN' SF–OBB construction activities.

Negligible Impact and Small Numbers Analyses and Determinations

Pursuant to NMFS' regulations implementing the MMPA, an applicant is required to estimate the number of animals that will be ''taken'' by the specified activities (i.e., takes by harassment only, or takes by harassment, injury, and/or death). This estimate informs the analysis that NMFS must perform to determine whether the activity will have a ''negligible impact'' on the species or stock. Level B (behavioral) harassment generally occurs at the level of the individual(s) and does not assume any resulting population-level consequences, though there are known avenues through which behavioral disturbance of individuals can result in population-level effects. A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (i.e., population-level effects). An estimate of the number of Level B harassment takes alone is not enough information on which to base an impact determination.

In addition to considering estimates of the number of marine mammals that might be ''taken'' through behavioral harassment, NMFS considers other factors, such as the likely nature of any responses (their intensity, duration, etc.), the context of any responses (critical reproductive time or location, migration, etc.), as well as the number and nature of estimated Level A takes, the number of estimated mortalities, and effects on habitat.

The CALTRANS' specified activities have been described based on best estimates of the planned SF–OBB construction project within the proposed project area. Some of the noises that would be generated as a result of the proposed bridge construction and dismantling project, such as impact pile driving, are high intensity. However, the in-water pile driving for the piles would use small hammers and/or vibratory pile driving methods, coupled with noise attenuation mechanism such as air bubble curtains for impact pile driving, therefore the resulting exclusion zones for potential TS are expected to be extremely small (< 35 m) from the hammer. In addition, the source levels from vibratory pile driving are expected to be below the TS onset threshold. Therefore, NMFS does not expect that any animals would receive Level A (including injury) harassment or Level B harassment in the form of TTS from being exposed to in-water pile driving associated with SF–OBB construction project.

Based on marine mammal monitoring reports under previous IHAs, only 15 harbor seals and 1 California sea lion were observed within the 120 dB in 2013. NMFS estimates that up to 50 harbor seals, 10 California sea lions, 10 harbor porpoises, and 5 gray whales could be exposed to received levels above 120 dB (rms) during vibratory pile driving or 160 dB (rms) during impact pile driving for the next season of construction activities due to the large numbers of piles to be driven and the extended zones of influence from vibratory pile driving. These are relatively small numbers, representing 0.17% of the California stock of harbor seal population (estimated at 30,196; Carretta *et al.* 2013), 0.00% of the U.S. stock of California sea lion population (estimated at 296,750; Carretta *et al.* 2013), 0.10% of the San Francisco-Russian River stock of harbor porpoise population (estimated at 9,189; Carretta *et al.* 2013), and 0.03% of the Eastern North Pacific stock of gray whale population (estimated at 19,126; Allen and Angliss 2013).

Animals exposed to construction noise associated with the SF–OBB construction work would be limited to Level B behavioral harassment only, i.e., the exposure of received levels for impulse noise between 160 and 180 dB (rms) re 1 μPa (from impact pile driving) and for non-impulse noise between 120 and 180 dB (rms) re 1 μPa (from vibratory pile driving). In addition, the potential behavioral responses from exposed animals are expected to be localized and short in duration.

These low intensity, localized, and short-term noise exposures (i.e., 160 dB re 1 μPa (rms) from impulse sources and 120 dB re 1 μPa (rms) from non-impulse sources), are expected to cause brief startle reactions or short-term behavioral modification by the animals. These brief reactions and behavioral changes are expected to disappear when the exposures cease. Therefore, these levels of received underwater construction noise from the proposed SF–OBB construction project are not expected to affect marine mammal annual rates of recruitment or survival. The maximum estimated 160 dB isopleths from impact pile driving is 500 m from the pile, and the estimated 120 dB maximum isopleths from vibratory pile driving is approximately 2,000 m from the pile. There is no pinniped haul-out area in the vicinity of the pile driving sites.

For the reasons discussed in this document, NMFS has determined that the impact of in-water pile driving associated with construction of the SF–OBB would result, at worst, in the Level B harassment of small numbers of California sea lions, Pacific harbor seals, harbor porpoises, and potentially gray whales that inhabit or visit SFB in general and the vicinity of the SF–OBB in particular. While behavioral modifications, including temporarily vacating the area around the construction site, may be made by these species to avoid the resultant visual and acoustic disturbance, the availability of alternate areas within SFB and haul-out sites (including pupping sites) and feeding areas within the Bay has led

NMFS to determine that this action will have a negligible impact on California sea lion, Pacific harbor seal, harbor porpoise, and gray whale populations along the California coast.

In addition, no take by Level A harassment (injury) or death is anticipated and harassment takes should be at the lowest level practicable due to incorporation of the mitigation measures mentioned previously in this document.

National Environmental Policy Act (NEPA)

NMFS' prepared an Environmental Assessment (EA) for the take of marine mammals incidental to construction of the East Span of the SF–OBB and made a Finding of No Significant Impact (FONSI) on November 4, 2003. Due to the modification of part of the construction project and the mitigation measures, NMFS reviewed additional information from CALTRANS regarding empirical measurements of pile driving noises for the smaller temporary piles without an air bubble curtain system and the use of vibratory pile driving. NMFS prepared a Supplemental Environmental Assessment (SEA) and analyzed the potential impacts to marine mammals that would result from the modification of the action. A Finding of No Significant Impact (FONSI) was signed on August 5, 2009. A copy of the SEA and FONSI is available upon request (see **ADDRESSES**).

Endangered Species Act (ESA)

NMFS has determined that issuance of the IHA will have no effect on listed marine mammals, as none are known to occur in the action area.

Authorization

NMFS has issued an IHA to CALTRANS for the potential harassment of small numbers of harbor seals, California sea lions, harbor porpoises, and gray whales incidental to construction of a replacement bridge for the East Span of the San Francisco-Oakland Bay Bridge in California, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated.

Dated: December 20, 2013.

Donna S. Wieting,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2014–00517 Filed 1–13–14; 8:45 am]

BILLING CODE 3510–22–P

COMMODITY FUTURES TRADING COMMISSION

Meeting; Sunshine Act

TIME AND DATE: 10:00 a.m., Friday, January 24, 2014.

PLACE: Three Lafayette Centre, 1155 21st Street, NW., Washington, DC, 9th Floor Commission Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance, enforcement, and examinations matters. In the event that the times, dates or locations of this or any future meetings change, an announcement of the change, along with the new time, date and location of the meeting will be posted on the Commission's Web site at *http://www.cftc.gov.*

CONTACT PERSON FOR MORE INFORMATION: Melissa D. Jurgens, 202–418–5516.

Christopher J. Kirkpatrick,

Deputy Secretary of the Commission.

[FR Doc. 2014–00538 Filed 1–9–14; 4:15 pm]

BILLING CODE 6351–01–P

COMMODITY FUTURES TRADING COMMISSION

Meeting; Sunshine Act

TIME AND DATE: 10:00 a.m., Friday, January 17, 2014.

PLACE: Three Lafayette Centre, 1155 21st Street NW., Washington, DC, 9th Floor Commission Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Surveillance, enforcement, and examinations matters. In the event that the times, dates, or locations of this or any future meetings change, an announcement of the change, along with the new time, date, and location of the meeting will be posted on the Commission's Web site at *http://www.cftc.gov.*

CONTACT PERSON FOR MORE INFORMATION: Melissa D. Jurgens, 202–418–5516.

Christopher J. Kirkpatrick,

Deputy Secretary of the Commission.

[FR Doc. 2014–00537 Filed 1–9–14; 4:15 pm]

BILLING CODE 6351–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Meeting of the National Commission on the Structure of the Air Force

AGENCY: Director of Administration and Management, DoD.

ACTION: Notice of Advisory Committee Report Announcement Meetings.

SUMMARY: The Department of Defense is publishing this notice to announce the following Federal advisory committee meetings of the National Commission on the Structure of the Air Force (''the Commission''). These meetings are open to the public.

DATES: *Open Report Announcement Meetings:* Thursday, January 30, 2014.

ADDRESSES: The first Report Announcement Meeting will be held from 10:00 a.m. to 11:30 a.m. in room SR 236 of the Russell Senate Office Building, located at the intersection of Delaware and C Streets. Registration will begin at 9:30 a.m.

The second Report Announcement Meeting will be held from 1:30 p.m. to 3:00 p.m. in room 2212 of the Rayburn House Office Building at the intersection of Independence Avenue and South Capitol Street. Registration will begin at 1:00 p.m.

Please visit the Commission's Web site to receive up-to-date information about this meeting, including room assignments or delays due to inclement weather: *http://afcommission.whs.mil/.*

FOR FURTHER INFORMATION CONTACT: Mrs. Marcia Moore, Designated Federal Officer, National Commission on the Structure of the Air Force, 1950 Defense Pentagon, Room 3A874, Washington, DC 20301–1950. Email: *marcia.l.moore12.civ@mail.mil.* Desk 703–545–9113. Facsimile 703–692–5625.

Media and other persons interested in photographing or taping either of the Report Announcement Meetings are asked to first contact Barry Willey at 703–545–9113.

SUPPLEMENTARY INFORMATION: This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150.

Purpose of Meeting: The National Commission on the Structure of the Air Force will release its report to the President of the United States and Congress on January 30, 2014. Two one-hour announcement meetings are being held to distribute the report and offer a brief question and answer period to the report recipients and/or their staffs.

Meeting Accessibility: Pursuant to 5 U.S.C. 552b, as amended, and 41 CFR 102–3.140 through 102–3.165, and the availability of space, the meeting is open to the public. The Russell and Rayburn Buildings are fully handicap

accessible and require security screening. Wheelchair access is available from the Delaware Street entrance of the Russell Building and the South Capitol SE. Street entrance of the Rayburn Building. Public parking and subway access are available from Washington Union Station. Visitors are encouraged to visit the Capitol Hill Area Web site at: *http://www.aoc.gov/explore-capitol-hill.*

Written Comments: Pursuant to 41 CFR 102–3.105(j) and 102–3.140 and section 10(a)(3) of the FACA, the public or interested organizations may submit written comments to the Commission in response to the stated agenda of the open meeting or the Commission's mission. The Designated Federal Officer (DFO) will review all submitted written statements. Written comments should be submitted to Mrs. Marcia Moore, DFO, via facsimile or electronic mail, the preferred modes of submission. Each page of the comment must include the author's name, title or affiliation, address, and daytime phone number. All contact information may be found in the **FOR FURTHER INFORMATION CONTACT** section.

Registration: Individuals who wish to attend the one or both of the Report Announcement Meetings on January 30, 2014 are strongly encouraged to register by 5:00 p.m. on Tuesday, January 28, 2014 with the Designated Federal Officer, using the electronic mail and facsimile contact information found in the **FOR FURTHER INFORMATION CONTACT** section. The communication should include the registrant's full name, title, affiliation or employer, email address, and daytime phone number. If applicable, include written comments.

Background

The National Commission on the Structure of the Air Force was established by the National Defense Authorization Act for Fiscal Year 2013 (Pub. L. 112–239). The Department of Defense sponsor for the Commission is the Director of Administration and Management, Office of the Secretary of Defense. The Commission is tasked to conduct a comprehensive study of the structure of the U.S. Air Force, will determine whether, and how, the structure should be modified to best fulfill current and anticipated mission requirements for the U.S. Air Force in a manner consistent with available resources and submit a report, containing a comprehensive study and recommendations, by February 1, 2014 to the President of the United States and the Congressional defense committees. The report will contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation and administrative actions it may consider appropriate in light of the results of the study.

Dated: January 9, 2014.

Aaron Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2014–00497 Filed 1–13–14; 8:45 am]

BILLING CODE 5001–06–P

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Extension of Hearing Record Closure Date

AGENCY: Defense Nuclear Facilities Safety Board.

ACTION: Extension of hearing record closure date.

SUMMARY: The Defense Nuclear Facilities Safety Board (Board) convened a public meeting and hearing on December 10, 2013, as noticed in the **Federal Register** on August 13, 2013 (78 FR 49262), as amended, November 12, 2013 (78 FR 67344). The hearing concerned safety-related matters at defense nuclear facilities at the Y–12 National Security Complex. The Board stated at the conclusion of the hearing that the hearing record would remain open until January 10, 2014.

Extension of Time: The Board now extends the period of time for which the hearing record will remain open to February 10, 2014, to further accommodate submission of an answer to a question taken for the record during the course of the public hearing.

CONTACT PERSON FOR FURTHER INFORMATION: Mark Welch, Acting Deputy General Manager, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue NW., Suite 700, Washington, DC 20004–2901, (800) 788–4016. This is a toll-free number.

Dated: January 8, 2014.

Peter S. Winokur,

Chairman.

[FR Doc. 2014–00458 Filed 1–13–14; 8:45 am]

BILLING CODE 3670–01–P

DEPARTMENT OF EDUCATION

[Docket No. ED–2014–ICCD–0004]

Agency Information Collection Activities; Comment Request; Teacher Quality Enhancement Grants Program's Scholarship Contract and Teaching Verification Form for Title II Scholarship Recipients

AGENCY: Office of Postsecondary Education (OPE), 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 March 17, 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–2014–ICCD–0004 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, Mailstop L–OM–2–2E319, Room 2E103, Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: For questions related to collection activities or burden, please call Kate Mullan, 202–401–0563 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: Teacher Quality Enhancement Grants Program's Scholarship Contract and Teaching Verification Form for Title II Scholarship Recipients

OMB Control Number: 1840–0573

Type of Review: An extension of an existing information collection.

Respondents/Affected Public: State, Local, or Tribal Governments, Individuals or households

Total Estimated Number of Annual Responses: 410

Total Estimated Number of Annual Burden Hours: 350

Abstract: Students receiving scholarships under section 204 of the Higher Education Act of 1965, as amended, Public Law 105–244, incur a service obligation to teach in a high-need school in a high-need school district. This information collection consists of a contract to be executed when funds are awarded, subsequent addenda for students receiving funds beyond one semester/quarter/term, and a separate teaching verification form to be used by students and high-need school districts, to document the students' compliance with the contract's conditions.

Dated: January 9, 2014.

Kate Mullan,

Acting Director, Information Collection Clearance Division, Privacy, Information and Records Management Services, Office of Management.

[FR Doc. 2014–00480 Filed 1–13–14; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

[OE Docket No. EA–389]

Application To Export Electric Energy; Great Bay Energy VI, LLC

AGENCY: Office of Electricity Delivery and Energy Reliability, DOE.

ACTION: Notice of Application.

SUMMARY: Great Bay Energy VI, LLC (GBE VI) has applied for authority to transmit electric energy from the United States to Canada pursuant to section 202(e) of the Federal Power Act (FPA).

DATES: Comments, protests, or motions to intervene must be submitted on or before February 13, 2014.

ADDRESSES: Comments, protests, or motions to intervene should be addressed to: Michael Rodrigue, Office of Electricity Delivery and Energy Reliability, Mail Code: OE–20, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585–0350. Because of delays in handling conventional mail, it is recommended that documents be transmitted by overnight mail, by electronic mail to *Michael.Rodrigue@hq.doe.gov*, or by facsimile to 202–586–8008.

FOR FURTHER INFORMATION CONTACT: Michael Rodrigue (Program Office) at 202–586–2942, or by email at *Michael.Rodrigue@hq.doe.gov*.

SUPPLEMENTARY INFORMATION: Exports of electricity from the United States to a foreign country are regulated by the Department of Energy (DOE) pursuant to sections 301(b) and 402(f) of the Department of Energy Organization Act (42 U.S.C. 7151(b), 7172(f)) and require authorization under section 202(e) of the Federal Power Act (16 U.S.C. 824a(e)).

On December 19, 2013, DOE received an application from GBE VI for authority to transmit electric energy as a power marketer from the United States to Canada for five years using existing international transmission facilities. GBE VI states that neither it, nor its corporate affiliates, owns any electric transmission facilities or holds a franchised service area.

The electric energy that GBE VI proposes to export to Canada will be surplus energy, meaning it will be purchased from electric utilities and other entities within the United States and will be surplus to the system of the generator. GBE IV states that the existing international transmission facilities that it proposes to utilize have been authorized by Presidential permits issued pursuant to Executive Order 10485, as amended, and are appropriate for open access transmission by third parties. GBE VI states that it will make all necessary commercial arrangements and will obtain all regulatory approvals required to schedule and deliver the proposed exports, including scheduling its transactions with the appropriate balancing authority areas in compliance with the reliability criteria standards and guidelines established by the North American Reliability Corporation (NERC) and NERC's member regional councils.

Procedural Matters: Any person desiring to be heard in this proceeding should file a comment or protest to the application at the address provided above. Protests should be filed in accordance with Rule 211 of the Federal Energy Regulatory Commission's (FERC) Rules of Practice and Procedures (18 CFR 385.211). Any person desiring to become a party to these proceedings should file a motion to intervene at the above address in accordance with FERC Rule 214 (18 CFR 385.214). Five copies of such comments, protests, or motions to intervene should be sent to the address provided above on or before the date listed above.

Comments on the GBE VI application to export electric energy to Canada should be clearly marked with OE Docket No. EA–389. An additional copy is to be provided directly to Ruta Kalvaitis Skucas, Pierce Atwood LLP, 900 17th St. NW., Suite 350, Washington, DC 20006 and Eric Sanchez, Controller, Great Bay Energy, LLC, AM Tower 9th Floor, 207 Calle del Parque, San Juan, PR 00912. A final decision will be made on this application after the environmental impacts have been evaluated pursuant to DOE's National Environmental Policy Act Implementing Procedures (10 CFR Part 1021) and after a determination is made by DOE that the proposed action will not have an adverse impact on the sufficiency of supply or reliability of the U.S. electric power supply system.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above, by accessing the program Web site at *http://energy.gov/node/11845*, or by emailing Angela Troy at *Angela.Troy@hq.doe.gov.*

Issued in Washington, DC, on January 8, 2014.

Brian Mills,

Director, Permitting and Siting Office of Electricity Delivery and Energy Reliability.

[FR Doc. 2014–00511 Filed 1–13–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[[OE Docket No. EA–390]

Application To Export Electric Energy; Global Pure Energy, LLC

AGENCY: Office of Electricity Delivery and Energy Reliability, DOE.

ACTION: Notice of application.

SUMMARY: Global Pure Energy, LLC (Global Pure Energy) has applied for authority to transmit electric energy from the United States to Mexico pursuant to section 202(e) of the Federal Power Act (FPA).

DATES: Comments, protests, or motions to intervene must be submitted on or before February 13, 2014.

ADDRESSES: Comments, protests, or motions to intervene should be addressed to: Michael Rodrigue, Office of Electricity Delivery and Energy Reliability, Mail Code: OE–20, U.S. Department of Energy, 1000 Independence Avenue SW., Washington, DC 20585–0350. Because of delays in handling conventional mail, it is recommended that documents be transmitted by overnight mail, by electronic mail to *Michael.Rodrigue@hq.doe.gov*, or by facsimile to 202–586–8008.

FOR FURTHER INFORMATION CONTACT: Michael Rodrigue (Program Office) at 202–586–2942, or by email at *Michael.Rodrigue@hq.doe.gov.*

SUPPLEMENTARY INFORMATION: Exports of electricity from the United States to a foreign country are regulated by the Department of Energy (DOE) pursuant to sections 301(b) and 402(f) of the Department of Energy Organization Act (42 U.S.C. 7151(b), 7172(f)) and require authorization under section 202(e) of the Federal Power Act (16 U.S.C. 824a(e)).

On December 23, 2013, DOE received an application from Global Pure Energy for authority to transmit electric energy from the United States to Mexico for five years using existing international transmission facilities. Global Pure Energy states that it does not own, operate, or control any electric transmission facilities, nor is it affiliated with other transmission or distribution facilities within the United States.

Global Pure Energy states that the energy it proposes to export to Mexico will be surplus energy purchased from wholesale markets within Texas. Global Pure Energy further states that any such export transactions will be completed through ERCOT (The Energy Reliability Council of Texas), will use ERCOT's transmission scheduling procedures and market structures, and will be coordinated with the Comision Federal de Electricidad (CFE) in Mexico. Global Pure Energy states that the existing international transmission facilities that it proposes to utilize have been authorized by Presidential permits issued pursuant to Executive Order 10485, as amended, and are appropriate for open access transmission by third parties.

Procedural Matters: Any person desiring to be heard in this proceeding should file a comment or protest to the application at the address provided above. Protests should be filed in accordance with Rule 211 of the Federal Energy Regulatory Commission's (FERC) Rules of Practice and Procedures (18 CFR 385.211). Any person desiring to become a party to these proceedings should file a motion to intervene at the above address in accordance with FERC Rule 214 (18 CFR 385.214). Five copies of such comments, protests, or motions to intervene should be sent to the address provided above on or before the date listed above.

Comments on the Global Pure Energy application to export electric energy to Mexico should be clearly marked with OE Docket No. EA–390. An additional copy is to be provided directly to Richard Edward Garza, Vice President, Global Pure Energy, LLC, 3200 Southwest Freeway, Suite 3300, Houston, TX 77027. A final decision will be made on this application after the environmental impacts have been evaluated pursuant to DOE's National Environmental Policy Act Implementing Procedures (10 CFR Part 1021) and after a determination is made by DOE that the proposed action will not have an adverse impact on the sufficiency of supply or reliability of the U.S. electric power supply system.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above, by accessing the program Web site at *http://energy.gov/node/11845*, or by emailing Angela Troy at *Angela.Troy@hq.doe.gov.*

Issued in Washington, DC, on January 8, 2014.

Brian Mills,

Director, Permitting and Siting, Office of Electricity Delivery and Energy Reliability.

[FR Doc. 2014–00512 Filed 1–13–14; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP14–32–000]

Panhandle Eastern Pipe Line Company, LP; Notice of Application

Take notice that on December 19, 2013, Panhandle Eastern Pipe Line Company, LP (Panhandle), 1300 Main Street, Houston Texas 77002, filed an application pursuant to Section 7(b) of the Natural Gas Act and Part 157 of the Commission's Regulations, for authorization to abandon the remaining reciprocating compressor units and ancillary equipment at the Mouser Compressor Station located in Texas County, Oklahoma. The filing may also be viewed on the Web 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 at *FERCOnlineSupport@gerc.gov* or call toll-free, (886) 208–3676 or TYY, (202) 502–8659.

Any questions regarding this application should be directed to Stephen Veatch, Senior Director of Certificates, Panhandle Eastern Pipe Line Company, LP, 1300 Main Street, Houston, Texas 77002. Telephone (713) 989–2024, fax (713) 989–1205, and email: *Stephen.Veatch@energytransfer.com.*

Specifically, Panhandle proposes to abandon all above and below ground facilities at the Mouser Compressor Station, with the exception of the Mouser CTM (#13858) and the 16-inch Hooker Lateral (43–02–044–001). The abandonment includes the removal of seven existing compressor units totaling 4,594 horsepower. In addition, Panhandle will install a 10-foot segment of 10-inch pipe between the existing 16-inch suction line and the existing 10-inch discharge line in order to maintain production into the existing Hooker Lateral. All project activity will be confined to the 5.21-acre boundary of the station yard and cost approximately $382,985.

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 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 comment date stated below, 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 5 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.

Persons who wish to comment only on the environmental review of this project should submit an original and two copies of their comments to the Secretary of the Commission. Environmental commenters will be placed on the Commission's environmental mailing list, will receive copies of the environmental documents, and will be notified of meetings associated with the Commission's environmental review process. Environmental commenters will not be required to serve copies of filed documents on all other parties. However, the non-party commenters will not receive copies of all documents filed by other parties or issued by the Commission (except for the mailing of environmental documents issued by the Commission) and will not have the right to seek court review of the Commission's final order.

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 24, 2014.

Dated: January 3, 2014..

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–00433 Filed 1–13–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #2

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER10–1569–007; ER12–21–012; ER11–2855–012; ER10–1564–008; ER10–1565–008; ER11–3727–008; ER10–1566–008; ER11–2062–008; ER10–1291–009; ER11–2508–007; ER11–4307–008; ER12–1711–008; ER12–261–007; ER13–1136–006; ER10–1568–008; ER10–1581–010; ER10–2888–008; ER13–1803–004; ER13–1790–004; ER13–1746–005; ER10–2914–008; ER12–1525–008; ER12–2019–007; ER10–1582–007; ER12–2398–007; ER11–3459–007; ER11–4308–008; ER11–2805–007; ER10–1580–010; ER11–2856–012; ER13–2107–003; ER13–2020–003; ER13–2050–003; ER11–2857–012.

Applicants: NRG Power Marketing LLC, Agua Caliente Solar, LLC, Avenal Park LLC, Cabrillo Power I LLC, Cabrillo Power II LLC, El Segundo Energy Center LLC, El Segundo Power, LLC, Energy Plus Holdings LLC, GenConn Energy LLC, GenOn Energy Management, LLC, Green Mountain Energy Company, High Plains Ranch II, LLC, Independence Energy Group LLC, Ivanpah Master Holdings, LLC, Long Beach Generation LLC, Long Beach Peakers LLC, Norwalk Power LLC, NRG California South LP, NRG Delta LLC, NRG Marsh Landing LLC, NRG New Jersey Energy Sales LLC, NRG Solar Alpine LLC, NRG Solar Avra Valley LLC, NRG Solar Blythe LLC, NRG Solar Borrego I LLC, NRG Solar Roadrunner LLC, Reliant Energy Northeast LLC, RRI Energy Services, LLC, Saguaro Power Company, A Limited Partnership, Sand Drag LLC, Solar Partners I, LLC, Solar Partners II, LLC, Solar Partners VIII, LLC, Sun City Project LLC.

Description: Notice of Non-Material Change in Status of the NRG MBR Entities.

Filed Date: 12/31/13.

Accession Number: 20131231–5294.

Comments Due: 5 p.m. ET 1/21/14.

Docket Numbers: ER10–2475–006; ER10–2474–006; ER10–3246–003; ER12–21–013; ER13–520–002; ER13–521–002; ER13–1441–002; ER13–1442–002; ER12–1626–003; ER13–1266–003; ER13–1267–002; ER13–1268–002; ER13–1269–002; ER13–1270–002; ER13–1271–002; ER13–1272–002; ER13–1273–002; ER10–2605–006.

Applicants: Nevada Power Company, Sierra Pacific Power Company, PacifiCorp, Agua Caliente Solar, LLC, Pinyon Pines Wind I, LLC, Pinyon Pines Wind II, LLC, Solar Star California XIX, LLC, Solar Star California XX, LLC, Topaz Solar Farms LLC, CalEnergy, LLC, CE Leathers Company, Del Ranch Company, Elmore Company, Fish Lake Power LLC, Salton Sea Power Generation Company, Salton Sea Power L.L.C., Vulcan/BN Geothermal Power Company, Yuma Cogeneration Associates.

Description: Notification of change of the MidAmerican MBR Sellers.

Filed Date: 1/2/14.

Accession Number: 20140102–5154.

Comments Due: 5 p.m. ET 1/23/14.

Docket Numbers: ER10–2585–003; ER10–2618–003; ER10–2619–003; ER10–2616–005; ER11–4398–002; ER10–2587–002; ER10–2590–002; ER10–2593–002; ER11–4400–002; ER10–3247–007; ER14–922–001; ER14–833–001; ER14–924–001; ER10–2617–003; ER10–2613–003.

Applicants: Casco Bay Energy Company, LLC, Dynegy Danskammer, L.L.C., Dynegy Kendall Energy, LLC, Dynegy Marketing and Trade, LLC, Dynegy Midwest Generation, LLC, Dynegy Morro Bay, LLC, Dynegy Moss Landing, LLC, Dynegy Oakland, LLC, Dynegy Power Marketing, LLC, Electric Energy Inc., Illinois Power Generating Company, Illinois Power Marketing Company, Illinois Power Resources Generating, LLC, Ontelaunee Power Operating Co., LLC, Sithe/Independence Power Partners, L.P.

Description: Notice of Change in Status of the Dynegy Inc. MBR subsidiaries.

Filed Date: 1/2/14.

Accession Number: 20140102–5150.

Comments Due: 5 p.m. ET 1/23/14.

Docket Numbers: ER12–2068–005; ER10–2460–006; ER10–2461–006; ER12–682–007; ER10–2463–006; ER11–2201–010; ER10–2464–003; ER13–1585–003; ER13–17–004; ER12–1311–006; ER10–2466–007; ER11–4029–006.

Applicants: Blue Sky East, LLC, Canandaigua Power Partners, LLC, Canandaigua Power Partners II, LLC, Erie Wind, LLC, Evergreen Wind Power, LLC, Evergreen Wind Power III, LLC, First Wind Energy Marketing, LLC,

Longfellow Wind, LLC, Niagara Wind Power, LLC, Stetson Holdings, LLC, Stetson Wind II, LLC, Vermont Wind, LLC.

Description: Market Power Update for the Northeast Region and Notice of Change in Status of Blue Sky East, LLC, et. al.

Filed Date: 12/31/13.

Accession Number: 20131231–5291.

Comments Due: 5 p.m. ET 1/21/14.

Docket Numbers: ER14–934–000.

Applicants: Solar Partners VIII, LLC.

Description: Solar VIII Tariff Amendment to be effective 1/1/2014.

Filed Date: 1/2/14.

Accession Number: 20140102–5000.

Comments Due: 5 p.m. ET 1/23/14.

Docket Numbers: ER14–935–000.

Applicants: NRG Solar Blythe LLC.

Description: Solar Blythe Tariff Amendment to be effective 1/1/2014.

Filed Date: 1/2/14.

Accession Number: 20140102–5049.

Comments Due: 5 p.m. ET 1/23/14.

Docket Numbers: ER14–942–000.

Applicants: MidAmerican Energy Company.

Description: Market-Based Rate Tariff—3rd Rev—Order 784 Compliance to be effective 1/3/2014.

Filed Date: 1/2/14.

Accession Number: 20140102–5061.

Comments Due: 5 p.m. ET 1/23/14.

Docket Numbers: ER14–943–000.

Applicants: Nevada Power Company.

Description: Notice of cancellation of RPPA Electric Rate Schedule No. 110 of Nevada Power Company.

Filed Date: 12/31/13.

Accession Number: 20131231–5293.

Comments Due: 5 p.m. ET 1/21/14.

Docket Numbers: ER14–944–000.

Applicants: Public Service Company of New Mexico.

Description: Notice of cancellation of four obsolete Electric Rate Schedules No. 49, 80, 93 and 94 of Public Service Company of New Mexico.

Filed Date: 1/2/14.

Accession Number: 20140102–5135.

Comments Due: 5 p.m. ET 1/23/14.

Docket Numbers: ER14–945–000.

Applicants: PacifiCorp.

Description: PacifiCorp submits tariff filing per 35: Market Based Power Sales Tariff—Order No. 784 Compliance Filing to be effective 1/3/2014.

Filed Date: 1/2/14.

Accession Number: 20140102–5142.

Comments Due: 5 p.m. ET 1/23/14.

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: January 2, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–00432 Filed 1–13–14; 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: ER10–1910–005; ER10–1908–005; ER10–1909–005; ER10–1911–005; ER10–1533–006; ER12–674–003; ER12–670–003.

Applicants: Duquesne Conemaugh LLC, Duquesne Keystone LLC, Duquesne Light Company, Duquesne Power, LLC, Macquarie Energy LLC, Rhode Island Engine Genco, LLC, Rhode Island LFG Genco, LLC.

Description: Triennial Market Power Update for Northeast Region of Duquesne Light Company, et. al.

Filed Date: 12/31/13.

Accession Number: 20131231–5279.

Comments Due: 5 p.m. ET 3/314.

Docket Numbers: ER10–2010–003; ER10–1959–002; ER10–2007–002; ER10–2013–002; ER12–1780–001; ER10–2015–002; ER10–2017–002; ER10–2021–002; ER10–2011–006; ER10–2014–002; ER10–1714–004; ER10–2019–003; ER10–2018–002; ER10–2020–001; ER10–1511–004; ER10–2231–003.

Applicants: PPL Electric Utilities Corporation, Lower Mount Bethel Energy, LLC, PPL Brunner Island, LLC, PPL Holtwood, LLC, PPL Ironwood, LLC, PPL Martins Creek, LLC, PPL Montour, LLC, PPL Susquehanna, LLC, PPL EnergyPlus, LLC, PPL Maine, LLC, PPL New Jersey Solar, LLC, PPL New Jersey Biogas, LLC, PPL Renewable Energy, LLC, Louisville Gas and Electric Company, Kentucky Utilities Company, LG&E Energy Marketing Inc.

Description: Triennial Market-Based Rate Update of the PPL Northeast Companies under ER10–2010, et al.

Filed Date: 12/31/13.

Accession Number: 20131231–5277.

Comments Due: 5 p.m. ET 3/3/14.

Docket Numbers: ER10–2847–001; ER10–2818–001; ER10–2806–001; ER10–1948–003.

Applicants: TransAlta Centralia Generation LLC, TransAlta Energy Marketing Corporation, TransAlta Energy Marketing (US) Inc., FPL Energy Wyoming, LLC.

Description: Triennial Market Power Analysis in Northwest Region and Notice of Change in Status of the Transalta MBR Entities.

Filed Date: 12/31/13.

Accession Number: 20131231–5278.

Comments Due: 5 p.m. ET 3/3/14.

Docket Numbers: ER14–353–001.

Applicants: NorthWestern Corporation.

Description: Errata to Order No. 764 Compliance Filing (South Dakota) to be effective 1/7/2014.

Filed Date: 12/31/13.

Accession Number: 20131231–5259.

Comments Due: 5 p.m. ET 1/21/14.

Docket Numbers: ER14–922–000.

Applicants: Illinois Power Generating Company.

Description: Notice of Succession for Market-Based Rate Tariff to be effective 12/2/2013.

Filed Date: 12/31/13.

Accession Number: 20131231–5223.

Comments Due: 5 p.m. ET 1/21/14.

Docket Numbers: ER14–923–000.

Applicants: Illinois Power Generating Company.

Description: Notice of Succession for Reactive Service Rate Schedule to be effective 12/2/2013.

Filed Date: 12/31/13.

Accession Number: 20131231–5227.

Comments Due: 5 p.m. ET 1/21/14.

Docket Numbers: ER14–924–000.

Applicants: Illinois Power Resources Generating, LLC.

Description: Notice of Succession for Market-Based Rate Tariff to be effective 12/2/2013.

Filed Date: 12/31/13.

Accession Number: 20131231–5230.

Comments Due: 5 p.m. ET 1/21/14.

Docket Numbers: ER14–925–000.

Applicants: Illinois Power Resources Generating, LLC.

Description: Notice of Succession for Reactive Service Rate Schedule to be effective 12/2/2013.

Filed Date: 12/31/13.

Accession Number: 20131231–5233.

Comments Due: 5 p.m. ET 1/21/14.

Docket Numbers: ER14–926–000.
Applicants: Solar Partners II, LLC.
Description: Solar II Tariff Amendment to be effective 1/1/2014.
Filed Date: 12/31/13.
Accession Number: 20131231–5235.
Comments Due: 5 p.m. ET 1/21/14.

Docket Numbers: ER14–927–000.
Applicants: Solar Partners I, LLC.
Description: Solar I Tariff Amendment to be effective 1/1/2014.
Filed Date: 12/31/13.
Accession Number: 20131231–5240.
Comments Due: 5 p.m. ET 1/21/14.

Docket Numbers: ER14–928–000.
Applicants: PacifiCorp.
Description: Filing and terminating formerly unfiled generator interconnection agreements of PacifiCorp's merchant function.
Filed Date: 12/31/13.
Accession Number: 20131231–5248.
Comments Due: 5 p.m. ET 1/21/14.

Docket Numbers: ER14–929–000.
Applicants: PacifiCorp.
Description: PAC Energy NITSA Rev 17 to be effective 3/1/2014.
Filed Date: 12/31/13.
Accession Number: 20131231–5257.
Comments Due: 5 p.m. ET 1/21/14.

Docket Numbers: ER14–930–000.
Applicants: New England Power Pool Participants Committee.
Description: January 2014 Membership Filing to be effective 1/1/2014.
Filed Date: 12/31/13.
Accession Number: 20131231–5258.
Comments Due: 5 p.m. ET 1/21/14.

Docket Numbers: ER14–931–000.
Applicants: Nevada Power Company.
Description: Rate Schedule No. 111 RPPA Tuscarora-Cancellation to be effective 1/1/2014.
Filed Date: 12/31/13.
Accession Number: 20131231–5260.
Comments Due: 5 p.m. ET 1/21/14.

Docket Numbers: ER14–932–000.
Applicants: Nevada Power Company.
Description: Rate Schedule No. 116 RPPA Waste Management—Cancellation to be effective 1/1/2014.
Filed Date: 12/31/13.
Accession Number: 20131231–5261.
Comments Due: 5 p.m. ET 1/21/14.

Docket Numbers: ER14–933–000.
Applicants: Nevada Power Company.
Description: Rate Schedule No. 124 RPPA McGinness Hills—Cancellation to be effective 1/1/2014.
Filed Date: 12/31/13.
Accession Number: 20131231–5262.
Comments Due: 5 p.m. ET 1/21/14.

Docket Numbers: ER14–936–000.
Applicants: Sierra Pacific Power Company.
Description: Notice of cancellation of RPPA Electric Rate Schedule No. 54 of Sierra Pacific Power Company.
Filed Date: 12/31/13.
Accession Number: 20131231–5281.
Comments Due: 5 p.m. ET 1/21/14.

Docket Numbers: ER14–937–000.
Applicants: Nevada Power Company.
Description: Notice of cancellation of RPPA Electric Rate Schedule No. 93 of Nevada Power Company.
Filed Date: 12/31/13.
Accession Number: 20131231–5286.
Comments Due: 5 p.m. ET 1/21/14.

Docket Numbers: ER14–938–000.
Applicants: Nevada Power Company.
Description: Notice of cancellation of RPPA Electric Rate Schedule No. 108 of Nevada Power Company.
Filed Date: 12/31/13.
Accession Number: 20131231–5287.
Comments Due: 5 p.m. ET 1/21/14.

Docket Numbers: ER14–939–000.
Applicants: Nevada Power Company.
Description: Notice of cancellation of RPPA Electric Rate Schedule No. 107 of Nevada Power Company.
Filed Date: 12/31/13.
Accession Number: 20131231–5288.
Comments Due: 5 p.m. ET 1/21/14.

Docket Numbers: ER14–940–000.
Applicants: Nevada Power Company.
Description: Notice of cancellation of RPPA Electric Rate Schedule No. 106 of Nevada Power Company.
Filed Date: 12/31/13.
Accession Number: 20131231–5289.
Comments Due: 5 p.m. ET 1/21/14.

Docket Numbers: ER14–941–000.
Applicants: Nevada Power Company.
Description: Notice of cancellation of RPPA Electric Rate Schedule No. 92 of Nevada Power Company.
Filed Date: 12/31/13.
Accession Number: 20131231–5290.
Comments Due: 5 p.m. ET 1/21/14.

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: January 2, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–00431 Filed 1–13–14; 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: ER10–2564–000.
Applicants: Tucson Electric Power Company.
Description: Tucson Electric Power Company Refund Report to be effective N/A.
Filed Date: 1/2/14.
Accession Number: 20140102–5223.
Comments Due: 5 p.m. ET 1/23/14.

Docket Numbers: ER10–2609–006*; ER10–2604–004; ER10–2603–004; ER10–2602–007; ER10–2606–006*.
Applicants: Escanaba Paper Company, Luke Paper Company, Rumford Paper Company, NewPage Energy Services, LLC, Consolidated Water Power Company.
Description: Notice of Change in Status of the NewPage MBR Companies.
Filed Date: 1/2/14.
Accession Number: 20140102–5297.
Comments Due: 5 p.m. ET 1/23/14.

Docket Numbers: ER14–728–001.
Applicants: CalEnergy, LLC.
Description: Amendment to MBR Tariff to be effective 1/3/2014.
Filed Date: 1/2/14.
Accession Number: 20140102–5172.
Comments Due: 5 p.m. ET 1/23/14.

Docket Numbers: ER14–730–001.
Applicants: CE Leathers Company.
Description: Amendment to MBR Tariff to be effective 1/3/2014.
Filed Date: 1/2/14.
Accession Number: 20140102–5178.
Comments Due: 5 p.m. ET 1/23/14.

Docket Numbers: ER14–732–001.
Applicants: Elmore Company.
Description: Amendment to MBR Tariff to be effective 1/3/2014.
Filed Date: 1/2/14.
Accession Number: 20140102–5186.
Comments Due: 5 p.m. ET 1/23/14.

Docket Numbers: ER14–733–001.
Applicants: Fish Lake Power LLC.
Description: Amendment to MBR Tariff to be effective 1/3/2014.
Filed Date: 1/2/14.
Accession Number: 20140102–5187.
Comments Due: 5 p.m. ET 1/23/14.

Docket Numbers: ER14–734–001.

Applicants: Salton Sea Power L.L.C.
Description: Amendment to MBR Tariff to be effective 1/3/2014.
Filed Date: 1/2/14.
Accession Number: 20140102–5191.
Comments Due: 5 p.m. ET 1/23/14.

Docket Numbers: ER14–735–001.
Applicants: Salton Sea Power Generation Company.
Description: Amendment to MBR Tariff to be effective 1/3/2014.
Filed Date: 1/2/14.
Accession Number: 20140102–5194.
Comments Due: 5 p.m. ET 1/23/14.

Docket Numbers: ER14–736–001.
Applicants: Saranac Power Partners, L.P.
Description: Amendment to MBR Tariff to be effective 1/3/2014.
Filed Date: 1/2/14.
Accession Number: 20140102–5198.
Comments Due: 5 p.m. ET 1/23/14.

Docket Numbers: ER14–737–001.
Applicants: Vulcan/BN Geothermal Power Company.
Description: Amendment to MBR Tariff to be effective 1/3/2014.
Filed Date: 1/2/14.
Accession Number: 20140102–5202.
Comments Due: 5 p.m. ET 1/23/14.

Docket Numbers: ER14–738–001.
Applicants: Yuma Cogeneration Associates.
Description: Amendment to MBR Tariff to be effective 1/3/2014.
Filed Date: 1/2/14.
Accession Number: 20140102–5203.
Comments Due: 5 p.m. ET 1/23/14.

Docket Numbers: ER14–743–001.
Applicants: Bishop Hill Energy II LLC.
Description: Amendment to MBR Tariffs to be effective 1/3/2014.
Filed Date: 1/2/14.
Accession Number: 20140102–5162.
Comments Due: 5 p.m. ET 1/23/14.

Docket Numbers: ER14–745–001.
Applicants: Cordova Energy Company LLC.
Description: Amendment to MBR Tariff to be effective 1/3/2014.
Filed Date: 1/2/14.
Accession Number: 20140102–5164.
Comments Due: 5 p.m. ET 1/23/14.

Docket Numbers: ER14–747–001.
Applicants: Pinyon Pines Wind I, LLC.
Description: Amendment to MBR Tariff to be effective 1/3/2014.
Filed Date: 1/2/14.
Accession Number: 20140102–5167.
Comments Due: 5 p.m. ET 1/23/14.
Docket Numbers: ER14–748–001.
Applicants: Pinyon Pines Wind II, LLC.
Description: Amendment to MBR Tariff to be effective 1/3/2014.
Filed Date: 1/2/14.
Accession Number: 20140102–5168.
Comments Due: 5 p.m. ET 1/23/14.

Docket Numbers: ER14–751–001.
Applicants: Solar Star California XIX, LLC.
Description: Amendment to MBR Tariff to be effective 1/3/2014.
Filed Date: 1/2/14.
Accession Number: 20140102–5169.
Comments Due: 5 p.m. ET 1/23/14.

Docket Numbers: ER14–753–001.
Applicants: Solar Star California XX, LLC.
Description: Amendment to MBR Tariff to be effective 1/3/2014.
Filed Date: 1/2/14.
Accession Number: 20140102–5170.
Comments Due: 5 p.m. ET 1/23/14.

Docket Numbers: ER14–755–001.
Applicants: Topaz Solar Farms LLC.
Description: Amendment to MBR Tariff to be effective 1/3/2014.
Filed Date: 1/2/14.
Accession Number: 20140102–5171.
Comments Due: 5 p.m. ET 1/23/14.

Docket Numbers: ER14–771–001.
Applicants: Power Resources, Ltd.
Description: Amendment to MBR Tariff to be effective 1/3/2014.
Filed Date: 1/2/14.
Accession Number: 20140102–5189.
Comments Due: 5 p.m. ET 1/23/14.

Docket Numbers: ER14–929–001.
Applicants: PacifiCorp.
Description: PAC Energy NITSA Rev 17 Errata Filing to be effective 3/1/2014.
Filed Date: 1/3/14.
Accession Number: 20140103–5051.
Comments Due: 5 p.m. ET 1/24/14.

Docket Numbers: ER14–946–000.
Applicants: Del Ranch Company.
Description: Amendment to MBR Tariff to be effective 1/3/2014.
Filed Date: 1/2/14.
Accession Number: 20140102–5179.
Comments Due: 5 p.m. ET 1/23/14.

Docket Numbers: ER14–947–000.
Applicants: Syracuse Energy Corporation.
Description: Notice of Cancellation to be effective 1/3/2014.
Filed Date: 1/2/14.
Accession Number: 20140102–5224.
Comments Due: 5 p.m. ET 1/23/14.

Docket Numbers: ER14–948–000.
Applicants: PJM Interconnection, L.L.C.
Description: Queue No. Q65; First Revised Service Agreements Nos. 3045 and 3046 to be effective 12/4/2013.
Filed Date: 1/3/14.
Accession Number: 20140103–5004.
Comments Due: 5 p.m. ET 1/24/14.

Docket Numbers: ER14–949–000.
Applicants: PJM Interconnection, L.L.C.
Description: Notice of Cancellation of Original Service Agreement No. 3066; Queue No. W3–126 to be effective 12/24/2014.
Filed Date: 1/3/14.
Accession Number: 20140103–5011.
Comments Due: 5 p.m. ET 1/24/14.

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.

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Dated: January 3, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–00426 Filed 1–13–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP14–344–000.
Applicants: Natural Gas Pipeline Company of America.
Description: Nicor—Negotiated Rate to be effective 1/1/2014.
Filed Date: 1/2/14.
Accession Number: 20140102–5074.
Comments Due: 5 p.m. ET 1/14/14.

Docket Numbers: RP14–345–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: 01/02/14 Negotiated Rates—United Energy Trading, LLC (HUB) 5095–89 to be effective 1/1/2014.
Filed Date: 1/2/14.
Accession Number: 20140102–5144.
Comments Due: 5 p.m. ET 1/14/14.

Docket Numbers: RP14–346–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: 01/02/14 Negotiated Rates—JP Morgan Ventures Energy Corp

(HUB) 6025–89 to be effective 12/31/2013.

Filed Date: 1/2/14.

Accession Number: 20140102–5218.

Comments Due: 5 p.m. ET 1/14/14.

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.

The filings are accessible in the Commission's eLibrary system by clicking on the links or querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Dated: January 03, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–00427 Filed 1–13–14; 8:45 am]

BILLING CODE P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. OR14–18–000]

Southwest Airlines Co., and United Airlines, Inc. v. Colonial Pipeline Company; Notice of Complaint

Take notice that on January 3, 2014, pursuant to sections 1(5), 6, 8, 9, 13, 15, and 16 of the Interstate Commerce Act, 49 U.S.C. App. 1(5), 6, 8, 9, 13, 15 and 16; section 1803 of the Energy Policy Act of 1992; Rule 206 of the Rules of Practice and Procedure of the Federal Energy Regulatory Commission (Commission), 18 CFR 385.206 (2013); and Rules 343.1(a) and 343.2(c) of the Commission's Procedural Rules Applicable to Oil Pipeline Proceedings, 18 CFR 343.1(a) and 343.2(c), Southwest Airlines Co. (Southwest) and United Airlines, Inc. (United) (Complainants) filed a formal complaint against Colonial Pipeline Company (Colonial or Respondent), challenging the justness and reasonableness of Colonial's jurisdictional rates and charges for transportation of petroleum products, including aviation kerosene and jet fuel, on its interstate pipeline system. Southwest and United allege that Colonial's rates for this transportation are unjust and unreasonable.

Southwest and United certifies that copies of the complaint were served on the contacts for the Respondents as listed on the Commission's list of Corporate Officials.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. The Respondent's answer and all interventions, or protests must be filed on or before the comment date. The Respondent's answer, motions to intervene, and protests must be served on the Complainants.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on January 23, 2014.

Dated: January 3, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–00434 Filed 1–13–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. NJ14–8–000]

City of Azusa, California; Notice of Filing

Take notice that on December 24, 2013, the City of Azusa, California submitted its tariff filing per 35.28(e): 2014 Transmission Revenue Balancing Account Adjustment and Existing Transmission Contracts updates to be effective 1/1/2014.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on January 14, 2014.

Dated: January 7, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–00430 Filed 1–13–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. NJ14–7–000]

City of Colton, California: Notice of Filing

Take notice that on December 24, 2013, the City of Colton, California submitted its tariff filing per 35.28(e):

2014 Transmission Revenue Balancing Account Adjustment and Existing Transmission Contracts updates to be effective 1/1/2014.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on January 14, 2014.

Dated: January 7, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–00429 Filed 1–13–14; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. NJ14–6–000]

City of Anaheim, California; Notice of Filing

Take notice that on December 24, 2013, the City of Anaheim, California submitted its tariff filing per 35.28(e): 2014 Transmission Revenue Balancing Account Adjustment update to be effective 1/1/2014.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. On or before the comment date, it is not necessary to serve motions to intervene or protests on persons other than the Applicant.

The Commission encourages electronic submission of protests and interventions in lieu of paper using the ''eFiling'' link at *http://www.ferc.gov.* Persons unable to file electronically should submit an original and 5 copies of the protest or intervention to the Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426.

This filing is accessible on-line at *http://www.ferc.gov,* using the ''eLibrary'' link and is available for review in the Commission's Public Reference Room in Washington, DC. There is an ''eSubscription'' link on the Web site that enables subscribers to receive email notification when a document is added to a subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov,* or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern Time on January 14, 2014.

Dated: January 7, 2014.

Nathaniel J. Davis, Sr.,

Deputy Secretary.

[FR Doc. 2014–00428 Filed 1–13–14; 8:45 am]

BILLING CODE 6717–01–P

FEDERAL ENERGY REGULATORY COMMISSION

Sunshine Act Meeting Notice

The following notice of meeting is published pursuant to section 3(a) of the government in the Sunshine Act (Pub. L. 94–409), 5 U.S.C. 552b:

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission.

DATE AND TIME: January 16, 2014, 10:00 a.m.

PLACE: Room 2C, 888 First Street NE., Washington, DC 20426.

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.
* Note—Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: Kimberly D. Bose, Secretary, Telephone (202) 502–8400.

For a recorded message listing items struck from or added to the meeting, call (202) 502–8627.

This is a list of matters to be considered by the Commission. It does not include a listing of all documents relevant to the items on the agenda. All public documents, however, may be viewed on line at the Commission's Web site at *http://www.ferc.gov* using the eLibrary link, or may be examined in the Commission's Public Reference Room.

1001ST—MEETING

[Regular Meeting, January 16, 2014, 10:00 a.m.]

Item No.	Docket No.	Company
		ADMINISTRATIVE
A–1	AD02–1–000	Agency Business Matters.
A–2	AD02–7–000	Customer Matters, Reliability, Security and Market Operations.
A–3	AD13–9–000	Hydropower Regulatory Efficiency Act of 2013.
A–4	AD14–5–000	Recent Weather Effects on the Bulk Power System.
		ELECTRIC
E–1	ER14–329–000	ISO New England Inc.

1001ST—MEETING—Continued

[Regular Meeting, January 16, 2014, 10:00 a.m.]

Item No.	Docket No.	Company
E–2	RM13–11–000	Frequency Response and Frequency Bias Setting Reliability Standard.
E–3	RM14–1–000	Reliability Standard for Geomagnetic Disturbance Operations.
E–4	RD13–12–000	North American Electric Reliability Corporation.
E–5	EC13–26–001	Ohio Power Company. AEP Generation Resources, Inc.
E–6	OMITTED	
E–7	OMITTED	
E–8	OMITTED	
E–9	EL12–11–001	Rail Splitter Wind Farm, LLC v. Ameren Services Company and Midwest Independent Transmission System Operator, Inc.
E–10	EL13–84–001	Kansas Municipal Energy Agency v. Sunflower Electric Power Corporation, Mid-Kansas Electric Company, LLC, Southwest Power Pool, Inc.
GAS		
G–1	RP13–874–001	Portland Natural Gas Transmission System
CERTIFICATES		
C–1	CP13–545–000	Dominion Transmission, Inc. and Tennessee Gas Pipeline Company, L.L.C.

Issued January 9, 2014.

Kimberly D. Bose,

Secretary.

A free Webcast of this event is available through *www.ferc.gov.* Anyone with Internet access who desires to view this event can do so by navigating to *www.ferc.gov*'s Calendar of Events and locating this event in the Calendar. The event will contain a link to its webcast. The Capitol Connection provides technical support for the free webcasts. It also offers access to this event via television in the DC area and via phone bridge for a fee. If you have any questions, visit *www.CapitolConnection.org* or contact Danelle Springer or David Reininger at 703–993–3100.

Immediately following the conclusion of the Commission Meeting, a press briefing will be held in the Commission Meeting Room. Members of the public may view this briefing in the designated overflow room. This statement is intended to notify the public that the press briefings that follow Commission meetings may now be viewed remotely at Commission headquarters, but will not be telecast through the Capitol Connection service.

[FR Doc. 2014–00573 Filed 1–10–14; 11:15 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OR14–14–000]

Koch Pipeline Company, L.P.; Notice of Petition for Waiver

Take notice that on December 16, 2013, pursuant to Rule 202(a)(2) of the Commission's Rules of Practice and Procedure, 18 CFR 385.207(a)(2)(2013), Koch Pipeline Company, L.P. (KPL) requests that the Commission grant a waiver of the Interstate Commerce Act (ICA) section 6 and section 20 tariff filing and reporting requirements applicable to interstate common carrier pipelines.

Any person desiring to intervene or to protest in this proceeding must file in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214) on or before 5:00 p.m. Eastern time on the specified comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Anyone filing a motion to intervene or protest must serve a copy of that document on the Petitioner.

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 14 copies of the intervention or protest to the Federal Energy Regulatory Commission, 888 First St. NE., Washington, DC 20426.

The filings in the above 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 subscribed docket(s). For assistance with any FERC Online service, please email *FERCOnlineSupport@ferc.gov*. or call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

Comment Date: 5:00 p.m. Eastern time on January 15, 2014.

Dated: January 8, 2013.

Kimberly D. Bose,

Secretary.

[FR Doc. 2014–00546 Filed 1–13–14; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OAR–2013–0809; FRL–9905–43–OAR]

Notice of Availability of the Environmental Protection Agency's 2018 Emissions Modeling Platform

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of data availability (NODA).

SUMMARY: The Environmental Protection Agency (EPA) is providing notice that the 2018 Emissions Modeling Platform data are available for public review and comment. The 2018 Emissions Modeling Platform consists of emission inventory data, supporting data used to develop the 2018 emission inventories, and methods and data that are used to process emission inventories representing the year 2018 into a form that can be used for air quality modeling. The platform, or portions of the data that make up the platform, may be used by the Office of Air and Radiation in several contexts, including the development of rules related to the transport of air pollution and the National Ambient Air Quality Standards. The EPA is requesting comment on the 2018 Emissions Modeling Platform, including the emission inventories, the supporting data, and the methods used to develop and process the 2018 emission inventories. A docket has been established to facilitate public review of the data and to track comments.

DATES: Comments must be received on or before June 30, 2014. Please refer to **SUPPLEMENTARY INFORMATION** for additional information on submitting comments and on the provided data.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2013–0809, by one of the following methods:

- *www.regulations.gov.* Follow the on-line instructions for submitting comments.
- *Fax:* (202) 566–9744. Attention Docket ID No. EPA–HQ–OAR–2013–0809.
- *Mail:* EPA Docket Center, WJC West (Air Docket), Attention Docket ID No. EPA–HQ–OAR–2013–0809, U.S. Environmental Protection Agency, Mailcode: 2822T, 1200 Pennsylvania Ave. NW., Washington, DC 20460. Please include a total of 2 copies.
- *Hand Delivery:* U.S. Environmental Protection Agency, WJC West (Air Docket), 1301 Constitution Avenue NW., Room 3334, Washington, DC 20004, Attention Docket ID No. EPA–HQ–OAR–2013–0809. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–HQ–OAR–2013–0809. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through *www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional information about the EPA's public docket, visit the EPA Docket Center homepage at *http://www.epa.gov/epahome/dockets.htm.*

Docket: All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or in hard copy at the Air and Radiation Docket and Information Center, EPA/DC, WJC West Building Room 3334, 1301 Constitution Ave. NW., Washington, DC. 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 Air Docket is (202) 566–1742.

FOR FURTHER INFORMATION CONTACT: For questions on the 2018 Emissions Modeling Platform and on how to submit comments, contact Alison Eyth, Air Quality Assessment Division, Environmental Protection Agency, C339–02, 109 T.W. Alexander Drive, Research Triangle Park, NC 27709; telephone number: (919) 541–2478; fax number: (919) 541–0684; email address: *eyth.alison@epa.gov.*

SUPPLEMENTARY INFORMATION: The EPA is requesting comment on the 2018 platform emission inventories; supporting ancillary files used to allocate emissions temporally, spatially, and by species; and on the emissions modeling methods used to develop the 2018 emission inventories, including but not restricted to, the projection, control and closure data, activity data, and model input databases used to develop projected emission levels in 2018. Summaries of the emission inventories and data are provided to aid in the review of the data, but comments are sought on the actual inventories, model inputs, and data used to develop the projected 2018 emissions.

I. Additional Information on Submitting Comments

A. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to the EPA through EDOCKET, *www.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 the EPA docket office specified in the *Instructions,* 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. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. 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.

2. *Tips for preparing your comments.* When submitting comments, remember to:

i. Identify the notification by docket number and other identifying information (subject heading, **Federal Register** date and page number).

ii. Explain your comments, why you agree or disagree; suggest alternatives and substitute data that reflect your requested changes.

iii. Describe any assumptions and provide any technical information and/or data that you used.

iv. Provide specific examples to illustrate your concerns, and suggest alternatives.

v. Explain your views as clearly as possible, avoiding the use of profanity or personal threats.

vi. Make sure to submit your comments by the comment period deadline identified.

B. Instructions for Submitting Comments and Alternative Data

The EPA can most effectively use comments on data that provide specific alternative values to those in the EPA data sets, and for which accompanying documentation supports the alternative values. Commenters should provide the alternative data at a level of detail appropriate to the data set into which it will be incorporated, thereby including all key fields needed to substitute the old data with the new. For example, any data provided as an alternative to EPA's point source emissions data should include all key fields used to identify point source data such as facility, unit, release point, process, and pollutant, along with alternative emissions values. If a commenter were to provide a new set of county total emissions as an alternative to detailed point source emissions data, the EPA would be unable to use the new data. Commenters should also include documentation that describes methods for development of any alternative values and relevant references supporting the alternative approach.

Any alternative emission inventory or ancillary data provided should be compatible with the formats used by the Sparse Matrix Operator Kernel Emissions (SMOKE) modeling system version 3.5.1, which is used by the EPA to process emission inventories into a format that can be used for air quality modeling. Formats are defined in the SMOKE Version 3.5.1 User's Manual available from *http://www.smoke-model.org.* Only the rows of data that have changed from those provided by the EPA should be included in the alternative data sets. Alternative data that are not an input to SMOKE, such as model input databases for mobile source models, should be provided in a format in which it could be directly input to the model.

To comment on inventory projection methods, submit comments to the docket that describe an alternative approach to the existing methods, along with documentation describing why that method is an improvement over the existing method.

II. Information Available for Public Comment

The 2018 Emissions Modeling Platform consists of emission inventories that represent projected emissions into the atmosphere of criteria and some hazardous air pollutants in the year 2018, additional ancillary data files that are used to convert the National Emissions Inventory (NEI) emissions into a form that can be used for air quality modeling, and methods used to prepare the air quality model inputs and to develop projections of emissions in the year 2018. The platform includes emission inventories for sources at specific locations called point sources; emissions from fire events; and county-level emissions of onroad mobile sources, nonroad mobile sources, and other nonpoint sources.

In the modeling platform, emission sources are split into categories called modeling sectors. For example, location-specific point emission sources are split into peaking electric generating units (EGUs), other EGUs, oil and gas point sources, and other point sources. Nonpoint emission sources are split into agricultural ammonia sources, residential wood sources, oil and gas nonpoint sources, and other nonpoint sources.

The 2018 emissions modeling platform is named for the year of the data that it represents. The emission inventories in the 2018 modeling platform have been developed using projection methods that are specific to the type of emission source. Emission projections for EGUs for 2018 are developed using the Integrated Planning Model (IPM), which is further described below. Most non-EGU source emissions are projected based on the EPA's 2011 emissions modeling platform, which the EPA has also made available for public comment under a November 27, 2013, **Federal Register** notice titled *2011 Emissions Modeling Platform; Availability.* The relevant 2011 data files are available in docket number EPA–HQ–OAR–2013–0743. Future emissions are projected from this base case either by running models to estimate emissions in the future year (i.e., EGUs, and onroad and nonroad mobile sources), or by adjusting the base year emissions according to the best estimate of changes expected to occur in the intervening years (i.e., non-EGU point and nonpoint sources).

For some sectors, the same emissions are used in the base and future years, such as biogenic emissions, point source fire emissions, and Canadian emissions. For all other sectors, rules and specific legal obligations that go into effect in the intervening years, along with changes in activity for the sector, are considered when possible. Documentation of the methods used for each sector is provided in the Technical Support Document *Preparation of Emissions Inventories for the Version 6.0, 2011 Emissions Modeling Platform,* which can be found in the docket for this notice.

In order to project future EGU emissions, the EPA uses the IPM. The National Electric Energy Data System (NEEDS) database contains the generation unit records used for the model plants that represent existing and planned/committed units in the EPA modeling applications of IPM. NEEDS includes basic geographic, operating, air emissions, and other data on these generating units and was completely updated for the EPA's new power sector modeling platform. The EGU emission projections included in this 2018 emissions modeling platform are reported in an air quality modeling-ready flat file taken from EPA Base Case v.5.13, developed using IPM. 2018 EGU emission projections in the flat file format, the corresponding NEEDS database, and user guides and documentation are available in the docket for this notice, and they are also available on the Internet at *http://www.epa.gov/powersectormodeling.*

To project future emissions from onroad and nonroad mobile sources, the EPA uses MOVES and the National Mobile Inventory Model (NMIM), respectively. The 2018 projections were obtained by running these models to represent the year 2018 using year-specific information about fuel mixtures, activity data, and the impacts of national and state-level rules and control programs. The mobile model input databases and future year activity data are provided at *http://www.epa.gov/ttn/chief/emch/index.html#2011.*

For non-EGU point and nonpoint sources, projections of 2018 emissions are developed by starting with the emissions inventories in the 2011 emissions modeling platform and applying adjustments that represent the impact of rules coming into effect in the years 2012 through 2018, along with the impacts of planned shutdowns, the construction of new plants, specific information provided by states, and specific legal obligations, such as consent decrees resolving alleged environmental violations. Changes in activity are considered for sectors such as oil and gas, residential wood combustion, cement kilns, livestock, aircraft, commercial marine vessels and trains. Data files used to represent the changes due to national, state and local rules as well as other specific legal obligations, are provided along with summaries that quantify the emission changes resulting from each program at a state and national-level.

The 2018 Emissions Modeling Platform also includes 2006 emissions

inventories for Canada and projected 2018 emissions inventories for Mexico, along with ancillary data files used to allocate annual emissions to the hourly, gridded emissions of chemical species used by an air quality model (AQM). The types of ancillary data files include temporal profiles that allocate annual and monthly emissions down to days and hours, spatial surrogates that allocate county-level emissions onto the grid cells used by an AQM, and speciation profiles that allocate the pollutants in the NEI to the chemical species used by an AQM. In addition, there are temporal, spatial, and speciation cross-reference files that map the emission sources in the emission inventories to the appropriate profiles based on their location, emissions source classification code (SCC), and in some cases the specific facility or unit. With the exception of some speciation profiles, the ancillary data files are unchanged from the data files associated with the 2011 emissions modeling platform. The EPA provided an opportunity for comment on the data files for the 2011 platform in a notice published on November 27, 2013, and those files are available in docket number EPA–HQ–OAR–2013–0743.

The 2018 emissions modeling platform, or portions of the data that make up the platform, may be used by the Office of Air and Radiation in several contexts including the development of rules related to the transport of air pollution and the National Ambient Air Quality Standards. Air quality modeling results that are based on the outputs of the emissions modeling platform are typically used in support of Regulatory Impact Analyses (RIAs) and sometimes support other aspects of rulemaking efforts.

The EPA has placed key information related to the 2018 Emissions Modeling Platform into the electronic docket available at *www.regulations.gov.* However, many of the detailed data files are too large to be directly uploaded into the electronic docket and/or are not in formats accepted by that docket. Therefore, the information placed in the electronic docket, associated detailed data, and summaries to help with interpretation of the data are available for public review on the EPA's Clearinghouse for Inventories and Emissions Factors (CHIEF) Web site at *http://www.epa.gov/ttn/chief/emch/index.html#2011.*

The emissions inventories, along with many of the ancillary files, are provided in the form of flat files that can be input to SMOKE. Flat files are comma-separated value style text files with columns and rows that can be loaded into spreadsheet or database software. The columns of interest in the emission inventory files are specified in each subsection below. The EPA requests comment on the following components of the 2018 emissions modeling platform data:

• *Emissions values and supporting data for EGUs.* The EPA requests comment on the IPM version 5.13 input assumptions, NEEDS database, 2018 unit-level parsed files, 2018 flat file inputs and outputs, and cross references and matching between IPM and NEI. The EPA also requests comment on the specific units that are expected to be used as peaking units in the future year and on the nature of the expected 2018 emissions from those units.

• *Emission values for non-EGU sources.* The EPA requests comment on the criteria air pollutant (CAP) 2018 emission projections in the modeling inventories, with the focus on ozone and particulate matter precursors such as nitrogen oxides (NO_X), sulfur dioxide (SO_2), particulate matter less than 2.5 micrometers ($PM_{2.5}$), particulate matter less than 10 micrometers (PM_{10}), volatile organic compounds (VOC), and ammonia (NH_3). The EPA will also accept comments on 2018 projections of hazardous air pollutants (HAPs), as they are included in the outputs of models used to develop 2018 emission projections, but HAPs are not the focus of this effort. The annual emissions values are located in the ANN_VALUE column of emission inventory files in the Flat File 2010 (FF10) format. Some emission inventories (e.g., nonroad) may also have values filled in to the monthly value columns (e.g., JAN_VALUE, FEB_VALUE, . . ., DEC_VALUE). The EPA requests comment on both the annual and monthly emissions values, where applicable. Summaries of emissions by state and county are provided to aid in the review of emissions values.

• *Model inputs and activity data used to develop mobile source emission inventories.* The EPA requests comment on the mobile source model input data used to develop the projected future mobile source emission inventories. These include both the databases used to create emission factors and the vehicle miles traveled and vehicle population activity data used to compute the emissions. Of particular interest are county total vehicle miles traveled, the mixture of vehicle types in 2018, and changes to the inspection and maintenance programs. Alternative activity data may be provided in the form of MOVES county databases or in SMOKE FF10 activity data format.

• *Projection data and methods.* The EPA seeks comment on the data used to project point and nonpoint source emissions from 2011 to 2018, and on the methods and assumptions used to implement the projections. In this context, nonpoint source emissions are inclusive of commercial marine vessel, railroad, and other nonpoint emissions. In particular, the EPA seeks comment on its assumptions regarding the manner in which specific consent decrees and state- or locality-specific control programs will be implemented. Summaries are provided to illustrate the EPA's current assumptions regarding the implementation of consent decrees and other programs.

• *Existing control techniques.* The emission inventories include information on emissions control techniques listed in terms of control codes submitted to the EIS. These are listed in the CONTROL_IDS and CONTROL_MEASURES columns in the emission inventory flat files, with levels of reduction in the ANN_PCT_RED column. Projection of non-EGU point source emissions to future years is dependent on this information. The EPA seeks comment on whether information on existing controls given in the inventory flat files is incomplete or erroneous. The flat files must be consulted for details of control techniques by pollutant.

• *Emissions modeling methods.* The EPA is using the SMOKE version 3.5.1 to prepare data for air quality modeling. The EPA requests comment on the methods by which SMOKE is used to develop air quality model-ready emissions, as illustrated in the scripts provided with the modeling platform and as described in the Technical Support Document *Preparation of Emissions Inventories for the Version 6.0, 2011 Emissions Modeling Platform.*

• *Temporal allocation.* Annual emission inventories must be allocated to hourly values prior to air quality modeling. This may be done with temporal profiles in several steps, such as annual-to-month, month-to-day, and day-to-hour. The exact method used depends on the type of emissions being processed. The EPA seeks comment on the allocation of the emission inventories to month, day, and hour for all types of emission processes. In particular, the EPA seeks information that could help improve the temporal allocation in 2018 of emissions from EGUs, nonroad mobile sources, residential wood combustion sources, and the temporal allocation of vehicle miles traveled needed to model onroad sources. The EPA seeks local- and region-specific data that can be used to

improve the temporal allocation of emissions data.

• *Spatial surrogates.* Spatial surrogates are used to allocate county-level emissions to the grid cells used for air quality modeling. The EPA requests comment on the spatial surrogates used in the 2018 Emissions Modeling Platform. The same spatial surrogates are used in the base and future years.

• *Chemical speciation.* Prior to air quality modeling, the pollutants in the emission inventories must be converted into the chemical species used by the air quality model using speciation profiles. The speciation profiles in the 2018 emissions modeling platform are consistent with version 4.3 of the SPECIATE database. The EPA requests comment on the speciation profiles used in the 2018 modeling platform, as well as any information that could help improve the speciation of oil and gas emissions in both the eastern and western United States in 2018. Oil and gas speciation information, along with VOC to TOG adjustment factors that are used to compute methane emissions, would be of the most use at the county or oil/gas basin level of detail and also for each distinct process at oil and gas drilling/production facilities (e.g., glycol dehydrators).

To aid in the interpretation of the provided data files and how they relate to the aspects of the data on which the EPA is requesting comment, the EPA has provided in the docket a document describing the information included in the data files.

Dated: January 8, 2014.

Mary E. Henigin,

Director, Office of Air Quality Planning and Standards.

[FR Doc. 2014–00564 Filed 1–13–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–SFUND–2013–0549; FRL–9904–10–OEI]

Information Collection Request Submitted to OMB for Review and Approval; Comment Request; Notification of Episodic Releases of Oil and Hazardous Substances (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency has submitted an information collection request (ICR), ''Notification of Episodic Releases of Oil and Hazardous Substances (Renewal)'' to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through March 31, 2014. Public comments were previously requested via the **Federal Register** (78 FR 49265) on August 13, 2013, during a 60-day comment period. This notice allows for an additional 30 days for public comments. A fuller description of the ICR is given below, including its estimated burden and cost to the public. An Agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

DATES: Additional comments may be submitted on or before February 13, 2014

ADDRESSES: Submit your comments, referencing Docket ID Number EPA–HQ–SFUND–2013–0549, to (1) EPA online using *www.regulations.gov* (our preferred method), by email to *superfund.docket@epa.gov,* or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW., Washington, DC 20460, and (2) OMB via email to *oira_submission@omb.eop.gov.* Address comments to OMB Desk Officer for EPA.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

FOR FURTHER INFORMATION CONTACT: Lynn M. Beasley, Office of Emergency Management, (5104A), Environmental Protection Agency, 1200 Pennsylvania Ave. NW., Washington, DC 20460; telephone number: 202–564–1965; fax number: 202–564–8222; email address: *beasley.lynn@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.*

EPA ICR #: 1049.13.

OMB Control #: 2050–0046.

Abstract: Section 103(a) of CERCLA, as amended, requires the person in charge of a facility or vessel to immediately notify the National Response Center (NRC) of a hazardous substance release into the environment if the amount of the release equals or exceeds the substance's reportable quantity (RQ) limit. The RQ of every hazardous substance can be found in Table 302.4 of 40 CFR 302.4.

Section 311 of the CWA, as amended, requires the person in charge of a vessel to immediately notify the NRC of an oil spill into U.S. navigable waters if the spill causes a sheen, violates applicable water quality standards, or causes a sludge or emulsion to be deposited beneath the surface of the water or upon adjoining shorelines.

The reporting of a hazardous substance release that is at or above the substance's RQ allows the Federal government to determine whether a Federal response action is required to control or mitigate any potential adverse effects to public health or welfare or the environment. Likewise, the reporting of oil spills allows the Federal government to determine whether cleaning up the oil spill is necessary to mitigate or prevent damage to public health or welfare or the environment.

Form numbers: None.

Respondents/affected entities: Private entities.

Respondent's obligation to respond: Mandatory CERCLA section 103(a); CWA section 311.

Estimated number of respondents: 23,864.

Frequency of response: On occasion.

Total estimated burden: 97,842 hours (per year). Burden is defined at 5 CFR 1320.03(b).

Total estimated cost: $3,320,485 (per year), includes $0 annualized capital or operation & maintenance costs.

Changes in the estimates: There is a decrease of 726 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This decrease is because the projected number of release notifications per annum in this ICR is less than the number of release notifications per annum in the previous ICR. Projections are based on the number of actual releases reported in the prior three year period.

John Moses,

Director, Collection Strategies Division.

[FR Doc. 2014–00454 Filed 1–13–14; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–9905–40–Region 10]

Notice of Termination of Clean Air Act Outer Continental Shelf Permits Issued to Shell for the Discoverer Drill Ship and the Kulluk Conical Drilling Unit

AGENCY: Environmental Protection Agency (EPA) Region 10.

ACTION: Notice of final action.

SUMMARY: This notice announces that the Environmental Protection Agency (EPA) Region 10 has terminated the Clean Air Act Outer Continental Shelf (OCS) Prevention of Significant Deterioration (PSD) permit for the Discoverer drill ship and the OCS permit to construct and Title V air quality operating permit for the Kulluk conical drilling rig.

DATES: EPA Region 10 terminated the OCS air permits for the Discoverer drill ship and the Kulluk drilling unit on December 26, 2013. The terminations of the two permits were effective on that date. Pursuant to section 307(b)(1) of the Clean Air Act, 42 U.S.C. 7607(b)(1), judicial review of these permit terminations, to the extent it is available, may be sought by filing a petition for review in the United States Court of Appeals for the Ninth Circuit by March 17, 2014.

ADDRESSES: The documents relevant to the above-referenced permit terminations are available for public inspection during normal business hours at the following address: U.S. Environmental Protection Agency, Region 10, 1200 Sixth Avenue, Suite 900, Seattle, WA 98101. To arrange for viewing of these documents, call David Bray at (206) 553–4253.

FOR FURTHER INFORMATION CONTACT: David Bray, Office of Air Waste and Toxics, U.S. Environmental Protection Agency, Region 10, 1200 6th Avenue, Suite 900, Seattle, WA 98101.

NOTICE OF FINAL ACTION AND SUPPLEMENTARY INFORMATION: In September and October 2011, the EPA Region 10 issued Clean Air Act Outer Continental Shelf (OCS) permits to Shell to conduct exploratory drilling in the Chukchi and Beaufort Seas on the Arctic OCS. The EPA issued these OCS air permits to the Discoverer drill ship for both the Chukchi Sea and the Beaufort Sea and to the Kulluk Conical drilling unit for the Beaufort Sea.

In December 2011, while the three OCS air permits were subject to administrative petitions before the EPA's Environmental Appeals Board, the President signed legislation that transferred the authority for regulating air emissions on the Arctic OCS from the EPA to the U.S. Department of Interior (DOI). Transition language in the law provided that the transfer of authority from EPA to DOI did not invalidate the pending Shell permits.

The Discoverer permits became effective in January 2012 and the Kulluk permit became effective in April 2012. Shell used the Discoverer Chukchi Sea and Kulluk Beaufort Sea OCS air permits in the 2012 drilling season to drill ''top hole'' wells in both Seas. Shell did not use the Discoverer Beaufort Sea OCS air permit in 2012.

In a letter dated November 6, 2013, Shell requested that the EPA terminate the Discoverer Chukchi Sea and the Kulluk Beaufort Sea OCS air permits so that Shell can seek air regulatory authorization from the DOI Bureau of Ocean Energy Management. Shell asserts that termination of the EPA OCS air permits is consistent with the 2011 Congressional transfer of authority for air quality management in the Arctic OCS from EPA to DOI. In the letter, Shell also explained that the Discoverer was never constructed in the Beaufort Sea within the 18-month period required by the permit and, as a result, the Shell Discoverer Beaufort OCS air permit expired in July 2013.

In a letter dated December 26, 2013, the EPA terminated, effective immediately, the OCS air permits for the Discoverer (Chukchi Sea) and the Kulluk (Beaufort Sea), thereby completing the transfer of authority for air quality management in the Arctic OCS to DOI.

Dated: December 26, 2013.

Kate Kelly,

Director, Office of Air, Waste and Toxics.

[FR Doc. 2014–00563 Filed 1–13–14; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meeting

AGENCY: Federal Election Commission.

DATE AND TIME: Thursday, January 16, 2014 at the Conclusion of the Open Meeting.

PLACE: 999 E Street NW., Washington, DC.

STATUS: This meeting will be closed to the public.

ITEMS TO BE DISCUSSED:

Compliance matters pursuant to 2 U.S.C. 437g.

Matters concerning participation in civil actions or proceedings or arbitration.

* * * * *

PERSON TO CONTACT FOR INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Shawn Woodhead Werth,

Secretary and Clerk of the Commission.

[FR Doc. 2014–00571 Filed 1–10–14; 11:15 am]

BILLING CODE 6715–01–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meetings

AGENCY: Federal Election Commission.

DATE AND TIME: Thursday, January 16, 2014 at 10:00 a.m.

PLACE: 999 E Street NW., Washington, DC (Ninth Floor).

STATUS: This meeting will be open to the public.

ITEMS TO BE DISCUSSED:

Correction and Approval of Minutes for December 5 and 17, 2013

Draft Advisory Opinion 2013–18: Revolution Messaging, LLC

Interpretive Rule Re: Nationwide Independent Expenditures

Audit Division Recommendation Memorandum on the Dallas County Republican Party (DCRP) (A11–14)

Audit Division Recommendation Memorandum on the Republican Party of Iowa (RPIA) (A11–24)

Audit Division Recommendation Memorandum on the Vermont Democratic Party (VDP) (A11–12)

Audit Division Recommendation Memorandum on the Democratic Party of South Carolina (DPSC) (A11–19)

2014 Meeting Dates (through September)

Management and Administrative Matters

Individuals who plan to attend and require special assistance, such as sign language interpretation or other reasonable accommodations, should contact Shawn Woodhead Werth, Secretary and Clerk, at (202) 694–1040, at least 72 hours prior to the meeting date.

PERSON TO CONTACT FOR INFORMATION: Judith Ingram, Press Officer, Telephone: (202) 694–1220.

Shawn Woodhead Werth,

Secretary and Clerk of the Commission.

[FR Doc. 2014–00570 Filed 1–10–14; 11:15 am]

BILLING CODE 6715–01–P

FEDERAL MARITIME COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Federal Maritime Commission.

TIME AND DATE: January 15, 2014; 10:00 a.m.

PLACE: 800 N. Capitol Street NW., First Floor Hearing Room, Washington, DC.

STATUS: The meeting will be held in Closed Session.

MATTERS TO BE CONSIDERED:

Closed Session

1. Commission Interview of Applicants for the Position of Inspector General

CONTACT PERSON FOR MORE INFORMATION: Karen V. Gregory, Secretary, (202) 523–5725.

Karen V. Gregory,

Secretary.

[FR Doc. 2014–00562 Filed 1–10–14; 11:15 am]

BILLING CODE 6730–01–P

GENERAL SERVICES ADMINISTRATION

[Notice—WWICC–2014–01; Docket No. 2014–0003; Sequence 1]

World War One Centennial Commission; Notification of Upcoming Public Advisory Meeting

AGENCY: World War One Centennial Commission, GSA.

ACTION: Meeting notice.

SUMMARY: Notice of this meeting is being provided according to the requirements of the Federal Advisory Committee Act, 5 U.S.C. App. 10(a)(2). This notice provides the schedule and agenda for the February 7, 2014, meeting of the World War One Centennial Commission (the Commission). The meeting is a working administrative meeting and is closed to the public.

DATES: *Meeting date:* The meeting will be held on Friday, February 7, 2013 starting at 9:30 a.m. Eastern Standard Time (EST), and ending no later than 5:30 p.m. The meeting will address administrative issues and will not be open to the public.

FOR FURTHER INFORMATION CONTACT: Daniel S. Dayton, Designated Federal Officer, c/o The Foundation for the Commemoration of the World Wars, 701 Pennsylvania Avenue NW., #123, Washington, DC 20004–2608, 202–380–0725 (note: this is not a toll-free number).

Written Comments may be submitted to the Commission and will be made part of the permanent record of the Commission. Comments must be received by 5:00 p.m. Eastern Standard Time (EST), February 3, 2014 and may be provided by email to *daniel.dayton@dhs.gov.*

SUPPLEMENTARY INFORMATION:

Background

The World War One Centennial Commission was established by Public Law 112–272, as a commission to ensure a suitable observance of the centennial of World War I, to provide for the designation of memorials to the service of members of the United States Armed Forces in World War I, and for other purposes. Under this authority, the Committee will plan, develop, and execute programs, projects, and activities to commemorate the centennial of World War I, encourage private organizations and State and local governments to organize and participate in activities commemorating the centennial of World War I, facilitate and coordinate activities throughout the United States relating to the centennial of World War I, serve as a clearinghouse for the collection and dissemination of information about events and plans for the centennial of World War I, and develop recommendations for Congress and the President for commemorating the centennial of World War I.

Agenda: Friday, February 7, 2014:

- Introductions and plans for today's meeting—DFO
- Committee Reports
- Old Business
- New Business
- Closing comments

Meeting Location: The Committee will convene its meeting at: The Embassy of Canada, 501 Pennsylvania Avenue NW., Washington, DC 20001.

Dated: January 9, 2014.

Daniel S. Dayton,

Designated Federal Official, World War I Centennial Commission.

[FR Doc. 2014–00532 Filed 1–13–14; 8:45 am]

BILLING CODE 6820–95–P

GENERAL SERVICES ADMINISTRATION

[Notice—FAS–2013–02; Docket No. 2013–0002; Sequence 44]

Modernizing the Federal Supply Schedule Program: Order-Level Materials

AGENCY: Federal Acquisition Service, General Services Administration.

ACTION: Notice; request for information.

SUMMARY: The Federal Acquisition Service (FAS) of the General Services Administration (GSA) is seeking comments that can be used to assist in the development of processes and procedures for the inclusion of order-level materials under the Federal Supply Schedule (FSS) program. Though the acquisition of order-level materials is allowed under multiple-award Indefinite-Delivery/Indefinite-Quantity (IDIQ) contracts, FAS has yet to develop a clear mechanism for the procurement of these items under the FSS program. FAS is now taking steps to bring the FSS program into parity with other multiple-award IDIQ contract vehicles. This endeavor is a critical piece of a larger effort to modernize the FSS program as a whole, under which FAS aims to increase efficiency and effectiveness, facilitate the purchase of total solutions, maximize competition, and promote small business utilization across Government.

DATES: *Comments:* Interested parties should submit written comments to the Regulatory Secretariat at one of the addresses shown below on or before March 17, 2014.

ADDRESSES: Submit comments in response to Notice—FAS–2013–02 by any of the following methods:

- *Regulations.gov: http://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching for ''Notice—FAS–2013–02''. Select the link ''Comment Now'' that corresponds with ''Notice—FAS–2013–02'' and follow the instructions provided on the screen. Please include your name, company name (if any), and ''Notice—FAS–2013–02'' on your attached document.
- *Mail:* General Services Administration, Regulatory Secretariat (MVCB), ATTN: Ms. Flowers/Notice—FAS–2013–02, 1800 F Street NW., 2nd Floor, Washington, DC 20405–0001.

Instructions: Please submit comments only and cite Notice—FAS–2013–02, in all correspondence related to this case. All comments received will be posted without change to *http://www.regulations.gov,* including any personal and/or business confidential information provided.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Bourne, GSA/FAS Director of MAS Program Office at (703) 605–2760.

SUPPLEMENTARY INFORMATION:

A. Background

The FSS program is one of many multiple-award IDIQ contract vehicles available Governmentwide. Though the acquisition of order-level materials is allowable under multiple-award IDIQ contracts, FAS has yet to develop a clear mechanism for the procurement of these items under the FSS program. This has resulted in an inability to fully realize the effective use of the FSS program across Government.

B. Solicitation of Public Comment

Respondents are encouraged to offer their views on the following questions:

1. Is the current lack of a clear mechanism for the procurement of order-level materials a deterrent from using the FSS program? If so, how?
2. What potential challenges exist for FAS where order-level materials and the FSS program are concerned? How can these be addressed?
3. What kinds of processes and procedures are in place for the procurement of order-level materials under other multiple-award IDIQ contract vehicles? Can these be applied to the FSS program as-is, or are there special considerations FAS needs to address? If possible, please provide specific examples from multiple-award IDIQ contract vehicles that could serve as a good example of the kind of processes and procedures needed for the efficient and effective use of order-level materials.
4. If FAS were to implement clear processes and procedures for the acquisition of order-level materials under the FSS program, is there the potential for administrative cost savings? If so, please elaborate.
5. If FAS were to implement clear processes and procedures for the acquisition of order-level materials under the FSS program, would it provide increased flexibility to contractors to provide total solutions to Government requirements? Are there any additional benefits for small businesses, in particular?
6. What kind of risk management controls are needed to ensure efficient and effective use of order-level materials under the FSS program?

Dated: January 8, 2014.

Houston W. Taylor,

Acting Senior Procurement Executive, General Services Administration.

[FR Doc. 2014–00456 Filed 1–13–14; 8:45 am]

BILLING CODE 6820–61–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Breast and Cervical Cancer Early Detection and Control Advisory Committee (BCCEDCAC)

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC), announces the following meeting of the aforementioned committee:

Time and Date: 9 a.m.–12 p.m., Eastern Standard Time, February 3, 2014.

Place: Teleconference.

Teleconference login information is as follows: For Participants: TOLL-FREE PHONE #: 888–989–8135 Participant passcode: 4798.

For Participants: URL: *https://www.mymeetings.com/nc/join/* Conference number: PW3674736. Audience passcode: 4798.

Participants can join the event directly at: *https://www.mymeetings.com/nc/join.php?i=PW3674736&p=4798&t=c*

There is also a toll free number for anyone outside of the USA: TOLL #: 1–203–827–7034, Participant passcode: 4798.

Status: Open to the public, limited only by the net conference and audio phone lines available.

Purpose: The committee is charged with advising the Secretary, Department of Health and Human Services, and the Director, CDC, regarding the early detection and control of breast and cervical cancer. The committee makes recommendations regarding national program goals and objectives; implementation strategies; and program priorities including surveillance, epidemiologic investigations, education and training, information dissemination, professional interactions and collaborations, and policy.

Matters To Be Discussed: The agenda will include the following: (1) Discussing the impact of implementation of the Affordable Care Act on the National Breast and Cervical Cancer Early Detection Program; and (2) exploring options to expand services to impact women beyond the current eligible screening population.

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Jameka R. Blackmon, MBA, CMP, Designated Federal Officer, National Center for Chronic Disease Prevention and Health Promotion, CDC, 4770 Buford Highway NE., Mailstop F76, Atlanta, Georgia 30341, Telephone (770) 488–4880.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention, and Agency for Toxic Substances and Disease Registry.

Elaine Baker,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 2014–00457 Filed 1–13–14; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for OMB Review; Comment Request

Title: TANF Quarterly Financial Report ACF–196R

OMB No.: New Collection

Description: This information collection is authorized under Section 411(a)(3) of the Social Security Act. This request is for approval to create the ACF–196R form for quarterly financial reporting under the Temporary Assistance for Needy Families (TANF) program. Implementation of these changes will entail new costs to ACF, and thus, final adoption will depend upon funding availability. States participating in the TANF program are required by statute to report financial data on a quarterly basis. The form meets the legal standard and provides essential data on the use of federal TANF funds. Failure to collect the data would seriously compromise ACF's ability to monitor program expenditures, estimate funding needs, and to prepare budget submissions and annual reports required by Congress. Financial reporting under the TANF program is governed by 45 CFR Part 265.

Approval of the ACF–196R would result in two basic changes to TANF quarterly financial reports. The first is to require respondents to allocate annual expenditures among an expanded list of categories on the ACF–196R; these categories better reflect the wide range of activities on which states are expending TANF funds. The second change is to the accounting method used to report expenditures made in a fiscal year and monitor cumulative expenditures by grant year award. Specifically, effective FY 2015, with each open grant year award, respondents will be required to report actual expenditures made in a fiscal year rather than updating cumulative totals, using the ACF–196R. If a respondent needs to adjust an expenditure reported in a prior year, it will revise the report for the fiscal year in which that expenditure occurred, rather than the current year's report.

We will maintain the ACF–196 form (Approved OMB No 0970–0247), only for revisions to historical data. Specifically, if a respondent needs to adjust or correct an expenditure submitted in a fiscal year prior to FY 2015, the respondent will revise the ACF–196 pertaining to the relevant

grant year for expenditures cumulative through FY 2014. Thus, the reporting burden associated with the ACF–196 is greatly reduced.

ACF revised the proposed ACF–196R form and instructions published in the **Federal Register** on September 12, 2013, based on comments received. We added to the list of general instructions, and revised some expenditure categories and related definitions, resulting in greater clarity or eased reporting. We also expanded our discussion of adjustments and revisions to prior data to provide examples and address concerns over how TANF financial reporting relates to the accounting method states use to track their expenditures. Finally, we increased the estimated burden hours necessary to complete quarterly reports based on feedback from states.

Respondents: State agencies administering the TANF program

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
ACF–196R	51	4	32	6528

Estimated Total Annual Burden Hours: 6528

Additional Information: Copies of the proposed collection may be obtained by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection. Email address: *infocollection@acf.hhs.gov.* Interested parties can also access copies of the proposed collection of information (instructions and forms) by accessing the Information Memorandum TANF–ACF–IM–2014–01 on the Policy page of the OFA Web site, available at *http://www.acf.hhs.gov/programs/ofa/programs/tanf/policy.*

OMB Comment: OMB is required to make a decision concerning the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication. Written comments and recommendations for the proposed information collection should be sent directly to the following: Office of Management and Budget, Paperwork Reduction Project, Email: *OIRA_SUBMISSION@OMB.EOP.GOV,* Attn: Desk Officer for the Administration for Children and Families.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2014–00440 Filed 1–13–14; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: State Plan Child Support Coll & Estab Paternity Title IV–D, OCSE–100.

OMB No.: 0970–0017.

Description: The Office of Child Support Enforcement has approved a IV–D state plan for each state. Federal regulations require states to amend their state plans only when necessary to reflect new or revised federal statutes or regulations or material change in any state law, organization, policy, or IV–D agency operations. The requirement for submission of a state plan and plan amendments for the Child Support Enforcement program is found in sections 452, 454, and 466 of the Social Security Act.

Respondents: State IV–D Agencies.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
State Plan	54	4	0.50	108
OCSE–21–U4	54	4	0.25	54

Estimated Total Annual Burden Hours: 162.

In compliance with the requirements of Section 506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children and Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Planning, Research and Evaluation, 370 L'Enfant Promenade SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. Email address: *infocollection@acf.hhs.gov.* All requests should be identified by the title of the information collection.

The Department specifically requests comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden information to be collected; and (e) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given

to comments and suggestions submitted within 60 days of this publication.

Robert Sargis,

Reports Clearance Officer.

[FR Doc. 2014–00414 Filed 1–13–14; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[CFDA Number: 93.568]

Reallotment of FY 2013 Funds for the Low Income Home Energy Assistance Program (LIHEAP)

AGENCY: Office of Community Services, ACF, HHS.

ACTION: Notice of determination concerning funds available for reallotment.

SUMMARY: Notice is hereby given of a preliminary determination that funds from the fiscal year (FY) 2013 Low Income Home Energy Assistance Program (LIHEAP) are available for reallotment to States, Territories, Tribes, and Tribal Organizations that receive FY 2014 direct LIHEAP grants. No subgrantees or other entities may apply for these funds. Section 2607(b)(1) of the Low Income Home Energy Assistance Act (the Act), Title XXVI of the Omnibus Budget Reconciliation Act of 1981 (42 U.S.C. 8621 *et seq.*), as amended, requires that if the Secretary of the U.S. Department of Health and Human Services (HHS) determines that, as of September 1 of any fiscal year, an amount in excess of certain levels allotted to a grantee for any fiscal year will not be used by the grantee during the fiscal year, the Secretary must notify the grantee and publish a notice in the **Federal Register** that such funds may be realloted to LIHEAP grantees during the following fiscal year. If reallotted, the LIHEAP block grant allocation formula will be used to distribute the funds. (No funds may be allotted to entities that are not direct LIHEAP grantees during FY 2014.)

It has been determined that $2,192,230 may be available for reallotment during FY 2014. This determination is based on revised Carryover and Reallotment Reports from the State of Nebraska, Salt River Pima-Maricopa Indian Community, and the Delaware Tribe of Indians, which were submitted to the Office of Community Services as required by 45 CFR 96.82.

The statute allows grantees who have funds unobligated at the end of the federal fiscal year for which they are awarded to request that they be allowed to carry over up to 10 percent of their allotments to the next federal fiscal year. Funds in excess of this amount must be returned to HHS and are subject to reallotment under section 2607(b)(1) of the Act. The amount described in this notice was reported as unobligated FY 2013 funds in excess of the amount that the State of Nebraska, Salt River Pima-Maricopa Indian Community, and the Delaware Tribe of Indians could carry over to FY 2014.

Each of the grantees mentioned above were notified and confirmed that the FY 2013 funds indicated in the chart below may be reallotted. In accordance with section 2607(b)(3), the Chief Executive Officers of the grantees referenced in the chart below have 30 days from the date of this publication to submit comments to: Jeannie L. Chaffin, Director, Office of Community Services, 370 L'Enfant Promenade, SW., Washington, DC 20447.

After considering any comments submitted, the Chief Executive Officers will be notified of the final reallotment amount, and this decision also will be published in the **Federal Register**. If funds are reallotted, they will be allocated in accordance with section 2604 of the Act and must be treated by LIHEAP grantees receiving them as an amount appropriated for FY 2014. As FY 2014 funds, they will be subject to all requirements of the Act, including section 2607(b)(2), which requires that a grantee obligate at least 90 percent of its total block grant allocation for a fiscal year by the end of the fiscal year for which the funds are appropriated, that is, by September 30, 2014.

ESTIMATED REALLOTMENT AMOUNTS OF FY 2013 LIHEAP FUNDS

Grantee name	FY 2013 reallotment amount
State of Nebraska	$2,180,356.00
Delaware Tribe of Indians	9,793.00
Salt River Pima-Maricopa Indian Community	2,081.00
Total	2,192,230.00

DATES: The comment period expires February 13, 2014.

FOR FURTHER INFORMATION CONTACT: Lauren Christopher, Energy Program Operations Branch Chief, Division of Energy Assistance, Office of Community Services, 370 L'Enfant Promenade, SW., Washington, DC, 20447; telephone (202) 401–4870; email: *lauren.christopher@acf.hhs.gov.*

Statutory Authority: 45 CFR 96.81 and 42 U.S.C. 8621 *et seq.*

Lynda Pérez,

Acting Director, Office of Community Services.

[FR Doc. 2014–00520 Filed 1–13–14; 8:45 am]

BILLING CODE 4184–80–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–D–1601]

Custom Device Exemption; Draft Guidance for Industry and Food and Drug Administration Staff; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of the draft guidance entitled ''Custom Device Exemption.'' FDA has developed a draft guidance to provide guidance to industry and FDA staff about implementation of the custom device exemption contained in the Food, Drug, and Cosmetic Act (the FD&C Act). The intent of this guidance is to provide draft definitions of terms used in the custom device exemption, explain how to interpret the ''five units per year of a particular device type'' language contained in the FD&C Act, describe what information FDA proposes manufacturers should submit in the custom device annual report, and provide recommendations on how to submit an annual report for devices distributed under the custom device exemption. This draft guidance is not final nor is it in effect at this time.

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the Agency considers your comment of this draft guidance before it begins work on the final version of the guidance, submit either electronic or written comments on the draft guidance by March 17, 2014.

ADDRESSES: Submit written requests for single copies of the draft guidance document entitled ''Custom Device Exemption'' to the Division of Small Manufacturers, International, and Consumer Assistance, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 4613, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your request, or fax your request to 301–847–

8149. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance.

Submit electronic comments on the draft guidance to *http://www.regulations.gov.* Submit written comments to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. Identify comments with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Erin Keith, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 1404, Silver Spring, MD 20993–0002, 301–796–6384, *CustomDevices@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The custom device exemption is set forth at section 520(b)(2)(B) of the FD&C Act (21 U.S.C. 360j(b)(2)(B)). A custom device is in a narrow category of device that, by virtue of the rarity of the patient's medical condition or physician's special need the device is designed to treat, it would be impractical for the device to comply with premarket review regulations and performance standards.

Effective on July 9, 2012, the Food and Drug Administration Safety and Innovation Act (FDASIA) implemented changes to the custom device exemption contained in section 520(b) of the FD&C Act. The new provision amended the existing custom device exemption and introduced new concepts and procedures for custom devices, such as:

- Devices created or modified in order to comply with the order of an individual physician or dentist;
- the potential for multiple units of a device type (limited to no more than five units per year) qualifying for the custom device exemption; and
- annual reporting requirements by the manufacturer to FDA about devices manufactured and distributed under section 520(b) of the FD&C Act.

Under FDASIA, ''devices'' that qualify for the custom device exemption contained in section 520(b) of the FD&C Act were clarified to include no more than ''five units per year of a particular device type'' that otherwise meet all the requirements necessary to qualify for the custom device exemption.

The guidance also provides draft definitions of terms used in the custom device exemption, explains how FDA plans to interpret the concept of ''five units per year of a particular device type'' in section 520(b)(2)(B) of the FD&C Act, describes what information manufacturers should submit in a custom device annual report (annual report) to FDA, and provides guidance on how to submit an annual report for devices distributed under the custom device exemption.

On November 19, 2012, FDA published a Notice of Request for Comments in the **Federal Register** (77 FR 69488), requesting stakeholders to submit information on and examples of appropriate use of the custom device exemption for assistance in drafting this guidance based on specific questions asked in the Notice. FDA has reviewed all the comments from the Notice and has taken them into consideration for this draft guidance.

II. Significance of Guidance

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent the Agency's current thinking on the custom device exemption. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statute and regulations.

III. Electronic Access

Persons interested in obtaining a copy of the draft guidance may do so by using the Internet. A search capability for all Center for Devices and Radiological Health guidance documents is available at *http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/GuidanceDocuments/default.htm.* Guidance documents are also available at *http://www.regulations.gov.* To receive ''Custom Device Exemption,'' you may either send an email request to *dsmica@fda.hhs.gov* to receive an electronic copy of the document or send a fax request to 301–847–8149 to receive a hard copy. Please use the document number 1820 to identify the guidance you are requesting.

IV. Paperwork Reduction Act of 1995

Under the Paperwork Reduction Act of 1995 (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. ''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 provide a 60-day notice in the **Federal Register** concerning each proposed collection of information before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA'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 respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Draft Guidance for Custom Device Exemption

This guidance is intended to assist industry by providing draft definitions of terms used in the custom device exemption, explains how FDA proposes to interpret the ''five units per year of a particular device type'' language contained in section 520(b)(2)(B) of the FD&C Act, describes what information FDA proposes should be submitted in a custom device annual report, and provides recommendations on how to submit an annual report in preparing for annual reports for devices distributed under the custom device exemption. In addition, manufacturers of custom devices are required to sign and submit a Custom Devices Annual Report Truthful and Accurate certificate with their annual report.

Description of Respondents: The respondents of this collection of information are manufacturers of medical devices deemed to be custom devices subject to FDA's laws and regulations. The Agency estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

Guidance title: Custom device exemption	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response (in hours)	Total hours
Section VI. Annual Reporting	33	1	33	40	1,320

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

FDA estimates it will receive 33 reports for custom devices annually. The Agency reached this estimate by the number of pre-FDASIA manufacturers who qualified for custom devices and that percentage of current manufactures that qualify under post-FDASIA requirements. Only 10 percent of manufacturers would meet this qualification, which was calculated by adding the number of estimated old custom device manufactures with the estimated new manufacturers submitting annual reports of custom devices each year. FDA estimates it will take custom device manufacturers approximately 40 hours to complete the annual report described in section VI of the draft guidance. FDA reached this time estimate based on its expectation of the amount of information that should be included in the report.

Before the proposed information collection provisions contained in this draft guidance become effective, FDA will publish a notice in the **Federal Register** announcing OMB's decision to approve, modify, or disapprove the information collection provisions. An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it display a currently valid OMB control number.

This draft guidance also refers to previously approved collections of information found in FDA regulations. These collections of information are subject to review by OMB under the PRA (44 U.S.C. 3501–3520). The collections of information in 21 CFR 814, subparts B and E have been approved under OMB control number 0910–0231; the collections of information in 21 part 812 have been approved under OMB control number 0910–0078; and the collections of information in 21 part 807, subpart E have been approved under OMB control number 0910–0120.

V. Comments

Interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

Dated: January 9, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–00528 Filed 1–13–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–D–1622]

Draft Guidance for Industry: Submitting Food Canning Establishment Registration Form and Food Process Filing Forms to the Food and Drug Administration in Electronic or Paper Format; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing the availability of a draft guidance entitled ''Guidance for Industry: Submitting Form FDA 2541 (Food Canning Establishment Registration) and Forms FDA 2541d, FDA 2541e, FDA 2541f, and FDA 2541g (Food Process Filing Forms) to FDA in Electronic or Paper Format.'' The draft guidance is intended to alert stakeholders to changes we are planning for the administrative procedures currently used by commercial processors that manufacture, process, or pack acidified foods (AF) and/or thermally processed low-acid foods packaged in hermetically sealed containers (historically referred to as ''low-acid canned foods'' or ''LACF''). These changes include new food process filing forms and a new ''smart form'' system for electronic submission of these forms. The draft guidance, when finalized, will supersede the July 2012 guidance entitled ''Guidance for Industry: Submitting Form FDA 2541 (Food Canning Establishment Registration) and Forms FDA 2541a and FDA 2541c (Food Process Filing Forms) to FDA in Electronic or Paper Format'' when the new food process filing forms and the new ''smart form'' electronic system become operational.

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115 (g)(5)), to ensure that the Agency considers your comments on the draft guidance before it begins work on the final version of the guidance, submit electronic or written comments on the draft guidance by March 17, 2014.

ADDRESSES: Submit electronic comments on the draft guidance to *http://www.regulations.gov.* Submit written comments on the draft guidance to the Division of Dockets Management (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852. Submit written requests for single copies of the draft guidance to the Office of Food Safety, Center for Food Safety and Applied Nutrition (HFS–302), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740. Send two self-addressed adhesive labels to assist that office in processing your request. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance.

FOR FURTHER INFORMATION CONTACT: Susan Brecher, Center for Food Safety and Applied Nutrition (HFS–302), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, 240–402–1781.

SUPPLEMENTARY INFORMATION:

I. Background

We are announcing the availability of a draft guidance for industry entitled ''Guidance for Industry: Submitting Form FDA 2541 (Food Canning Establishment Registration) and Forms FDA 2541d, FDA 2541e, FDA 2541f, and FDA 2541g (Food Process Filing Forms) to FDA in Electronic or Paper Format.'' The draft guidance is intended to alert stakeholders to changes we are planning for the administrative procedures currently used by commercial processors that manufacture, process, or pack AF and/or LACF. These changes

include new food process filing forms and a new ''smart form'' system for electronic submission of these forms. The draft guidance, when finalized, will supersede the current guidance entitled ''Guidance for Industry: Submitting Form FDA 2541 (Food Canning Establishment Registration) and Forms FDA 2541a and FDA 2541c (Food Process Filing Forms) to FDA in Electronic or Paper Format'' (Ref. 1) when the new food process filing forms and the new ''smart form'' electronic system become operational. We intend to update the process filing regulations in 21 CFR 108.25(c)(2) and 108.35(c)(2) to specify the new form numbers, and to provide information about how to access the online system for electronic submission of these forms, when the new system becomes operational, or as soon as possible thereafter.

The draft guidance is being issued consistent with our good guidance practices regulation (21 CFR 10.115). The draft guidance, when finalized, will represent our current thinking on this topic. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

II. Paperwork Reduction Act of 1995

Under the Paperwork Reduction Act of 1995 (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. ''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 notice in the **Federal Register** soliciting public comment on each proposed collection of information before submitting the collection to OMB for approval. To comply with this requirement, we published a 60-day notice on the proposed collection of information in the **Federal Register** of September 18, 2013 (78 FR 57391).

III. Comments

Interested persons may submit either electronic comments regarding the draft guidance to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

IV. Electronic Access

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

V. Reference

The following reference has been placed on display in the Division of Dockets Management (see **ADDRESSES**) and may be seen by interested persons between 9 a.m. and 4 p.m., Monday through Friday, and is available electronically at *http://www.regulations.gov.* (FDA has verified the Web site address in this reference section, but we are not responsible for any subsequent changes to the Web sites after this document publishes in the **Federal Register**.)

1. FDA, 2012, Guidance for Industry: Submitting Form FDA 2541 (Food Canning Establishment Registration) and Forms FDA 2541a and FDA 2541c (Food Process Filing Forms) to FDA in Electronic or Paper Format.

Dated: January 8, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–00425 Filed 1–13–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–1430]

Draft Guidance for Industry on Fulfilling Regulatory Requirements for Postmarketing Submissions of Interactive Promotional Media for Prescription Human and Animal Drugs and Biologics; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a draft guidance for industry entitled ''Fulfilling Regulatory Requirements for Postmarketing Submissions of Interactive Promotional Media for Prescription Human and Animal Drugs and Biologics.'' This draft guidance responds to stakeholder requests for specific guidance on FDA's current views on how manufacturers, packers, and distributors (firms), that may either be the applicant or acting on behalf of the applicant, of prescription human and animal drug and biological products (drugs) can fulfill regulatory requirements for postmarketing submissions of interactive promotional media for their FDA-approved products. This draft guidance clarifies FDA's policies on what the Agency considers to be interactive promotional media.

DATES: Although you can comment on any guidance at any time (see 21 CFR 10.115(g)(5)), to ensure that the Agency considers your comments on this draft guidance before it begins work on the final version of the guidance, submit either electronic or written comments on the draft guidance by April 14, 2014. General comments on Agency guidance documents are welcome at any time.

ADDRESSES: Submit written requests for single copies of the draft guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Rm. 2201, Silver Spring, MD 20993–0002; or to the Office of Communication, Outreach and Development (HFM–40), Center for Biologics Evaluation and Research, Food and Drug Administration, 1401 Rockville Pike, suite 200N, Rockville, MD 20852–1448; or to the Communications Staff (HFV–12), Center for Veterinary Medicine, Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the draft guidance document.

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

FOR FURTHER INFORMATION CONTACT:

Regarding human prescription drugs: Barbara Chong, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 51, Silver Spring, MD 20993, 301–796–1200.

Regarding prescription human biological products: Stephen Ripley, Center for Biologics Evaluation and Research (HFM–17), Food and Drug Administration, 1401 Rockville Pike, Suite 200N, Rockville, MD 20852–1448, 301–827–6210.

Regarding animal prescription drugs: Dorothy McAdams, Center for Veterinary Medicine (HFV–216), Food and Drug Administration, 7519 Standish Pl., Rockville, MD 20855, 240–276–9300.

SUPPLEMENTARY INFORMATION:

I. Background

FDA is announcing the availability of a draft guidance for industry entitled ''Fulfilling Regulatory Requirements for Postmarketing Submissions of Interactive Promotional Media for Prescription Human and Animal Drugs and Biologics.''

On November 12–13, 2009, FDA held a 21 CFR part 15 public hearing entitled ''Promotion of Food and Drug Administration-Regulated Medical Products Using the Internet and Social Media Tools'' to provide an opportunity for broad public participation and comment on the following questions that relate specifically to promotional issues:

1. For what online communications are manufacturers, packers, or distributors accountable?
2. How can manufacturers, packers, or distributors fulfill regulatory requirements (e.g., fair balance, disclosure of indication and risk information, and postmarketing submission requirements) in their internet and social media promotion, particularly when using tools that are associated with space limitations and tools that allow for real-time communications (e.g., microblogs and mobile technology)?
3. What parameters should apply to the posting of corrective information on Web sites controlled by third parties?
4. When is the use of links appropriate?

Subsequent to the live testimony heard at the part 15 public hearing, FDA received 72 comments to the docket.

This draft guidance provides FDA's recommendations to drug firms on fulfilling the regulatory requirements under 21 CFR 314.81(b)(3)(i), 21 CFR 601.12(f)(4), and 21 CFR 514.80(b)(5)(ii) for postmarketing submissions of interactive promotional media for their FDA-approved products. For the purposes of this draft guidance, the phrase ''interactive promotional media'' includes tools and technologies that often allow for real-time communications and interactions (e.g., blogs, microblogs, social networking sites, online communities, live podcasts, etc.), which firms use to promote their drugs. FDA's regulation of prescription drug product promotion extends both to promotional activities that are carried out by the firm itself, and to promotion conducted on the firm's behalf. In determining whether the firm is accountable for a communication about its product(s), the Agency considers whether the firm, or anyone acting on its behalf, is influencing or controlling the product promotional activity or communication in whole or part.

Firms may have a variety of options for how much control they exert over activities that utilize interactive promotional media, regardless of whether the promotional activity occurs on firm sponsored venues or on third-party venues. For example, a firm may promote its products through product Web sites, discussion boards, chat rooms, or other public electronic forums that it maintains and over which it has full control. In addition, third-party sites (i.e., Web sites and other venues that are either entirely independent of a firm's control and influence or not fully controlled by a firm) also may promote a firm's products. This draft guidance outlines considerations FDA takes into account in determining when product communications using interactive technologies are subject to substantive influence by firms that market the product, therefore triggering postmarketing submission requirements.

In addition, this draft guidance provides FDA's recommendations for how firms can fulfill the regulatory requirement to submit postmarketing promotional materials to FDA in a practical manner to address the potential volume of real-time information that is continuously posted and shared through various interactive promotional media platforms.

This draft guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). When finalized, it will represent the Agency's current thinking on fulfilling the regulatory requirements for postmarketing submissions of interactive promotional media for drugs. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

II. The Paperwork Reduction Act of 1995

This guidance refers to previously approved collections of information that are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The collection of information in 21 CFR 314.81(b)(3)(i), 21 CFR 601.12(f)(4), and 21 CFR 514.80(b)(5)(ii) including Forms FDA 2253 and FDA 2301, have been approved under OMB control numbers 0910–0001, 0910–0338, and 0910–0284.

III. Comments

Interested persons may submit either electronic comments regarding this document to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

IV. Electronic Access

Persons with access to the Internet may obtain the document at *http://www.fda.gov/Drugs/GuidanceComplianceRegulatoryInformation/Guidances/default.htm, http://www.fda.gov/BiologicsBloodVaccines/GuidanceComplianceRegulatoryInformation/default.htm, http://www.fda.gov/AnimalVeterinary/GuidanceComplianceEnforcement/GuidanceforIndustry/default.htm,* or *http://www.regulations.gov.*

Dated: January 9, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–00519 Filed 1–13–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2009–D–0542]

Guidance for Industry: Considerations Regarding Substances Added to Foods, Including Beverages and Dietary Supplements; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing the availability of a guidance for industry entitled ''Guidance for Industry: Considerations Regarding Substances Added to Foods, Including Beverages and Dietary Supplements.'' This guidance is intended to remind manufacturers and distributors of conventional foods about the requirements of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) regarding substances added to

conventional foods, including beverages. This guidance also is intended to remind dietary supplement manufacturers and distributors that the same requirements apply to certain substances that are added to dietary supplements; namely, those that are not dietary ingredients as defined in the FD&C Act.

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

ADDRESSES: Submit written requests for single copies of the guidance to the Office of Food Additive Safety, Center for Food Safety and Applied Nutrition (HFS–200), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740. Send two self-addressed adhesive labels to assist that office in processing your request. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance.

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

FOR FURTHER INFORMATION CONTACT: Negash Belay, Center for Food Safety and Applied Nutrition (HFS–255), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, 240–402–1200.

SUPPLEMENTARY INFORMATION:

I. Background

We are announcing the availability of a guidance entitled ''Guidance for Industry: Considerations Regarding Substances Added to Foods, Including Beverages and Dietary Supplements.'' This guidance is being issued consistent with our good guidance practices regulation (21 CFR 10.115). The guidance represents our current thinking on this topic. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternate approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

In the **Federal Register** of December 4, 2009 (74 FR 63759), we made available a draft guidance entitled ''Draft Guidance for Industry: Factors That Distinguish Liquid Dietary Supplements From Beverages, Considerations Regarding Novel Ingredients, and Labeling for Beverages and Other Conventional Foods'' (draft guidance) and gave interested parties an opportunity to submit comments by February 2, 2010, for us to consider before beginning work on the final version of the guidance. Elsewhere in this issue of the **Federal Register**, we announce the availability of the final guidance, now entitled ''Guidance for Industry: Distinguishing Liquid Dietary Supplements From Beverages.''

The draft guidance included a section entitled ''Ingredients in Beverages and Other Conventional Foods are Subject to the Federal Food, Drug, and Cosmetic Act's Requirements for Substances Added to Food'' (ingredients section). The ingredients section of the draft guidance described the general requirements of the FD&C Act regarding substances added to beverages and other conventional foods. We received several comments on the draft guidance and have modified the final guidance entitled ''Guidance for Industry: Distinguishing Liquid Dietary Supplements From Beverages'' where appropriate. The modifications to the final guidance entitled ''Guidance for Industry: Distinguishing Liquid Dietary Supplements From Beverages'' include a modified version of the ingredients section, which refers to the separate guidance that is the subject of this document.

The guidance that is the subject of this document derives from the ingredients section of the draft guidance. It is intended to remind manufacturers and distributors of conventional foods about the requirements of the FD&C Act regarding substances added to conventional foods, including beverages. This guidance also is intended to remind dietary supplement manufacturers and distributors that the same requirements apply to certain substances that are added to dietary supplements; namely, those that are not dietary ingredients as defined in section 201(ff)(1) of the FD&C Act (21 U.S.C. 321(ff)(1)). We are issuing this separate guidance, in addition to referring to it within the guidance entitled ''Guidance for Industry: Distinguishing Liquid Dietary Supplements From Beverages,'' to make it more prominent and improve its accessibility to manufacturers and distributors who look for guidance on the requirements of the FD&C Act regarding substances added to conventional foods, including beverages. Although we met the procedural requirements for issuing Level 1 final guidance by making the draft guidance available for comment, we are issuing this final guidance as Level 2 guidance under 21 CFR 10.115(g)(4) because it merely summarizes long-established requirements in the FD&C Act and regulations without setting forth any new interpretations of those requirements (see 21 CFR 10.115(c)(1) to (c)(2)).

II. Comments

Interested persons may submit either electronic comments regarding the guidance to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

III. Electronic Access

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

Dated: January 8, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–00500 Filed 1–13–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2009–D–0542]

Guidance for Industry: Distinguishing Liquid Dietary Supplements From Beverages; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or we) is announcing the availability of a guidance for industry entitled ''Distinguishing Liquid Dietary Supplements From Beverages.'' This guidance is intended to help dietary supplement and beverage manufacturers and distributors determine whether a product in liquid form is properly classified as a dietary supplement or as a beverage. This guidance describes the factors that distinguish liquid products that are dietary supplements from those that are conventional foods. Further, this guidance reminds manufacturers and distributors of dietary supplements and beverages about the requirements of the Federal Food, Drug, and Cosmetic

Act (the FD&C Act) regarding ingredients and labeling.

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

ADDRESSES: Submit written requests for single copies of the guidance to the Office of Nutrition, Labeling, and Dietary Supplements, Center for Food Safety and Applied Nutrition (HFS–800), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, or to the Office of Food Additive Safety, Center for Food Safety and Applied Nutrition (HFS–200), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740. Send two self-addressed adhesive labels to assist those offices in processing your request. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance.

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

FOR FURTHER INFORMATION CONTACT: Corey J. Hilmas, Center for Food Safety and Applied Nutrition (HFS–810), Food and Drug Administration, 5100 Paint Branch Pkwy., College Park, MD 20740, 240–402–2375.

SUPPLEMENTARY INFORMATION:

I. Background

We are announcing the availability of a guidance entitled ''Guidance for Industry: Distinguishing Liquid Dietary Supplements From Beverages.'' This guidance is being issued consistent with our good guidance practices regulation (21 CFR 10.115). The guidance represents our current thinking on this topic. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternate approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

In the **Federal Register** of December 4, 2009 (74 FR 63759), we made available a draft guidance entitled ''Draft Guidance for Industry: Factors That Distinguish Liquid Dietary Supplements From Beverages, Considerations Regarding Novel Ingredients, and Labeling for Beverages and Other Conventional Foods'' and gave interested parties an opportunity to submit comments by February 2, 2010, for us to consider before beginning work on the final version of the guidance. The guidance is intended to help dietary supplement and beverage manufacturers and distributors determine whether a product in liquid form is properly classified as a dietary supplement or as a beverage.

We have observed an increase in the marketing of liquid products with a wide array of ingredients and intended uses. Some of these products are marketed as dietary supplements, and others as conventional foods. In some instances, products may be misbranded because their labeling or other representations made about them are inconsistent with the product category under which they are being marketed. In addition, products may be excluded from the dietary supplement category because of representations that they are for use as conventional foods. The guidance is intended to describe the factors that dietary supplement and beverage manufacturers and distributors should consider when deciding whether to market a liquid product as a dietary supplement or a conventional food. Further, this guidance reminds manufacturers and distributors of dietary supplements and beverages about the requirements of the FD&C Act regarding ingredients and labeling.

We received several comments on the draft guidance and have modified the final guidance where appropriate. In addition, we made editorial changes to improve clarity. The guidance announced in this notice finalizes the draft guidance dated December 2009.

II. Comments

Interested persons may submit either electronic comments regarding the guidance to *http://www.regulations.gov* or written comments to the Division of Dockets Management (see **ADDRESSES**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. Received comments may be seen in the Division of Dockets Management between 9 a.m. and 4 p.m., Monday through Friday, and will be posted to the docket at *http://www.regulations.gov.*

III. Electronic Access

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

Dated: January 8, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–00498 Filed 1–13–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2013–N–0001]

Pediatric Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Pediatric Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the Agency on FDA's regulatory issues.

Date and Time: The meeting will be held on March 3, 2014, from 8 a.m. to 4:30 p.m.

Location: Bethesda Marriott, 5151 Pooks Hill Road, Bethesda, MD 20814, 301–897–9400, or visit the hotel's Web site at *http://www.marriott.com/hotels/travel/wasbt-bethesda-marriott/.*

Contact Person: Walter Ellenberg, Office of the Commissioner, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 32, Rm. 5154, Silver Spring, MD 20993–0002, 301–796–0885, email *walter.ellenberg@fda.hhs.gov,* or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the Agency's Web site at *http://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

Agenda: On March 3, 2014, the Pediatric Advisory Committee (PAC) will meet to discuss pediatric focused safety reviews, as mandated by the Best Pharmaceuticals for Children Act (Pub. L. 107–109) and the Pediatric Research Equity Act (Pub. L. 108–155). The PAC will meet to discuss ACTIVA Dystonia Therapy, ADVATE [Antihemophilic Factor (Recombinant)], FAMVIR (famciclovir), INTELENCE (etravirine), KEPPRA (levetiracetam), MAXALT and MAXALT MLT (rizatriptan), NATAZIA

(estradiol valerate and estradiol valerate/dienogest), PERTZYE (pancrelipase), PREZISTA (darunavir), REYATAZ (atazanavir), SKLICE (ivermectin), TISSEEL (Fibrin Sealant), TORISEL (temsirolimus), ULTRESA (pancrelipase), Vertical Expandable Prosthetic Titanium Rib (VEPTR), VIREAD (tenofovir disoproxil fumarate).

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its Web site prior to the meeting, the background material will be made publicly available at the location of the advisory committee meeting, and the background material will be posted on FDA's Web site after the meeting. Background material is available at *http://www.fda.gov/AdvisoryCommittees/Calendar/default.htm*. Scroll down to the appropriate advisory committee link.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person on or before February 24, 2014. Oral presentations from the public will be scheduled on March 3, 2014, between approximately 11:30 a.m. and 12:30 p.m. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before February 14, 2014. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by February 18, 2014.

Persons attending FDA's advisory committee meetings are advised that the Agency is not responsible for providing access to electrical outlets.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Walter Ellenberg at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our Web site at *http://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: January 8, 2014.

Jill Hartzler Warner,

Acting Associate Commissioner for Special Medical Programs.

[FR Doc. 2014–00475 Filed 1–13–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2004–N–0451]

Food and Drug Administration Modernization Act of 1997: Modifications to the List of Recognized Standards, Recognition List Number: 033

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing a publication containing modifications the Agency is making to the list of standards FDA recognizes for use in premarket reviews (''FDA Recognized Consensus Standards''). This publication, entitled ''Modifications to the List of Recognized Standards, Recognition List Number: 033'' (''Recognition List Number: 033''), will assist manufacturers who elect to declare conformity with consensus standards to meet certain requirements for medical devices.

DATES: Submit either electronic or written comments concerning this document at any time. See section VII of this document for the effective date of the recognition of standards announced in this document.

ADDRESSES: Submit written requests for single copies of the document entitled ''Modifications to the List of Recognized Standards, Recognition List Number: 033'' to the Division of Small Manufacturers, International, and Consumer Assistance, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 4613, Silver Spring, MD 20993–0002. Send two self-addressed adhesive labels to assist that office in processing your requests, or fax your request to 301–847–8149.

Submit electronic comments concerning this document, or recommendations for additional standards for recognition, by email to *standards@cdrh.fda.gov*. Submit written comments to the contact person (see **FOR FURTHER INFORMATION CONTACT**). This document may also be accessed on FDA's Internet site at *http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/Standards/ucm123792.htm*. See section VI of this document for electronic access to the searchable database for the current list of FDA recognized consensus standards, including Recognition List Number: 033 modifications and other standards related information.

FOR FURTHER INFORMATION CONTACT: Scott A. Colburn, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 3632, Silver Spring, MD 20993–0002, 301–796–6287.

SUPPLEMENTARY INFORMATION:

I. Background

Section 204 of the Food and Drug Administration Modernization Act of 1997 (Pub. L. 105–115) amended section 514 of the Federal Food, Drug, and Cosmetic Act (the FD&C Act) (21 U.S.C. 360d). Amended section 514 allows FDA to recognize consensus standards developed by international and national organizations for use in satisfying portions of device premarket review submissions or other requirements.

In a notice published in the **Federal Register** of February 25, 1998 (63 FR 9561), FDA announced the availability of a guidance entitled ''Recognition and Use of Consensus Standards.'' The notice described how FDA would implement its standard recognition program and provided the initial list of recognized standards.

Modifications to the initial list of recognized standards, as published in the **Federal Register**, can be accessed at *http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/Standards/ucm123792.htm*.

These notices describe the addition, withdrawal, and revision of certain standards recognized by FDA. The Agency maintains hypertext markup language (HTML) and portable document format (PDF) versions of the list of FDA Recognized Consensus Standards. Both versions are publicly accessible at the Agency's Internet site. See section VI of this document for electronic access information. Interested persons should review the

supplementary information sheet for the standard to understand fully the extent to which FDA recognizes the standard.

II. Modifications to the List of Recognized Standards, Recognition List Number: 033

FDA is announcing the addition, withdrawal, correction, and revision of certain consensus standards the Agency will recognize for use in premarket submissions and other requirements for devices. We will incorporate these modifications in the list of FDA Recognized Consensus Standards in the Agency's searchable database, using the term ''Recognition List Number: 033'' to identify these current modifications.

In table 1 of this document, FDA describes the following modifications: (1) The withdrawal of standards and their replacement by others, if applicable; (2) the correction of errors made by FDA in listing previously recognized standards; and (3) the changes to the supplementary information sheets of recognized standards that describe revisions to the applicability of the standards.

In section III of this document, FDA lists modifications the Agency is making that involve the initial addition of standards not previously recognized by FDA.

TABLE 1—MODIFICATIONS TO THE LIST OF RECOGNIZED STANDARDS

Old recognition No.	Replacement recognition No.	Title of standard [1]	Change
A. Anesthesia			
1–60		IEC 60601–2–12 (2001–10) Medical electrical equipment—Part 2–12: Particular requirements for the safety of lung ventilators—Critical care ventilators.	Withdrawn. Transition period expired. See 1–88.
1–61		IEC 60601–2–13 (2003–05) Medical electrical equipment—Part 2–13: Particular requirements for the safety and essential performance of anesthetic systems.	Withdrawn. Transition period expired. See 1–82.
1–66		ISO 9919:2005 Medical electrical equipment—Particular requirements for the basic safety and essential performance of pulse oximeter equipment for medical use.	Withdrawn. Transition period expired. See 1–85.
B. Cardiovascular			
3–38		IEC 60601–2–34 (2000–10) Medical electrical equipment—Part 2–34: Particular requirements for the safety, including essential performance, of invasive blood pressure monitoring equipment.	Withdrawn. Transition period expired. See 3–115.
C. Dental/ENT			
4–122		IEC 60601–2–18:1996 Amendment 1 2000 Medical electrical equipment—Part 2–18: Particular requirements for the safety of endoscopic equipment.	Withdrawn. Transition period expired. See 4–187.
D. General			
5–4		IEC 60601–1 1988; Amendment 1, 1991–11, Amendment 2, 1995 Medical electrical equipment—Part 1: General requirements for safety and essential performance.	Withdrawn. Transition period expired. See 5–77.
5–27		IEC 60601–1–1:2000 Medical electrical equipment—Part 1–1: General requirements for safety—Collateral standard: Safety requirements for medical electrical systems.	Withdrawn.
5–34		IEC 60601–1–2 Medical electrical equipment—Part 1–2: General requirements for safety—Collateral standard: Electromagnetic compatibility—Requirements and tests (Edition 2:2001 with Amendment 1:2004; Edition 2.1) (Edition 2:2001 consolidated with Amendment 1:2004).	Withdrawn. Transition period expired. See 5–53.
5–35		ANSI/AAMI/IEC 60601–1–2:2001 Medical electrical equipment—Part 1–2: General requirements for safety—Collateral standard: Electromagnetic compatibility—Requirements and tests.	Withdrawn. Transition period expired. See 5–54.
5–41		IEC 60601–1–4 Edition 1.1 2000–04 Medical electrical equipment—Part 1–4: General requirements for safety—Collateral standard: Programmable electrical medical systems.	Withdrawn.

TABLE 1—MODIFICATIONS TO THE LIST OF RECOGNIZED STANDARDS—Continued

Old recognition No.	Replacement recognition No.	Title of standard [1]	Change
5–49		IEC 60601–1–8 First edition 2003–08 Medical electrical equipment—Part 1–8: General requirements for safety—Collateral standard: General requirements, tests, and guidance for alarm systems in medical electrical equipment and medical electrical systems.	Withdrawn. Transition period expired. See 5–76.
5–60		IEC 60601–1–2 Int. 1 Third edition/I–SH 01:2007 Medical electrical equipment—Part 1–2: General requirements for basic safety and essential performance—Collateral standard: Electromagnetic compatibility—Requirements and tests, interpretation sheet.	Withdrawn. See 5–53.
5–77		ANSI/AAMI ES60601–1:2005/(R)2012 and A1:2012, C1:2009/(R)2012 and A2:2010/(R)2012 (Consolidated Text), Medical electrical equipment—Part 1: General requirements for basic safety and essential performance (IEC 60601–1:2005, MOD).	Transition period extended.
E. General Hospital/General Plastic Surgery			
6–9		IEC 60601–2–21 First edition 1994–02 Medical electrical equipment—Part 2: Particular requirements for the safety of infant radiant warmers.	Withdrawn. Transition period expired. See 6–300.
6–29		IEC 60601–2–19 First edition 1990–12 Medical electrical equipment—Part 2: Particular requirements for safety of baby incubators.	Withdrawn. Transition period expired. See 6–298.
6–32		IEC 60601–2–20 First edition 1990–12 Medical electrical equipment—Part 2: Particular requirements for safety of transport incubators.	Withdrawn. Transition period expired. See 6–299.
6–146		ANSI/AAMI/IEC 60601–2–21 First edition 1994–02 and Amendment 1:2000 Medical electrical equipment—Part 2: Particular requirements for safety of infant radiant warmers.	Withdrawn. Transition period expired. See 6–227.
6–182		IEC 60601–2–38 First edition 1996–10 and Amendment 1:1999 Medical electrical equipment—Part 2–38: Particular requirements for the safety of electrically operated hospital beds.	Withdrawn. Transition period expired. See 6–233.
6–197		IEC 60601–2–2 Ed. 1.0 Medical electrical equipment—Part 2–2: Particular requirements for the safety of high-frequency surgical equipment.	Withdrawn. Transition period expired. See 6–228.
F. Neurology			
17–5		IEC 60601–2–10 First edition 1987, Amendment 1 2001–09 Medical electrical equipment—Part 2–10: Particular requirements for the safety of nerve and muscle stimulators.	Withdrawn. Transition period expired. See 17–11.
G. OB–GYN/Gastroenterology			
9–4		IEC 60601–2–16 Second edition 1998–02 Medical electrical equipment—Part 2–16: Particular requirements for the safety of haemodialysis, haemodiafiltration, and haemofiltration equipment.	Withdrawn. Transition period expired. See 9–80.
9–42		IEC 60601–2–18 Second edition 1996–08, Amendment 1 2000–07 Medical electrical equipment—Part 2–18: Particular requirements for the safety of endoscopic equipment.	Withdrawn. Transition period expired. See 9–61.
9–46		IEC 60601–2–2 Fourth edition 2006–07 Medical electrical equipment—Part 2–2: Particular requirements for the safety of high frequency surgical equipment.	Withdrawn. Transition period expired. See 9–62.
H. Radiology			
12–34		IEC 60601–2–7 Second edition 1998–02 Medical electrical equipment—Part 2–7: Particular requirements for the safety of high-voltage generators of diagnostic x ray generators.	Withdrawn. Transition period expired. See 12–251.

TABLE 1—MODIFICATIONS TO THE LIST OF RECOGNIZED STANDARDS—Continued

Old recognition No.	Replacement recognition No.	Title of standard [1]	Change
12–54		IEC 60601–2–8 Edition 1.1 1999–04 Medical electrical equipment—Part 2–8: Particular requirements for the safety of therapeutic x ray equipment operating in the range 10 kilovolt (kV) to 1 millivolt (mV).	Withdrawn. Transition period expired. See 12–254.
12–63		IEC 60601–2–43 Edition 1.0 2000–06 Medical electrical equipment—Part 2–43: Particular requirements for the safety of x ray equipment for interventional procedures.	Withdrawn. Transition period expired. See 12–202.
12–120		IEC 60601–2–44 Edition 2.1 2002–11 Medical electrical equipment—Part 2–44: Particular requirements for the safety of x ray equipment for computed tomography.	Withdrawn. Transition period expired. See 12–256.
12–126		IEC 60601–2–28 First Edition 1.0 1993–03 Medical electrical equipment—Part 2–28: Particular requirements for the safety of x ray source assemblies and x ray tube assemblies for medical diagnosis.	Withdrawn. Transition period expired. See 12–204.
12–127		60601–2–32 First edition 1994–03 Medical electrical equipment—Part 2–32: Particular requirements for the safety of associated equipment of x ray equipment.	Withdrawn. Transition period expired. See 12–201.
12–133		IEC 60601–2–11 Second edition 1997–08, Amendment 1, 2004–07 Medical electrical equipment—Part 2–11: Particular requirements for the safety of gamma beam therapy equipment.	Withdrawn. Transition period expired. See 12–255.
12–147		IEC 60601–2–5 Edition 2.0 2000–07 Medical electrical equipment—Part 2–5: Particular requirements for the safety of ultrasonic physiotherapy equipment.	Withdrawn. Transition period expired. See 12–205.
12–152		IEC 60601–2–1 Second edition 1998–06, Amendment 1 2002–05 Medical electrical equipment—Part 2–1: Particular requirements for the safety of electron accelerators in the range 1 megaelectronvolts (MeV) to 50 MeV.	Withdrawn. Transition period expired. See 12–206.
12–178		IEC 60601–2–45 Edition 2.0 2001–05 Medical electrical equipment—Part 2–45: Particular requirements for the safety of mammographic x ray equipment and mammographic stereotactic devices.	Withdrawn. Transition period expired. See 12–236.
12–189		IEC 60601–2–33 Edition 2.2 2008–04 Medical electrical equipment—Part 2–33: Particular requirements for the safety of magnetic resonance equipment for medical diagnosis.	Withdrawn. Transition period expired. See 12–207.
12–197		IEC 60601–2–22 Second edition 1995–11 Medical electrical equipment—Part 2–22: Particular requirements for the safety of diagnostic and therapeutic laser equipment.	Withdrawn. Transition period expired. See 12–208.
12–198		IEC 60601–2–37 First edition 2007–01, Amendment 1 2004–08, Amendment 2 2005–11 Medical electrical equipment—Part 2–37: Particular requirements for the basic safety and essential performance of ultrasonic medical diagnostic and monitoring equipment.	Withdrawn. Transition period expired. See 12–209.
12–199		IEC 60601–1–3 First edition 1994–07 Medical electrical equipment—Part 1–3: General requirements for safety—3. Collateral standard: General requirements for radiation protection in diagnostic x ray equipment.	Withdrawn. Transition period expired. See 12–210.
12–200		IEC 60601–2–29 Second edition 1999–01 Medical electrical equipment—Part 2–29: Particular requirements for the safety of radiotherapy simulators.	Withdrawn. Transition period expired. See 12–211.
12–207		IEC 60601–2–33 Edition 3.0 2010–03, Medical electrical equipment—Part 2–33: Particular requirements for the basic safety and essential performance of magnetic resonance equipment for medical diagnostic.	Transition period extended.
12–208		IEC 60601–2–22 Third edition 2007–05 Medical electrical equipment—Part 2–22: Particular requirements for basic safety and essential performance of surgical, cosmetic, therapeutic, and diagnostic laser equipment.	Transition period extended.

TABLE 1—MODIFICATIONS TO THE LIST OF RECOGNIZED STANDARDS—Continued

Old recognition No.	Replacement recognition No.	Title of standard [1]	Change
12–210		IEC 60601–1–3 Edition 2.0 2008–01 Medical electrical equipment—Part 1–3: General requirements for basic safety and essential performance—Collateral standard: Radiation protection in diagnostic x ray equipment.	Transition period extended.

[1] All standard titles in this table conform to the style requirements of the respective organizations.

III. Listing of New Entries

In table 2 of this document, FDA provides the listing of new entries and consensus standards added as modifications to the list of recognized standards under Recognition List Number: 033.

TABLE 2—NEW ENTRIES TO THE LIST OF RECOGNIZED STANDARDS

Recognition No.	Title of standard [1]	Reference No. and date
	A. General	
5–78	Medical electrical equipment—Part 1: General requirements for basic safety and essential performance (IEC 60601–1:2005, MOD).	ANSI/AAMI ES60601–1:2005/(R)2012 and C1:2009/(R)2012 and A2:2010/(R)2012 (Consolidated Text).
	B. Radiology	
12–257	Medical electrical equipment—Part 2–44: Particular requirements for the basic safety and essential performance of x ray equipment for computed tomography.	IEC 60601–2–44 Edition 3.0 2009–02.
12–268	Medical electrical equipment—Part 2–22: Particular requirements for basic safety and essential performance of surgical, cosmetic, therapeutic and diagnostic laser equipment.	IEC 60601–2–22 Edition 3.1 2012–10.
12–269	Medical electrical equipment—Part 1–3: General requirements for basic safety and essential performance—Collateral standard: radiation protection in diagnostic x ray equipment.	IEC 60601–1–3 Edition 2.1 2013–04.
12–271	Medical electrical equipment—Part 2–33: Particular requirements for the basic safety and essential performance of magnetic resonance equipment for medical diagnosis.	IEC 60601–2–33 Edition 3.1 2013–04.

[1] All standard titles in this table conform to the style requirements of the respective organizations.

IV. List of Recognized Standards

FDA maintains the Agency's current list of FDA Recognized Consensus Standards in a searchable database that may be accessed directly at our Internet site at *http://www.accessdata.fda.gov/scripts/cdrh/cfdocs/cfStandards/search.cfm*. We will incorporate the modifications and revisions described in this notice into the database and, upon publication in the **Federal Register**, this recognition of consensus standards will be effective. We will announce additional modifications and revisions to the list of recognized consensus standards, as needed, in the **Federal Register** once a year, or more often if necessary. Beginning with Recognition List Number: 033, we will no longer be announcing minor revisions to the list of recognized consensus standards such as technical contact person, relevant guidance, processes affected, Code of Federal Regulations citations, and product codes.

V. Recommendation of Standards for Recognition by FDA

Any person may recommend consensus standards as candidates for recognition under section 514 of the FD&C Act by submitting such recommendations, with reasons for the recommendation, to the contact person (see **FOR FURTHER INFORMATION CONTACT**). To be properly considered, such recommendations should contain, at a minimum, the following information: (1) Title of the standard, (2) any reference number and date, (3) name and address of the national or international standards development organization, (4) a proposed list of devices for which a declaration of conformity to this standard should routinely apply, and (5) a brief identification of the testing or performance or other characteristics of the device(s) that would be addressed by a declaration of conformity.

VI. Electronic Access

You may obtain a copy of ''Guidance on the Recognition and Use of Consensus Standards'' by using the Internet. The Center for Devices and Radiological Health (CDRH) maintains a site on the Internet for easy access to information including text, graphics, and files that you may download to a personal computer with access to the Internet. Updated on a regular basis, the CDRH home page includes the guidance as well as the current list of recognized standards and other standards-related documents. After publication in the **Federal Register**, this notice announcing ''Modification to the List of Recognized Standards, Recognition List Number: 033'' will be available on the CDRH home page. You may access the

CDRH home page at *http://www.fda.gov/MedicalDevices.*

You may access ''Guidance on the Recognition and Use of Consensus Standards,'' and the searchable database for ''FDA Recognized Consensus Standards'' at *http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/Standards.*

This **Federal Register** document on modifications in FDA's recognition of consensus standards is available at *http://www.fda.gov/MedicalDevices/DeviceRegulationandGuidance/Standards/ucm123792.htm.*

VII. Submission of Comments and Effective Date

Interested persons may submit either electronic comments concerning this document, or recommendations for additional standards for recognition, by email to *standards@cdrh.fda.gov* or written comments to the contact person (see **FOR FURTHER INFORMATION CONTACT**). It is only necessary to send one set of comments. Identify comments with the docket number found in brackets in the heading of this document. FDA will consider any comments received in determining whether to amend the current listing of modifications to the list of recognized standards, Recognition List Number: 033. These modifications to the list of recognized standards are effective upon publication of this notice in the **Federal Register**.

Dated: January 8, 2014.

Leslie Kux,

Assistant Commissioner for Policy.

[FR Doc. 2014–00477 Filed 1–13–14; 8:45 am]

BILLING CODE 4160–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Submission for OMB Review; 30-Day Comment Request: Community Evaluation of the National Diabetes Education Program's Diabetes HealthSense Web Site

SUMMARY: Under the provisions of Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, the National Institute of Diabetes and Digestive and Kidney Diseases (NIDDK), the National Institutes of Health (NIH) has submitted to the Office of Management and Budget (OMB) a request for review and approval of the information collection listed below. This proposed information collection was previously published in the **Federal Register** on August 5, 2013, pages 47326 and 47327 and allowed 60-days for public comment. There was one public comment. The comment conveyed broad discontent with the government's use of money and the department's involvement in diabetes prevention. An acknowledgement of receipt and a statement of appreciation was sent in response to this comment. The purpose of this notice is to allow an additional 30 days for public comment. The National Institutes of Health may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Proposed Collection: Community Evaluation of the National Diabetes Education Program's Diabetes HealthSense Web Site. 0925–NEW, National Institute of Diabetes and Digestive and Kidney Disease (NIDDK), National Institutes of Health (NIH).

Need and Use of Information Collection: This study will be a multi-component 3-year evaluation of Diabetes HealthSense, an online compendium of psychosocial and behavioral resources to support lifestyle changes. The required forms will support the following evaluation tasks: (1) Assessing community educators' experience and satisfaction with NDEP resources such as the Diabetes HealthSense Web site; (2) Assess the extent to which, through participation in Diabetes HealthSense educational sessions, community educators can increase their knowledge and ability to promote and use NDEP resources; and (3) Assess the extent to which the Web site, with guided exploration, can facilitate changes in lifestyle to help prevent or manage diabetes. The data collected from this evaluation will provide NDEP with information about how community educators use NDEP-created resources in their communities and whether the Diabetes HealthSense resource has its intended effect on participants. Such data will help inform NDEP's future decisions about the Diabetes HealthSense Web site, including whether to make changes to Diabetes HealthSense, and whether to invest additional resources to support, promote, or expand this resource. *Frequency of Response:* One time study. *Affected Public:* Adults with diabetes or at risk of diabetes and educators. *Type of Respondents:* Adult intervention participants and community educators. The annual reporting burden is outlined in the table below, and the annualized cost to respondents is estimated at: $6,597.15. There are no maintenance or capital costs to respondents to report.

OMB approval is requested for three years. There are no costs to respondents other than their time. The total estimated annualized burden hours are 310.

ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Type of respondent	Estimated number of respondents	Estimated number of responses per respondent	Average time per response (in hours)	Estimated total annual burden hours
Participant Pretest	Adult intervention participants	200	1	20/60	67
Participant Posttest	Adult intervention participants	150	1	20/60	50
Participant Exit Satisfaction Survey	Adult intervention participants	200	1	10/60	33
Participant Follow-up Interview	Adult intervention participants	10	1	1	10
Participant Pretest	Adult comparison group participants	250	1	20/60	83
Participant Posttest	Adult comparison group participants	150	1	20/60	50
Community Educator Pre Interview	Community educators	5	1	1	5
Community Educator Post Interview	Community educators	5	1	1	5
Intervention Participant Recruitment Guide.	Community educators	5	2	15/60	4
Comparison Participant Recruitment Guide.	Community educators	10	1	15/60	3

Request for Comments: Written comments and/or suggestions from the public and affected agencies are invited to address 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.

Direct Comments to OMB: Written comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the: Office of Management and Budget, Office of Regulatory Affairs, New Executive Office Building, Room 10235, Washington, DC 20503, Attention: Desk Officer for NIH. To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact: Joanne Gallivan, M.S., R.D., Director, National Diabetes Education Program, NIDDK, NIH, Building 31, Room 9A06, 31 Center Drive, Bethesda, MD 20892, or call non-toll-free number (301) 494–6110 or email your request, including your address to: *Joanne_Gallivan@nih.gov.*

Comments Due Date: Comments regarding this information collection are best assured of having their full effect if received within 30 days of the date of this publication.

Dated: December 17, 2013.

Ruby N. Akomeah,

Project Clearance Liaison, NIDDK, National Institutes of Health.

[FR Doc. 2014–00460 Filed 1–13–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Biomedical Imaging and Bioengineering; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Biomedical Imaging and Bioengineering Special Emphasis Panel; Center for Gamma Ray Imaging (2014/05).

Date: March 14, 2014.

Time: 10:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, Two Democracy Plaza, 6707 Democracy Boulevard, Bethesda, MD 20892, (Virtual Meeting).

Contact Person: John K. Hayes, Ph.D., Scientific Review Officer, National Institute of Biomedical Imaging and Bioengineering, 6707 Democracy Boulevard, Suite 959, Bethesda, MD 20892, 301–451–3398, *hayesj@mail.nih.gov.*

Dated: January 8, 2014.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–00471 Filed 1–13–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications/contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel; SPORE in Breast, Cervical, Lung, Mesothelioma and Ovarian Cancers.

Date: February 6–7, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, Montgomery County Conference Center Facility, 5701 Marinelli Road, North Bethesda, MD 20852.

Contact Person: Caterina Bianco, MD, Ph.D., Scientific Review Officer, Research Programs Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W610, Bethesda, MD 20892, 240–276–6459, *biancoc@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; Advanced Development & Validation of Emerging Molecular Analysis for Technical Research.

Date: February 12, 2014.

Time: 10:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 6W030, Rockville, MD 20892, (Telephone Conference Call).

Contact Person: Jeffrey E. DeClue, Ph.D., Scientific Review Officer, Special Review and Logistics Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W238, Bethesda, MD 20892, 240–276–6371, *decluej@mail.nih.gov.*

Name of Committee: National Cancer Institute Initial Review Group; Subcommittee J—Career Development.

Date: February 26, 2014.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W640, Rockville, MD 20850, (Telephone Conference Call).

Contact Person: Ilda F.S. Melo, Ph.D., Scientific Review Officer, Resources and Training Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W122, Bethesda, MD 20892, 240–276–6468, *ilda.melo@nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; Software for Measuring Environmental Effects on Cancer.

Date: April 1, 2014.

Time: 8:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: Embassy Suites Alexandria, 1900 Diagonal Road, Alexandria, VA 22314.

Contact Person: Marvin L. Salin, Ph.D., Scientific Review Officer, Special Review and Logistics Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W236, Bethesda, MD 20892, 240–276–6369, *msalin@mail.nih.gov.*

Information is also available on the Institute's/Center's home page: *http://deainfo.nci.nih.gov/advisory/sep/sep.htm,* where an agenda and any additional

information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS).

Dated: January 8, 2014.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–00472 Filed 1–13–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Meeting

Pursuant to section 10(a) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of a meeting of the National Cancer Institute Clinical Trials and Translational Research Advisory Committee.

The meeting will be open to the public, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

Name of Committee: National Cancer Institute Clinical Trials and Translational Research Advisory Committee.

Date: March 12, 2014.

Time: 9:00 a.m. to 4:00 p.m.

Agenda: Strategic Discussion of NCI's Clinical and Translational Research Programs.

Place: National Institutes of Health, Building 31, Room 10, 31 Center Drive, Bethesda, MD 20892.

Contact Person: Sheila A. Prindiville, MD, MPH, Director, Coordinating Center for Clinical Trials, National Institutes of Health, National Cancer Institute, Coordinating Center for Clinical Trials, 9609 Medical Center Drive, Room 6W136, Rockville, MD 20850, 240–276–6173, *prindivs@mail.nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has instituted stringent procedures for entrance onto the NIH campus. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Institute's/Center's home page: *http://deainfo.nci.nih.gov/advisory/ctac/ctac.htm,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS).

Dated: January 8, 2014.

Melanie J. Gray,

Program Analyst, Office of Federal advisory Committee Policy.

[FR Doc. 2014–00469 Filed 1–13–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel; SPORE Panel II.

Date: February 6–7, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center Montgomery County Conference Center Facility 5701 Marinelli Road North Bethesda, MD 20852.

Contact Person: David G. Ransom, Ph.D., Scientific Review Officer, Research Programs Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W124, Rockville, MD 20850, 240–276–6351 *david.ransom@nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; The Role of Microbial Metabolites in Cancer Prevention and Etiology.

Date: February 20, 2014.

Time: 10:00 a.m. to 12:30 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W034, Rockville, MD 20850, (Telephone Conference Call).

Contact Person: Gerald G. Lovinger, Ph.D., Scientific Review Officer, Special Review and Logistics Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W266, Bethesda, MD 20892–9750, 240–276–6385, *lovingeg@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; Small Grants Program for Cancer Epidemiology.

Date: February 26, 2014.

Time: 9:00 a.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W034, Rockville, MD 20850, (Telephone Conference Call).

Contact Person: Gerald G. Lovinger, Ph.D., Scientific Review Officer, Special Review and Logistics Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W266, Bethesda, MD 20892–9750, 240–276–6385, *lovingeg@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; Core Infrastructure and Methodological Research for Cancer Epidemiology Cohorts.

Date: March 18, 2014.

Time: 11:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W030, Rockville, MD 20850, (Telephone Conference Call).

Contact Person: Kenneth L. Bielat, Ph.D., Scientific Review Officer, Special Review and Logistics Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W244, Bethesda, MD 20892–8329, 240–276–6373, *bielatk@mail.nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; Omnibus Epidemiology.

Date: March 21, 2014.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, Bethesda, MD 20852.

Contact Person: Joyce C. Pegues, Ph.D., Scientific Review Officer, Special Review and Logistics Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W248, Rockville, MD 20850, 240–276–6375, *peguesj@mail.nih.gov.*

Information is also available on the Institute's/Center's home page: *http://*

deainfo.nci.nih.gov/advisory/sep/sep.htm, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS).

Dated: January 8, 2014.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–00473 Filed 1–13–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Member Conflict: Cancer Therapeutics.

Date: January 28, 2014.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Careen K. Tang-Toth, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6214, MSC 7804, Bethesda, MD 20892, (301) 435–3504, *tothct@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel; Collaborative Applications: Behavioral Genetics and Epidemiology.

Date: February 3, 2014.

Time: 4:00 p.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Marines Memorial Hotel and Club, 609 Sutter Street, San Francisco, CA.

Contact Person: George Vogler, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3140, MSC 7770, Bethesda, MD 20892, (301) 237–2693, *voglergp@csr.nih.gov.*

Name of Committee: Bioengineering Sciences & Technologies Integrated Review Group; Biomaterials and Biointerfaces Study Section.

Date: February 6–7, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Westin St. Francis, 335 Powell Street, San Francisco, CA 94102.

Contact Person: Joseph D. Mosca, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5158, MSC 7808, Bethesda, MD 20892, (301) 408–9465, *moscajos@csr.nih.gov.*

Name of Committee: Population Sciences and Epidemiology Integrated Review Group; Kidney, Nutrition, Obesity and Diabetes Study Section.

Date: February 6–7, 2014.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Marriott Wardman Park Washington DC Hotel, 2660 Woodley Road NW., Washington, DC 20008.

Contact Person: Fungai Chanetsa, Ph.D., MPH, Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3135, MSC 7770, Bethesda, MD 20892, 301–408–9436, *fungai.chanetsa@nih.hhs.gov.*

Name of Committee: Oncology 2—Translational Clinical Integrated Review Group; Clinical Oncology Study Section.

Date: February 10, 2014.

Time: 8:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Crowne Plaza Tyson's Corner, 1960 Chain Bridge Road, Mclean, VA 22102.

Contact Person: Malaya Chatterjee, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6192, MSC 7804, Bethesda, MD 20892, 301–806–2515, *chatterm@csr.nih.gov.*

Name of Committee: Risk, Prevention and Health Behavior Integrated Review Group; Behavioral Medicine, Interventions and Outcomes Study Section.

Date: February 10–11, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Woodland Hills Los Angeles, 6360 Canoga Avenue, Woodland Hills, CA 91367.

Contact Person: Lee S. Mann, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3186, MSC 7848, Bethesda, MD 20892, 301–435–0677, *mannl@csr.nih.gov.*

Name of Committee: Oncology 2—Translational Clinical Integrated Review Group; Cancer Biomarkers Study Section.

Date: February 12, 2014.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW., Washington, DC 20015.

Contact Person: Lawrence Ka-Yun Ng, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6152, MSC 7804, Bethesda, MD 20892, 301–357–9318, *ngkl@csr.nih.gov.*

Name of Committee: Musculoskeletal, Oral and Skin Sciences Integrated Review Group; Musculoskeletal Tissue Engineering Study Section.

Date: February 12, 2014.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Doubletree Hotel Bethesda, (Formerly Holiday Inn Select), 8120 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Baljit S. Moonga, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4214, MSC 7806, Bethesda, MD 20892, 301–435–1777, *moongabs@mail.nih.gov.*

Name of Committee: Bioengineering Sciences & Technologies Integrated Review Group; Nanotechnology Study Section.

Date: February 13–14, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Embassy Suites, 2911 Sage Road, Houston, TX 77056.

Contact Person: James J. Li, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5148, MSC 7849, Bethesda, MD 20892, 301–806–8065, *lijames@csr.nih.gov.*

Name of Committee: Endocrinology, Metabolism, Nutrition and Reproductive Sciences Integrated Review Group; Cellular Aspects of Diabetes and Obesity Study Section.

Date: February 13–14, 2014.

Time: 8:00 a.m. to 2:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hilton Garden Inn Bethesda, 7301 Waverly Street, Bethesda, MD 20814.

Contact Person: Robert Garofalo, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6156, MSC 7892, Bethesda, MD 20892, 301–435–1043, *garofalors@csr.nih.gov.*

Name of Committee: Risk, Prevention and Health Behavior Integrated Review Group; Risk, Prevention and Intervention for Addictions Study Section.

Date: February 13–14, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Ritz Carlton Hotel, 1150 22nd Street NW., Washington, DC 20037.

Contact Person: Claire E. Gutkin, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3106, MSC 7808, Bethesda, MD 20892, 301–594–3139, *gutkincl@csr.nih.gov.*

Name of Committee: Oncology 2—Translational Clinical Integrated Review Group; Cancer Immunopathology and Immunotherapy Study Section.

Date: February 13, 2014.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Denise R. Shaw, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6158, MSC 7804, Bethesda, MD 20892, 301–435–0198, *shawdeni@csr.nih.gov.*

Name of Committee: Endocrinology, Metabolism, Nutrition and Reproductive Sciences Integrated Review Group; Integrative Nutrition and Metabolic Processes Study Section.

Date: February 13, 2014.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Residence Inn Bethesda, 7335 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Dianne Camp, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6164 MSC 7892, Bethesda, MD 20892, 301–435–1044, *campdm@mail.nih.gov.*

Name of Committee: Risk, Prevention and Health Behavior Integrated Review Group; Social Psychology, Personality and Interpersonal Processes Study Section.

Date: February 13–14, 2014.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Sir Francis Drake Hotel, 450 Powell Street at Sutter, San Francisco, CA 94102.

Contact Person: Monica Basco, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3220, MSC 7808, Bethesda, MD 20892, 301–496–7010, *bascoma@mail.nih.gov.*

Name of Committee: Integrative, Functional and Cognitive Neuroscience Integrated Review Group; Neuroendocrinology, Neuroimmunology, Rhythms and Sleep Study Section.

Date: February 13–14, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Serrano Hotel, 405 Taylor Street, San Francisco, CA 94102.

Contact Person: Michael Selmanoff, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5164, MSC 7844, Bethesda, MD 20892, 301–435–1119, *mselmanoff@csr.nih.gov.*

Name of Committee: Cell Biology Integrated Review Group; Biology of the Visual System Study Section.

Date: February 13–14, 2014.

Time: 8:00 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Hyatt Regency Bethesda, One Bethesda Metro Center, 7400 Wisconsin Avenue, Bethesda, MD 20814.

Contact Person: Michael H. Chaitin, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5202, MSC 7850, Bethesda, MD 20892, (301) 435–0910, *chaitinm@csr.nih.gov.*

Name of Committee: Surgical Sciences, Biomedical Imaging and Bioengineering Integrated Review Group; Biomedical Imaging Technology B Study Section.

Date: February 13–14, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: The Dana on Mission Bay, 1710 West Mission Bay Drive, San Diego, CA 92109.

Contact Person: Lee Rosen, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5116, MSC 7854, Bethesda, MD 20892, (301) 435–1171, *rosenl@csr.nih.gov.*

Name of Committee: Cardiovascular and Respiratory Sciences Integrated Review Group; Myocardial Ischemia and Metabolism Study Section.

Date: February 13–14, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Ritz Carlton Hotel, 1150 22nd Street NW., Washington, DC 20037.

Contact Person: Kimm Hamann, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4118A, MSC 7814, Bethesda, MD 20892, 301–435–5575, *hamannkj@csr.nih.gov.*

Name of Committee: Cell Biology Integrated Review Group; Membrane Biology and Protein Processing Study Section.

Date: February 13–14, 2014.

Time: 8:00 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Place: Renaissance Washington DC, Dupont Circle, 1143 New Hampshire Avenue NW., Washington, DC 20037.

Contact Person: Janet M Larkin, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5142, MSC 7840, Bethesda, MD 20892, 301–806–2765, *larkinja@csr.nih.gov.*

Name of Committee: Bioengineering Sciences & Technologies Integrated Review Group; Gene and Drug Delivery Systems Study Section.

Date: February 13–14, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Hotel Nikko San Francisco, 222 Mason Street, San Francisco, CA 94102.

Contact Person: Amy L. Rubinstein, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5152, MSC 7844, Bethesda, MD 20892, 301–408–9754, *rubinsteinal@csr.nih.gov.*

Name of Committee: Surgical Sciences, Biomedical Imaging and Bioengineering Integrated Review Group; Medical Imaging Study Section.

Date: February 13–14, 2014.

Time: 6:30 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Bahia Resort Hotel, 998 West Mission Bay Drive, San Diego, CA 92109.

Contact Person: Xiang-Ning Li, MD, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5112, MSC 7854, Bethesda, MD 20892, 301–435–1744, *lixiang@csr.nih.gov.*

Name of Committee: Integrative, Functional and Cognitive Neuroscience Integrated Review Group; Sensorimotor Integration Study Section.

Date: February 14, 2014.

Time: 8:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications,

Place: Serrano Hotel, 405 Taylor Street, San Francisco, CA 94102.

Contact Person: John Bishop, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5182, MSC 7844, Bethesda, MD 20892, (301) 408–9664, *bishopj@csr.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS).

Dated: January 8, 2014.

David Clary,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–00470 Filed 1–13–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which

would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel; SBIR Stem Cell Anticancer Agents.

Date: April 15–16, 2014.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: Bethesda North Marriott Hotel & Conference Center, 5701 Marinelli Road, Bethesda, MD 20852.

Contact Person: Joyce C. Pegues, Ph.D., Scientific Review Officer, Special Review and Logistics Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W248, Rockville, MD 20850, 240–276–6375, *peguesj@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS).

Dated: January 8, 2014.

Melanie J. Gray,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2014–00474 Filed 1–13–14; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 concerning opportunity for public comment on proposed collections of information, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish periodic summaries of proposed projects. To request more information on the proposed projects or to obtain a copy of the information collection plans, call the SAMHSA Reports Clearance Officer at 240–276–1243.

Comments are invited on: (a) Whether the proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) 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.

Proposed Project: SAMHSA Disaster Technical Assistance Center Disaster Behavioral Health Needs Assessment and Customer Satisfaction Survey (OMB No. 0930–0325)—Revision

The Substance Abuse and Mental Health Services Administration (SAMHSA) is requesting approval for a revision to the data collection associated with the SAMHSA Disaster Technical Assistance Center (DTAC) Disaster Behavioral Health Needs Assessment and Customer Satisfaction Survey (OMB No. 0930–0325), which expires on June 30, 2014. The data collection instruments include the Disaster Behavioral Health Needs Assessment (NAS)—State/Territory Version, the NAS—Local Provider Version, the Disaster Behavioral Health Follow-Up Interview Guide (NAFI), and the SAMHSA DTAC Customer Satisfaction Survey (CSS). All of the proposed data collection efforts will provide feedback on the overall effectiveness of SAMHSA DTAC's services, ongoing needs at the national level, and areas that require enhanced technical assistance (TA) services.

SAMHSA DTAC will be responsible for administering the four data collection instruments and analyzing the data. SAMHSA DTAC will use data from the instruments to inform current and future TA activities and to ensure these activities continue to align with state and local needs.

A 3-year clearance is being requested *to continue the previously cleared data collection activities.* The components of the data collection are listed and described below, and a summary table of the number of respondents and respondent burden has also been included.

Disaster Behavior Health Needs Assessment Surveys (NAS). The NAS will assist SAMHSA DTAC in identifying the current needs of states, territories, federally recognized tribes, and local organizations and agencies as they integrate disaster behavioral health (DBH) into all-hazards disaster planning and response. There are two instruments under the NAS—the NAS—State/Territory Version and the NAS—Local Provider Version. The NAS will assess the current gaps and needs at the state, territory, and local provider levels in disaster behavioral health (mental health and substance abuse) planning and response efforts and preferred methods for receiving training to address these needs. Revisions to these data collection efforts include eliminating unnecessary questions, collapsing questions to ease respondent burden, changing or adding questions and response options to address DBH needs identified through previous administrations of the NAS instruments, and revising the administration to occur every two years instead of annually. Both NAS instruments will be administered online and will be programmed to include simplified screens and intuitive navigational controls.

The NAS—State/Territory Version will be administered to all disaster mental health coordinators, disaster substance abuse coordinators, and DBH coordinators (coordinators responsible for both mental health and substance abuse disaster services) in the 50 states, the U.S. territories, and the District of Columbia, for a total of 77 participants. Coordinators will be asked to provide contact information for up to 10 local DBH service providers with whom they work. These local providers will be invited to participate in the NAS—Local Provider Version. SAMHSA DTAC anticipates inviting approximately 250 local providers to participate across a representative sample of the states and U.S. territories.

Disaster Behavioral Health Needs Assessment Follow-Up Interviews (NAFI). The NAFI will allow SAMHSA DTAC to gain a more nuanced understanding of the needs identified in the NAS. SAMHSA DTAC will use the NAFI to delve deeper into current DBH needs and specific findings from the NAS to identify gaps and trends in disaster behavioral health preparedness and response across the country and inform future TA for state, territory, and local behavioral health authorities. The instrument is designed to collect indepth information useful for expanding and further enhancing the training and TA provided by SAMHSA DTAC, by SAMHSA DTAC, including tailoring resources to specific needs, providing resources in the most useful formats, and creating new resources to fill certain disaster behavioral health preparedness and response gaps. The NAFI will collect information on the following: (1) Familiarity with SAMHSA DTAC; (2) participant background and experiences; (3) general DBH-related needs; and (4) additional feedback related to specific needs identified in the NAS. This instrument is new under the proposed revision. The NAFI will be administered by telephone.

Participation in the NAFI will be solicited from up to 25 state or territory coordinators who completed the NAS—State/Territory Version and up to 25 local providers who completed the NAS—Local Provider Version. These individuals will be selected in such a manner as to obtain representation from various participants of various state/territory demographics, such as geographic region or frequency of disasters.

SAMHSA DTAC Customer Satisfaction Survey (CSS). The CSS will collect data from SAMHSA DTAC customers to ensure that the assistance SAMHSA DTAC provides is up-to-date, applicable, useful, and well received. Specifically, the CSS will collect the experiences and perspectives of: (1) Those who have requested TA (e.g., behavioral health coordinators, project coordinators, local providers) and (2) those who subscribe to SAMHSA DTAC e-communications. The CSS will assess the following: (1) Familiarity with SAMHSA DTAC services and resources; (2) satisfaction with SAMHSA DTAC services and resources; (3) recommendations for enhancement of SAMHSA DTAC services and resources; and (4) participant background and demographics.

Revisions to this effort include modifications to the data collection instrument based on changes in SAMHSA DTAC services, modifications to the satisfaction rating scales to further increase clarity and efficiency of administration, and a reduced administration frequency (the proposed collection is for a twice annual administration as opposed to quarterly). The CSS will be administered by web and telephone.

Participation in the CSS will be solicited from all 50 states, the U.S. territories, and the District of Columbia. The survey will be administered to individuals who have requested TA within the 6 months prior to administration and those who are subscribed to DTAC's e-communications *SAMHSA DTAC Bulletin* or *The Dialogue* at the time of administration. During each administration, those who participated in the most recent administration of the CSS will be excluded.

Internet-based technology will be used to collect data via web-based surveys for the NAS and the CSS and for data entry and management of all proposed instruments. The average annual respondent burden is estimated below. The NAS instruments will be administered every 2 years. The CSS will be administered every six months. Table 1 represents the initial data collection and the burden for the first year. These estimates reflect the average annual number of respondents, the average annual number of responses, the time required for each response, and the average annual burden in hours.

TABLE 1—ANNUALIZED ESTIMATE OF RESPONDENT BURDEN

Type of respondent	Instrument	Number of respondents	Number of responses per respondent	Total number of responses	Hours per response per respondent	Total burden hours	Hourly wage rate ($)	Total cost ($)
Disaster Behavioral Health Needs Assessment Survey (study years one and three only)								
State DBH Coordinator.	NAS (State/Territory Version).	77	1	77	0.50	38.50	$34.15	$1,314.78
Local Provider	NAS (Local Provider Version).	150	1	150	0.50	75.00	24.95	1,871.25
Disaster Behavioral Health Needs Assessment Follow-Up Interviews (study years one and three only)								
State DBH Coordinator.	DBHNA (State/Territory Version).	25	1	25	0.75	18.75	34.15	640.31
Local Provider	DBHNA (Local Provider Version).	25	1	25	0.75	18.75	24.95	467.81
Customer Satisfaction Survey								
TA Requestor	DTAC Customer Satisfaction Survey.	300	1	300	0.25	75.00	35.00	2,625.00
Total	.....	577	.....	577	.....	226.00	.....	6,919.15

Send comments to Summer King, SAMHSA Reports Clearance Officer, Room 2–1057, One Choke Cherry Road, Rockville, MD 20857 *OR* email her a copy at *summer.king@samhsa.hhs.gov.* Written comments should be received by March 17, 2014.

Summer King,

Statistician.

[FR Doc. 2014–00468 Filed 1–13–14; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2013–0966]

Distant Water Tuna Fleet Vessels—Manning Exemption Guidance

AGENCY: Coast Guard, DHS.

ACTION: Notice of availability and request for comments.

SUMMARY: Pursuant to section 421 of the Coast Guard and Marine Transportation Act (CGMTA) of 2006, section 904 of the 2010 Coast Guard Authorization Act, and section 701 of the CGMTA of 2012, the Coast Guard announces the availability of CG–CVC Policy Letter 13–04, Distant Water Tuna Fleet (DWTF) Vessels Manning Exemption Guidance. The Coast Guard also requests public comments on the manning exemption criteria and eligibility, and on the process for obtaining a manning exemption approval letter.

DATES: Comments and related material must either be submitted to our online docket via *http://www.regulations.gov* on or before February 13, 2014 or reach

the Docket Management Facility by that date.

ADDRESSES: You may submit comments identified by docket number USCG–2013–0966 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, call or email Jonathan G. Wendland, Fishing Vessel Safety Division (CG–CVC–3), U.S. Coast Guard; telephone 202–372–1245, email *jonathan.g.wendland@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Barbara Hairston, 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 Distant Water Tuna Fleet (DWTF) Vessels Manning Exemption Guidance. 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–2013–0966) 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 type ''USCG–2013–0966'' in the ''Keyword'' box. 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 comments and related material: To view the comments, the policy letter, or other documents or references mentioned in this notice, go to *http://www.regulations.gov* and click on the ''read comments'' box, which will then become highlighted in blue. In the ''Keyword'' box insert ''USCG–2013–0966'' and click ''Search.'' Click the ''Open Docket Folder'' in the ''Actions'' column. If you do not have access to the internet, you may view the docket online 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).

Background and Purpose

Section 421 of the Coast Guard and Maritime Transportation Act of 2006 (Pub. L. 109–241, 120 Stat. 547) authorized the distant water tuna fleet (DWTF; certain United States-documented purse seine vessels fishing exclusively for highly migratory species like tuna) to use foreign citizens, except for the master, to meet manning requirements if no United States citizens are readily available. This ''distant water tuna fleet manning exemption'' was only applicable to vessels operating in and out of American Samoa. That authorization was for a 48-month period and ended on July 11, 2010.

Section 904 of the Coast Guard Authorization Act of 2010 (Pub. L. 111–281, 124 Stat. 3011), reauthorized the DWTF manning exemption until the end of 2012. This reauthorized exemption also only applied to vessels operating in and out of American Samoa. In addition, the 2010 legislation added a safety examination requirement such that a vessel's owner/operator may not employ and embark a foreign citizen to meet a manning requirement unless the vessel has successfully completed a safety examination within the previous 12 months by a qualified commercial fishing safety examiner. The reauthorization retained the restriction that a foreign officer engaged to fill a required position must hold a valid license or certificate issued in accordance with International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (STCW) standards and by an authority recognized by the Coast Guard.

Section 701 of the Coast Guard and Maritime Transportation Act of 2012 (Pub. L. 112–213, 126 Stat. 1579) again re-authorized the DWTF manning exemption, this time for as long as the U.S. remains party to the South Pacific Tuna Treaty, under which DWTF vessels are licensed to fish. The 2012 re-authorization extended the exemption to vessels operating in and out of Guam, as well as those operating in and out of American Samoa. Further, it provided that a foreign citizen making use of the exemption may possess either STCW credentials or foreign credentials that are equivalent to Coast Guard-issued credentials for the position the foreign citizen holds.

We have issued CG–CVC Policy Letter 13–04 to provide guidance to Coast Guard field personnel and the DWTF on the changes to the DWTF manning exemption eligibility requirements pursuant to the 2012 CGMTA. This Policy Letter reiterates the purpose of the guidance, the background of and changes to the manning exemption authorizations, the requirements for vessel safety examinations, and the general guidance for requesting and issuing a manning exemption approval letter. CG–CVC Policy Letter 13–04 expands on CG–543 Policy Letter 11–05 (May 18, 2011) by adding definitions, a short discussion about the recent history and operations of the DWTF, a discussion on compliance and enforcement of the manning exemption, how the 14th Coast Guard District will manage the approval letters, what is required of a foreign mariner and administration for credential equivalency, and procedures and requirements for annual safety examinations.

We request your comments for consideration as the Coast Guard implements the guidance in CG–CVC Policy Letter 13–04 which is intended to clarify the requirements enabling a

DWTF vessel to request and be approved to exercise the manning exemption afforded by law.

Authority

This notice is issued under authority of 5 U.S.C. 552(a).

Dated: January 7, 2014.

J.C. Burton,

Captain, U.S. Coast Guard, Director of Inspections and Compliance.

[FR Doc. 2014–00506 Filed 1–13–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2013–1047]

Draft Guidance for Interpreting Regulations for Marine Casualty Reporting

AGENCY: Coast Guard, DHS.

ACTION: Notice of availability and request for comments.

SUMMARY: The Coast Guard announces the availability of draft guidance in the form of a Navigation and Vessel Inspection Circular (NVIC) entitled ''Title 46, Code of Federal Regulations (CFR), Part 4 Marine Casualty Reporting Procedures Guide with Associated Standard Interpretations.'' The draft NVIC will assist regulated maritime industry stakeholders in determining if certain occurrences are reportable or not reportable to the Coast Guard, other than those related to recreational vessel casualties. This notice requests public comment on the impacts that the interpretations and policies contained in the draft NVIC would have upon vessel owners and operators or other affected parties. This notice promotes the Coast Guard's maritime safety and stewardship missions.

DATES: Comments and other related material on the draft NVIC must either be submitted to our online docket via *http://www.regulations.gov* on or before April 14, 2014 or reach the Docket Management Facility by that date.

ADDRESSES: You may submit comments identified by docket number USCG–2013–1047 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, email Lieutenant Commander Randy S. Waddington, Office of Investigations and Analysis, U.S. Coast Guard at *HQS-PF-fldr-CG-INV@uscg.dhs.gov.* If you have questions on viewing or submitting material to the docket, call Barbara Hairston, 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 draft NVIC. All comments received will be posted, without change, to *http://www.regulations.gov* and will include any personal information you have provided.

A. Submitting Comments

If you submit a comment, please include the docket number for this notice (USCG–2013–1047) 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. 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 comments 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 and may change this proposed guidance based on your comments.

B. Viewing Comments and Documents

Public comments and relevant documents mentioned in this notice will all be available in the public docket. To see the public docket, go to *http://www.regulations.gov,* and follow the instructions on that Web site. If you do not have access to the internet, you may view the docket online 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.

C. 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 notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

Discussion

Historically, the Coast Guard has relied upon the language found in 46 CFR part 4 to assist regulated industry stakeholders in determining if an occurrence is a reportable marine casualty. Information and data collected by the Coast Guard during marine casualty investigations are used by a wide audience for many purposes from enforcement of laws to enhancement of prevention activities (i.e., safety alerts and standards). Therefore, it is critical that casualty information be consistently captured. In addition, even minor incidents provide valuable leading indicator and trend analysis information critical for an effective prevention program.

Due to the complexity of the subject, the Coast Guard recognizes that additional clarification of these requirements would benefit both the Coast Guard and the regulated industry. Such clarification furthers the Coast Guard's goal of providing consistent national guidance regarding marine casualty reporting to all stakeholders. Because marine casualties occur among a wide range of vessel types and operations, a consistent national framework must outline expectations and alleviate confusion.

The draft NVIC lays the appropriate foundation for this consistent capture of marine casualty data by clarifying existing regulations, policies, and procedures. Specifically, the draft NVIC assists responsible parties in the proper evaluation of occurrences that constitute

a reportable marine casualty and subsequently require action by both Coast Guard and maritime industry stakeholders.

Persons reporting marine casualties should make every effort by any means available to immediately notify the nearest Coast Guard Command Center. The notification must include the information required by 46 CFR 4.05–5. A written follow-up report meeting the requirements of 46 CFR 4.05–10 must be submitted within 5 days. If there is any doubt whether an occurrence is a reportable marine casualty, we encourage you to contact the nearest Officer in Charge, Marine Inspection staff (typically via the nearest Coast Guard Command Center) to determine an appropriate response.

We encourage readers to review the entire draft NVIC, available in the docket. We request comments from all interested parties to ensure that the full range and significance of issues addressed in the draft NVIC are identified prior to final promulgation.

Authority

This notice is issued under authority of 5 U.S.C. 552(a).

Dated: December 24, 2013.

J.A. Servidio,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Prevention Policy.

[FR Doc. 2014–00443 Filed 1–13–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2013–1032]

Waterway Suitability Assessment for Construction and Operation of Liquefied Gas Terminals; Lake Charles, LA

AGENCY: Coast Guard, DHS.

ACTION: Notice and request for comments.

SUMMARY: Per the Coast Guard regulations in 33 CFR 127.007, Big Lake Fuels LLC has submitted a Letter of Intent and Preliminary Waterway Suitability Assessment to the Coast Guard Captain of the Port (COTP), Port Arthur, Texas regarding the company's plans to construct, own and operate a waterfront facility handling and storing Liquefied Hazardous Gas (LHG) at its Lake Charles, Louisiana facility. The Coast Guard is notifying the public of this action to solicit public comments on the proposed increase in LHG marine traffic on the Calcasieu Ship Channel and the Gulf Intracoastal Waterway.

DATES: Comments and related material must be received on or before February 13, 2014.

ADDRESSES: You may submit comments identified by docket number USCG–2013–1032 using any one of the following methods:

(1) Federal eRulemaking Portal: *http://www.regulations.gov.*

(2) Fax: 202–493–2251.

(3) Mail or Delivery: 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. Deliveries accepted 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 three 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, call or email Lieutenant William J. Fediw, U.S. Coast Guard; telephone 337–721–7848, email *William.J.Fediw@uscg.mil.* If you have questions on viewing or submitting material to the docket, call Sheryl Collins, 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 in response to this notice. 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–2013–1032), and provide a reason for each suggestion or recommendation. You may submit your comments and material online at *http://www.regulations.gov,* or by fax, mail, or hand delivery, but please use only one of these means. If you submit a comment online, it will be considered received by the Coast Guard when you successfully transmit the comments. If you fax, hand deliver, or mail your comment, it will be considered as having been received by the Coast Guard when it is received at the Docket Management Facility. 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,* type the docket number (USCG–2013–1032) in the ''SEARCH'' box and click ''SEARCH.'' Click on ''Submit a Comment'' on the line associated with this notice.

If you submit your comments by mail or hand delivery, submit them in an unbound format, no larger than 8 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 comments and documents: To view comments, go to *http://www.regulations.gov*, type the docket number (USCG–2013–1032) in the ''SEARCH'' box and click ''SEARCH.'' Click on ''Open Docket Folder'' on the line associated with this rulemaking. You may also visit the Docket Management Facility in Room W12–140 on the ground floor of the Department of Transportation West Building, 1200 New Jersey Avenue SE., Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

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 notice regarding our public dockets in the January 17, 2008, issue of the **Federal Register** (73 FR 3316).

Public meeting: We do not now plan to hold a public meeting, but you may submit a request for one, using one of the methods specified under **ADDRESSES**. Please explain why you believe a public meeting would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Basis and Purpose: Under 33 CFR 127.007(a), an owner or operator intending to build a new facility handling Liquefied Natural Gas (LNG) or Liquefied Hazardous Gas (LHG) must submit a Letter of Intent (LOI) to the COTP of the zone in which the facility is located. Under 33 CFR 127.007(e), an owner or operator intending to build a new LNG, or LHG facility must file a

Waterway Suitability Assessment (WSA) with the COTP of the zone in which the facility is or will be located. Big Lake Fuels LLC submitted an LOI and WSA on November 7, 2013 regarding the company's proposed construction and operation of a new LHG facility which will be located in Lake Charles, Louisiana.

Under 33 CFR 127.009, after receiving an LOI, the COTP issues a Letter of Recommendation (LOR) as to the suitability of the waterway for LNG or LHG marine traffic to the appropriate jurisdictional authorities. The LOR is based on a series of factors outlined in 33 CFR 127.009 that are related to the physical nature of the affected waterway and issues of safety and security associated with LNG or LHG marine traffic on the affected waterway.

The purpose of this notice is to solicit public comments on the proposed increase in LHG marine traffic on the Calcasieu Ship Channel and the Gulf Intracoastal Waterway. The Coast Guard believes that input from the public may be useful to the COTP with respect to development of the LOR. Additionally, the Coast Guard intends to work with the Area Maritime Security Committee, Port Arthur, Texas and the Southeast Texas Waterways Advisory Council (SETWAC) to form subcommittees comprised of affected port users and stakeholders. The goal of these subcommittees will be to gather information to help the COTP assess the suitability of the associated waterway for increased LHG marine traffic as it relates to navigational safety and security.

On January 24, 2011, the Coast Guard published Navigation and Vessel Inspection Circular (NVIC) 01–2011, ''Guidance Related to Waterfront Liquefied Natural Gas (LNG) Facilities.'' NVIC 01–2011 provides guidance for owners and operators seeking approval to build and operate LNG facilities. While NVIC 01–2011 is specific to LNG, it provides useful process information and guidance for owners and operators seeking approval to build and operate LHG facilities as well. The Coast Guard will refer to NVIC 01–2011 for process information and guidance in evaluating Big Lake Fuels LLC's WSA. A copy of NVIC 01–2011 is available for viewing in the public docket for this notice and also on the Coast Guard's Web site at *http://www.uscg.mil/hq/cg5/nvic/2010s.asp.*

This notice is issued under authority of 33 U.S.C. §§ 1223–1225, Department of Homeland Security Delegation Number 0170.1(70), 33 CFR 127.009, and 33 CFR 103.205.

Dated: December 16, 2013.

G.J. Paitl,

Captain, U.S. Coast Guard, Captain of the Port, Port Arthur.

[FR Doc. 2014–00447 Filed 1–13–14; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2013–0052]

Termination of the National Flood Insurance Program Pilot Inspection Program of Insured Structures by Communities in Monroe County, the Village of Islamorada, and the City of Marathon, Florida

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: FEMA is publishing this document to give notice that the pilot inspection procedure under the Pilot Inspection Program was terminated on June 28, 2013, for Monroe County, the Village of Islamorada, and the City of Marathon, Florida.

DATES: *Effective Dates:* The effective date of termination for the inspection procedure for Monroe County, the Village of Islamorada, and the City of Marathon, Florida, is June 28, 2013.

FOR FURTHER INFORMATION CONTACT: David Stearrett, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, *David.Stearrett@fema.dhs.gov*, (202) 646–2953.

SUPPLEMENTARY INFORMATION: The National Flood Insurance Program (NFIP) was established by the National Flood Insurance Act of 1968, as amended (NFIA) (42 U.S.C. 4001–4129). The NFIA authorizes the Administrator of the Federal Emergency Management Agency (FEMA) to establish and carry out a national flood insurance program that enables property owners in participating communities to purchase insurance as a protection against flood losses in exchange for State and community adoption of floodplain management regulations that reduce future flood damages. Community participation in the NFIP is voluntary, and is based on an agreement between communities and the Federal Government. If a community adopts and enforces floodplain management requirements to reduce future flood risk to new construction and substantial improvements in floodplains, the Federal Government will make flood insurance available within the community as a financial protection against flood losses. 42 U.S.C. 4102(c) and 4022(a); 44 CFR 60.1(a).

In 2000, FEMA established by regulation, at 44 CFR 59.30, a pilot inspection procedure under the NFIP to help verify that structures comply with the community's floodplain management ordinances and to ensure that property owners pay flood insurance premiums commensurate with their flood risk. 65 FR 39726, June 27, 2000. The inspection procedure requires owners of insured buildings to obtain an inspection from community floodplain management officials as a condition of renewing the Standard Flood Insurance Policy (SFIP) on the building. The pilot procedure applies in the communities of: (1) Monroe County, Florida, (2) the Village of Islamorada located in Monroe County, Florida, and (3) the City of Marathon, located in Monroe County, Florida. 65 FR 39726, June 27, 2000; 67 FR 10631, March 9, 2002; 68 FR 59126, Oct. 14, 2003.

The pilot inspection procedure served as an additional tool for the three communities to enforce their flood damage prevention ordinances, and remain compliant with the NFIP regulations, given unique statutory constraints on inspections and rate of growth mandates in Florida, housing limits within the communities, and related factors. These related factors included: the nature of the flood hazard and damage potential; the number of possible violations (an estimated 2,000–4,000 illegally built enclosures in the entire County); the potential for loss of life in the event of a flood; and, the factors described above limited the County's ability to determine whether a building with an enclosure complies with the local flood damage prevention ordinance.

FEMA establishes the start date and the termination dates for implementing the pilot inspection procedure upon the recommendation of FEMA's Regional Administrator and in consultation with each community. 44 CFR 59.30(c). FEMA is permitted to extend the implementation of the inspection procedure with a new termination after consultation with the community and based on good cause. 44 CFR 59.30(c). The start date for the inspection procedure for Monroe County and the Village of Islamorada was January 1, 2001, and October 1, 2002, for the City of Marathon. The original termination date for the Village of Islamorada and the City of Marathon was January 1, 2004, and was December 31, 2007, for

Monroe County. Following consultation with the three communities, FEMA determined that additional time was needed and the inspection procedure was extended to December 31, 2011 by letter to the communities. Upon further consultation and evaluation, the inspection procedure was extended to June 28, 2013, to allow for the completion of the inspection procedure.

Following consultation with the three communities, FEMA found that the Village of Islamorada, the City of Marathon, and Monroe County, Florida, had fulfilled the requirements of the inspection procedure. As a result, FEMA notified the three participating communities that the pilot inspection procedure under 44 CFR 59.30 would terminate on June 28, 2013. FEMA is publishing this document to give notice that the pilot inspection procedure under the Pilot Inspection Program at 44 CFR 59.30 was terminated on June 28, 2013 for Monroe County, the Village of Islamorada, and the City of Marathon, Florida. FEMA expects that the three communities will continue to use their authorities and enforcement provisions (e.g., additional inspections during the building permit process, other enforcement provisions in their flood damage prevention ordinance, or a Section 1316 declaration by FEMA, if all other methods fail to bring compliance) beyond June 28, 2013.

Dated: January 8, 2013.

W. Craig Fugate,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2014–00521 Filed 1–13–14; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–14635; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

Nominations for the following properties being considered for listing or related actions in the National Register were received by the National Park Service before November 30, 2013. Pursuant to section 60.13 of 36 CFR part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation. Comments may be forwarded by United States Postal Service, to the National Register of Historic Places, National Park Service, 1849 C St. NW., MS 2280, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service, 1201 Eye St. NW., 8th floor, Washington, DC 20005; or by fax, 202–371–6447. Written or faxed comments should be submitted by January 29, 2014. 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.

Dated: December 11, 2013.

J. Paul Loether,

Chief, National Register of Historic Places/National Historic Landmarks Program.

CALIFORNIA

Sacramento County

Lawrence Warehouse, 1108 R St.,Sacramento, 13001067

San Luis Obispo County

Pereira Octagon Barn, 4400 Octagon Wy., San Luis Obispo, 13001068

Stanislaus County

Bald Eagle Ranch House, 511 Crawford Rd., Modesto, 13001069

DISTRICT OF COLUMBIA

District of Columbia

Lightfoot, George M., House, 1329 Missouri Ave. NW., Washington, 13001070

Town Center East, 1001 & 1101 3rd St. SW., Washington, 13001071

FLORIDA

Jefferson County

Jefferson County Jail, 380 W. Dogwood St., Monticello, 13001072

IDAHO

Blaine County

Hemingway, Ernest and Mary, House, Address Restricted, Ketchum, 13001073

INDIANA

Fayette County

Roberts Park, Park Rd. & 30th St., Connersville, 13001074

IOWA

Butler County

Renken, Renke and Wubke, House, 401 Coates St., Parkersburg, 13001075

Des Moines County

White, Abiathar and Nancy, House, 713 N. Main, Burlington, 13001076

Kossuth County

G.A.R. Memorial Hall, 122 S. Dodge St., Algona, 13001077

Page County

Clarinda Carnegie Library, 300 N. 16th St., Clarinda, 13001078

Union County

Odd Fellows Block, 175 E. Kansas St., Afton, 13001079

MISSISSIPPI

Harrison County

Gulfport Veterans Administration Medical Center Historic District, (United States Second Generation Veterans Hospitals MPS) 200 Beach Blvd., Gulfport, 13001080

Hinds County

Smith Park Architectural District (Boundary Increase III), 200 blk. E. Capitol St., Jackson, 13001081

Humphreys County

Humphreys County Courthouse, 102 Castleman St., Belzoni, 13001082

Scott County

Forest Downtown Historic District, Roughly bounded by RR tracks, Front, 3rd, Raleigh & Smith Sts., Forest, 13001083

Washington County

Hollandale Downtown Historic District, Washington St. from East to Morgan Aves., Hollandale, 13001084

MISSOURI

Cape Girardeau County

St. James A.M.E. Church, 516 N. St., Cape Girardeau, 13001085

Jackson County

Lincoln High School, (Kansas City, Missouri School District Pre-1970 MPS) 2111 Woodland Ave., Kansas City, 13001086

Norman School, (Kansas City, Missouri School District Pre-1970 MPS) 3514 Jefferson St., Kansas City, 13001087

St. Louis Independent city

Hamiltonian Federal Savings and Loan Association Building, 3150 S. Grand Blvd., St. Louis (Independent City), 13001088

NEW YORK

Cattaraugus County

Leon Grange No. 795, NY 62 near Leon-New Albion Rd., Leon, 13001089

Herkimer County

Keith, James, House and Brown—Morey—Davis Farm, 2615 & 2608 Newport Rd., Newport, 13001090

Monroe County

White, John and Chauncey, House, 854 White Rd., West Sweden, 13001091

Rensselaer County

Searle, Gardner and Company Cuff and Collar Factory, (Textile Factory Buildings in Troy, New York, 1880–1920 MPS) 701–715 River St., Troy, 13001092

Tioga County

Riverside Cemetery, Marshland Rd., Apalachin, 13001093

Ulster County

Brooklyn and Queens Transit Trolley No. 1000, 89 E. Strand, Kingston, 13001094

Westchester County

Irvington Historic District, N. & S. Astor, Broadway, Buckhout, Cottenet, Dearman, Dutcher, Eckar & Ferris Sts., Bridge St., E. & W. Home Pl., Irvington, 13001095

East Portland Grand Avenue Historic District (Boundary Increase), 200 SE. Martin Luther King Blvd., Portland, 13001066

SOUTH CAROLINA

Beaufort County

Callawassie Sugar Works, 29 Sugar Mill Dr., Okatie, 13001096

Newberry County

Prosperity Cemetery, McNeary St., Prosperity, 13001097

York County

Williamson's Plantation Battlefield, 1444 Brattonsville Rd., McConnells, 13001098

TEXAS

Harris County

Astrodome, The, 8400 Kirby Dr., Houston, 13001099

[FR Doc. 2014–00482 Filed 1–13–14; 8:45 am]

BILLING CODE 4312–51–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–14712; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

Nominations for the following properties being considered for listing or related actions in the National Register were received by the National Park Service before December 13, 2013. Pursuant to section 60.13 of 36 CFR part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation. Comments may be forwarded by United States Postal Service, to the National Register of Historic Places, National Park Service, 1849 C St. NW., MS 2280, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service,1201 Eye St. NW., 8th floor, Washington, DC 20005; or by fax, 202–371–6447. Written or faxed comments should be submitted by January 29, 2014. 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.

Dated: December 20, 2014.

J. Paul Loether,

Chief, National Register of Historic Places/National Historic Landmarks Program.

CALIFORNIA

Marin County

Marinship Machine Shop, 25 Liberty Ship Way, Sausalito, 13001123

LOUISIANA

Caddo Parish

Caddo Parish Confederate Monument, 501 Texas Ave., Shreveport, 13001124

East Baton Rouge Parish

Baker High School Auditorium, 3200 Groom Rd., Baker, 13001125

Baton Rouge Savings and Loan Association, 400 North Blvd., Baton Rouge, 13001126

Orleans Parish

International Trade Mart, 2 Canal St., New Orleans, 13001127

Rapides Parish

Gemiluth Chassodim Synagogue, 2021 Turner St., Alexandria, 13001128

Vermilion Parish

Williams, James Hugh, House, 401 N. St. Charles, Abbeville, 13001129

West Carroll Parish

Fiske Theatre, 306 E. Main St., Oak Grove, 13001130

MASSACHUSETTS

Franklin County

East Leverett Historic District, Shutesbury, January Hills, Still Corner & Cushman Rds., Leverett, 13001131

VERMONT

Windsor County

Blaisdell, Augustus and Laura, House, 517 Depot St., Chester, 13001132

[FR Doc. 2014–00479 Filed 1–13–14; 8:45 am]

BILLING CODE 4312–51–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–WASO–NRNHL–14666; PPWOCRADI0, PCU00RP14.R50000]

National Register of Historic Places; Notification of Pending Nominations and Related Actions

Nominations for the following properties being considered for listing or related actions in the National Register were received by the National Park Service before December 7, 2013). Pursuant to section 60.13 of 36 CFR Part 60, written comments are being accepted concerning the significance of the nominated properties under the National Register criteria for evaluation. Comments may be forwarded by United States Postal Service, to the National Register of Historic Places, National Park Service, 1849 C St. NW., MS 2280, Washington, DC 20240; by all other carriers, National Register of Historic Places, National Park Service,1201 Eye St. NW., 8th floor, Washington, DC 20005; or by fax, 202–371–6447. Written or faxed comments should be submitted by January 29, 2014. 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.

Dated: December 16, 2013.

J. Paul Loether,

Chief, National Register of Historic Places/National Historic Landmarks Program.

ARKANSAS

Arkansas County

North Washington Street Bridge, (Historic Bridges of Arkansas MPS) N. Washington St. over Holt Branch, DeWitt, 13001102

Columbia County

Magnolia Colored School Historic District, 611 S. Madison, Magnolia, 13001103

Conway County

Arkansas Christian College Administration Building, 100 W. Harding St., Morrilton, 13001101

Fulton County

Spring River Bridge, (Historic Bridges of Arkansas MPS) Riverview Dr. over Spring R., Mammoth Spring, 13001104

Pulaski County

Davidson, Julian Bunn, House, 410 S. Battery St., Little Rock, 13001105

Yell County

Evans—Neuhart House, 320 E. 5th St., Plainview, 13001106

CALIFORNIA

Mendocino County

Seabiscuit's Stud Barn, 16200 N. US 101, Willits, 13001108

San Francisco County

Mutual Savings Bank Building, 700 Market St., San Francisco, 13001107

HAWAII

Hawaii County

Hale-O-Aloha, 19–3948 Old Volcano Rd., Volcano, 13001109

ILLINOIS

Coles County

Civilian Conservation Corps Camp Shiloh Encampment Site, Illinois, 3rd PM., T11N, R9E, sec. 21, NW. 1/4, NE. 1/4, SW. 1/4, Lerna, 13001110

MINNESOTA

Cass County

South Pike Bay Site, (Woodland Tradition in Minnesota MPS) Address Restricted, Pike Bay, 13001111

MISSOURI

Webster County

Rainey Funeral Home Building, 242 E. Washington St., Marshfield, 13001112

NEW YORK

Cattaraugus County

Cattaraugus Village Commercial Historic District, 9–52 Main, 1–17 Washington, 14 Waverly Sts., Cattaraugus, 13001113

Oswego County

Kingsford Historic District, Roughly W. Bridge, W. Mohawk, W. Oneida, W. 4th & W. 5th Sts., Oswego, 13001114

NORTH CAROLINA

Durham County

Durham Hosiery Mills Dye House, 708–710 Gilbert St., Durham, 13001115

Randolph County

Dennis, William, Pottery Kiln and House Site, Address Restricted, Randleman, 13001116

OHIO

Cuyahoga County

Cleveland Centre Historic District, Roughly bounded by James & Riverbed Sts., Cuyahoga R., Cleveland, 13001117

PUERTO RICO

San Juan Municipality

Bithorn, Hiram, Municipal Stadium, Franklin Delano Roosevelt Ave., Hato Rey, 13001118

VERMONT

Chittenden County

Apartment Building at 27 and 31 Peru Street and 29 Johnson Street, (Burlington, Vermont MPS) 27 & 31 Peru & 29 Johnson Sts., Burlington, 13001119

Roberge—Desautels Apartment House, (Burlington, Vermont MPS) 54 N. Champlain St., Burlington, 13001120

WEST VIRGINIA

Hampshire County

Fort Mill Ridge Civil War Trenches, Fort Mill Ridge Rd., Romney, 13001121

A request for removal has been made for the following resources:

ARKANSAS

Jackson County

Phillips 66 Station, (Arkansas Highway History and Architecture MPS) N. corner of W. 1st and Main Sts., Swifton, 00000605

Monroe County

Palmer House, SE of Blackton off US 49, Blackton, 76000436

[FR Doc. 2014–00483 Filed 1–13–14; 8:45 am]

BILLING CODE 4312–51–P

DEPARTMENT OF JUSTICE

[OMB Number 1110–0039]

Agency Information Collection Activities: Proposed Collection, Comments Requested; Extension of a Currently Approved Collection; Bioterrorism Preparedness Act: Entity/Individual Information

ACTION: 60-day notice.

The Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with established review procedures of 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 until March 17, 2014. This process in conducted in accordance with 5 CFR 1320.10.

All comments and suggestions, or questions regarding additional information, to include obtaining a copy of the proposed information collection instrument with instructions, should be directed to John E. Strovers, National Instant Criminal Background Check System (NICS) Strategy and Systems Unit, Federal Bureau of Investigation, Criminal Justice Information Services Division, (CJIS), Module E–3, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306; facsimile (304) 625–2198.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Comments 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 of other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) Type of information collection: Extension of current collection.

(2) The title of the form/collection: Federal Bureau of Investigation Bioterrorism Preparedness Act: Entity/Individual Information.

(3) The agency form number, if any, and the applicable component of the department sponsoring the collection: Forms FD–961; Criminal Justice Information Services Division, Federal Bureau of Investigation, Department of Justice.

(4) Affected public who will be asked or required to respond, as well as a brief abstract: Primary: City, county, state, federal, individuals, business or other for profit, and not-for-profit institute. This collection is needed to receive names and other identifying information submitted by individuals requesting access to specific agents or toxins, and consult with appropriate officials of the Department of Health and Human Services and the Department of Agriculture as to whether certain individuals specified in the provisions should be denied access to or granted limited access to specific agents.

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond: There are approximately 3,772 (FY 2013) respondents at 45 minutes for FD–961 Form.

(6) An estimate of the total public burden (in hours) associated with this collection: There are approximately 2,829 hours, annual burden, associated with this information collection.

If additional information is required contact Jerri Murray, Department Clearance Officer, U.S. Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3W–1407B, Washington, DC 20530.

Dated: January 8, 2014.

Jerri Murray,

Department Clearance Officer for PRA, United States Department of Justice.

[FR Doc. 2014–00424 Filed 1–13–14; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1110–0011]

Agency Information Collection Activities: Proposed Collection, Comments Requested; Violent Criminal Apprehension Program

ACTION: 30-Day notice.

The Department of Justice, Federal Bureau of Investigation, Critical Incident Response Group will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with established review procedures of the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 78, Number 213, page 66070, on November 4, 2013, allowing for a 60 day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until February 13, 2014.

This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to Lesa Marcolini, Program Manager, Federal Bureau of Investigation, Critical Incident Response Group, ViCAP, FBI Academy, Quantico, Virginia 22135; facsimile (703) 632–4239.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Comments 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 of other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This information Collection

(1) *Type of information collection:* Revision of a currently approved collection.

(2) *The title of the form/collection:* ViCAP Case Submission Form, FD–676.

(3) *The agency form number, if any, and the applicable component of the department sponsoring the collection:* Form 676; Critical Incident Response Group, Federal Bureau of Investigation, Department of Justice.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: State and local government law enforcement agencies charged with the responsibility of investigating violent crimes.

Established by the Department of Justice in 1985, ViCAP serves as the national repository for violent crimes; specifically: Homicides and attempted homicides that involve an abduction, are apparently random, motiveless, or sexually oriented, or are known or suspected to be part of a series. Sexual assaults committed by a stranger, or those known or suspected to be part of a series. Missing persons where the circumstances indicate a strong possibility of foul play and the victim is still missing. Unidentified human remains where the manner of death is known or suspected to be homicide. Comprehensive case information submitted to ViCAP is maintained in the ViCAP Web National Crime Database and is automatically compared to all other cases in the database to identify similarities.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* Of the approximately 18,000 government entities that are eligible to submit cases, it is estimated that thirty to fifty percent will actually submit cases to ViCAP. The time burden of the respondents is less than 60 minutes per form.

(6) *An estimate of the total public burden (in hours) associated with this collection:* There are approximately 5000 hours, annual burden, associated with this information collection.

If additional information is required contact: Jerri Murray, Department Clearance Officer, U.S. Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., 3W–1407B, Washington, DC 20530.

Dated: January 8, 2014.

Jerri Murray,

Department Clearance Officer for PRA, United States Department of Justice.

[FR Doc. 2014–00423 Filed 1–13–14; 8:45 am]

BILLING CODE 4410–02–P

DEPARTMENT OF JUSTICE

[OMB Number 1103–0110]

Agency Information Collection Activities: Revision of a Previously Approved Collection, With Change; Comments Requested COPS Grant Implementation Status Facsimile

ACTION: 30-Day notice.

The Department of Justice (DOJ) Office of Community Oriented Policing Services (COPS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The revision of a previously approved information collection is published to obtain comments from the public and affected agencies.

The purpose of this notice is to allow for an additional 30 days for public comment until February 13, 2014. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments, especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Danielle Ouellette, Department of Justice Office of Community Oriented Policing Services, 145 N Street NE., Washington, DC 20530. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

—Evaluate the accuracy of the agency's estimate of the burden of the

proposed collection of information, including the validity of the methodology and assumptions used;
—Enhance the quality, utility, and clarity of the information to be collected; and
—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Revision of a previously approved collection, with change; comments requested.

(2) *Title of the Form/Collection:* COPS Progress Report.

(3) *Agency form number, if any, and the applicable component of the Department sponsoring the collection:* None. U.S. Department of Justice Office of Community Oriented Policing Services.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Under the Violent Crime and Control Act of 1994, the U.S. Department of Justice COPS Office would require the completion of the COPS Progress Report by recipients of COPS hiring and non-hiring grants. Grant recipients must complete this report in order to inform COPS of their activities with their awarded grant funding.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that 200 respondents annually will complete the form within 0.1 hours.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 20 total annual burden hours associated with this collection.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3W–1407B, Washington, DC 20530.

Dated: January 8, 2014.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2014–00421 Filed 1–13–14; 8:45 am]

BILLING CODE 4410–AT–P

DEPARTMENT OF JUSTICE

[OMB Number 1103–0102]

Agency Information Collection Activities: Revision of a Previously Approved Collection, With Change; Comments Requested; COPS Progress Report

ACTION: 30-Day notice.

The Department of Justice (DOJ) Office of Community Oriented Policing Services (COPS) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The revision of a previously approved information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register** Volume 78, Number 210, page 64979, on October 30, 2013, allowing for a 60-day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until February 13, 2014. This process is conducted in accordance with 5 CFR 1320.10.

If you have comments, especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Danielle Ouellette, Department of Justice Office of Community Oriented Policing Services, 145 N Street NE., Washington, DC 20530.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:
—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
—Enhance the quality, utility, and clarity of the information to be collected; and
—Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of This Information Collection

(1) *Type of Information Collection:* Revision of a previously approved collection, with change; comments requested.

(2) *Title of the Form/Collection:* COPS Progress Report.

(3) *Agency form number, if any, and the applicable component of the Department sponsoring the collection:* None. U.S. Department of Justice Office of Community Oriented Policing Services.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Under the Violent Crime and Control Act of 1994, the U.S. Department of Justice COPS Office would require the completion of the COPS Progress Report by recipients of COPS hiring and non-hiring grants. Grant recipients must complete this report in order to inform COPS of their activities with their awarded grant funding.

An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:

It is estimated that approximately 9,428 annual, quarterly, and final report respondents can complete the report in an average of 25 minutes.

(5) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 3,928 total annual burden hours associated with this collection.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3W–1407B, Washington, DC 20530.

Dated: January 8, 2014.

Jerri Murray,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2014–00420 Filed 1–13–14; 8:45 am]

BILLING CODE 4410–AT–P

DEPARTMENT OF JUSTICE

[OMB Number 1122–0003]

Agency Information Collection Activities: Extension of a Currently Approved Collection; Comments Requested; Annual Progress Report for the STOP Formula Grants Program

ACTION: 30-Day notice.

The Department of Justice, Office on Violence Against Women (OVW) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register**, 78 FR 66953, November 7, 2013, allowing for a 60-day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until February 13, 2014. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to The Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20503. Additionally, comments may be submitted to OMB via facsimile to (202) 395–7285.

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:

(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:* Extension of a currently approved collection.

(2) *Title of the Form/Collection:* Annual Progress Report for the STOP Formula Grants Program.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: 1122–0003. U.S. Department of Justice, Office on Violence Against Women.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* The affected public includes the 56 STOP state administrators (from 50 states, the District of Columbia and five territories and commonwealths (Guam, Puerto Rico, American Samoa, Virgin Islands, Northern Mariana Islands)) and their subgrantees. The STOP Violence Against Women Formula Grants Program was authorized through the Violence Against Women Act of 1994 (VAWA) and reauthorized and amended by the Violence Against Women Act of 2000 (VAWA 2000) and by the Violence Against Women Act of 2005 (VAWA 2005). Its purpose is to promote a coordinated, multi-disciplinary approach to improving the criminal justice system's response to violence against women. The STOP Formula Grants Program envisions a partnership among law enforcement, prosecution, courts, and victim advocacy organizations to enhance victim safety and hold offenders accountable for their crimes of violence against women. OVW administers the STOP Formula Grants Program. The grant funds must be distributed by STOP state administrators to subgrantees according to a statutory formula (as amended by VAWA 2000 and by VAWA 2005).

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that it will take the 56 respondents (STOP administrators) approximately one hour to complete an annual progress report. It is estimated that it will take approximately one hour for roughly 2500 subgrantees [1] to complete the relevant portion of the annual progress report. The Annual Progress Report for the STOP Formula Grants Program is divided into sections that pertain to the different types of activities that subgrantees may engage in and the different types of subgrantees that receive funds, i.e. law enforcement agencies, prosecutors' offices, courts, victim services agencies, etc.

(6) *An estimate of the total public burden (in hours) associated with the collection:* The total annual hour burden to complete the annual progress report is 2,556 hours.

If additional information is required contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3W–1407B, Washington, DC 20530.

Dated: January 8, 2014.

Jerri Murray,

Department Clearance Officer for PRA, United States Department of Justice.

[FR Doc. 2014–00418 Filed 1–13–14; 8:45 am]

BILLING CODE 4410–FX–P

[1] Each year the number of STOP subgrantees changes. The number 2,500 is based on the number of reports that OVW has received in the past from STOP subgrantees.

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Air Act

On January 6, 2014, the Department of Justice lodged a proposed consent decree with the United States District Court for the Northern District of Texas in the lawsuit entitled *United States* v. *Savoia, Inc., et al.,* Civil Action No. 3:12–CV–2344–B.

The United States filed this lawsuit under the Clean Air Act. The United States' complaint seeks injunctive relief and civil penalties for the importation and sale of recreational vehicles and highway motorcycles in violation of the Clean Air Act and its regulations. The consent decree requires defendants to pay a civil penalty of $120,000 (which amount was based on an assessment of ability to pay), to export or destroy certain vehicles in their inventory, and to certify that they are no longer engaging in Clean Air Act-regulated activities or otherwise to abide by the terms of a compliance plan (which is incorporated into the consent decree) to ensure future compliance with applicable Clean Air Act requirements.

The publication of this notice opens a period for public comment on the consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States* v. *Savoia, Inc., et al.,* D.J. Ref. No. 90–5–2–1–10243. All

comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the consent decree may be examined and downloaded at this Justice Department Web site: *http://www.usdoj.gov/enrd/Consent_Decrees.html.* We will provide a paper copy of the consent decree upon written request and payment of reproduction costs. Please mail your request and payment to: Consent Decree Library, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Please enclose a check or money order for $6.50 (25 cents per page reproduction cost) payable to the United States Treasury.

Karen S. Dworkin,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2014–00436 Filed 1–13–14; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

James Clopton, M.D.; Decision and Order

On March 22, 2012, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, issued an Order to Show Cause to James Clopton, M.D. (hereinafter, Applicant), of El Dorado Hills, California. GX 2. The Show Cause Order proposed the denial of Applicant's application for a DEA Certificate of Registration as a practitioner, on the ground that his registration would be inconsistent with the public interest. *Id.* (citing 21 U.S.C. 823(f)).

The Show Cause Order alleged that on May 22, 2009 and July 8, 2009, Applicant ''illegally distributed OxyContin, a schedule II controlled substance,'' to an undercover law enforcement officer, ''for other than a legitimate medical purpose and outside the usual course of professional practice.'' *Id.* (citing 21 U.S.C. 841(a)(1)). Specifically, the Show Cause Order alleged that Applicant failed to conduct a physical examination prior to prescribing the controlled substances to the undercover officer. *Id.*

Next, the Show Cause Order alleged that on February 10, 2010, Applicant illegally distributed Norco, a schedule III hydrocodone combination product, and Xanax, a schedule IV controlled substance, to the same undercover officer under similar circumstances. *Id.* at 2. Finally, the Show Cause Order alleged that Applicant ''failed to maintain an inventory of controlled substances, records of receipt of controlled substances, failed to retain copy 3 of DEA form 222, and failed to maintain dispensing records.'' *Id.* (citing 21 CFR 1304.11, 1304.22, 1305.17).

The Show Cause Order also notified Applicant of his right to request a hearing on the allegations or to submit a written statement regarding the allegations while waiving his right to a hearing. *Id.* at 2. However, the Order then notified Applicant that ''[s]hould [he] fail to respond to this official correspondence by exercising [his] rights . . . [his] application shall be deemed withdrawn pursuant to 21 CFR § 1301.16(b).'' *Id.*

On April 2, 2012, the Government personally served the Show Cause Order on Respondent. Request for Final Agency Action, Attachment 2, at 5. Thereafter, Applicant neither filed a request for a hearing nor submitted a written statement in lieu of a hearing. Request for Final Agency Action, at 2.

On November 5, 2012, the Government forwarded a Request for Final Agency Action to this Office. *Id.* at 1. Therein, the Government noted that since the date of service of the Show Cause Order, Applicant had not requested a hearing. *Id.* at 2. The Government thus contended that Applicant had waived his right to a hearing and requested the issuance of a final order denying the application. *Id.* at 2–9.

On review, the Administrator found that the Government had failed to provide fair notice to Applicant regarding the consequences of his failure to request a hearing or to submit a written statement in lieu of a hearing. Order, at 1. Specifically, the Administrator found that the Government had not notified Applicant that the consequence of failing to request a hearing or to submit a written statement ''would be that it would then seek a final order denying his application.'' *Id.* at 2. Rather, the Administrator found that the Government ''specifically notified Applicant that the only consequence of his failure to request a hearing or to submit a written statement in lieu of a hearing would be that his application would be deemed withdrawn.'' *Id.* (citing 21 CFR 1301.16(b)).[1] The Administrator further explained that ''were a final order issued denying the application, Applicant would be required to disclose the existence of such an order on any subsequent application, under the threat of criminal prosecution if he failed to do so.'' *Id.* at 2–3. Finally, the Administrator explained that the findings of the final order ''would be entitled to preclusive effect in a subsequent DEA proceeding.'' *Id.* at 3 (citing *Jose G. Zavaleta,* 78 FR 27431, 27434 (2013)).

Accordingly, the Administrator instructed the Government that if it intended to seek a final order denying the application, it must serve a corrected Show Cause Order, which ''properly notifie[d] Applicant of the consequences of failing to either request a hearing or submit a written statement in lieu of a hearing.'' *Id.* The Administrator further directed the Government to notify her Office, within thirty days, if it intended to do so. *Id.* The Government subsequently complied with the Order. Second Request for Final Agency Action, Attachment 2, at 1.

On July 29, 2013, the Deputy Assistant Administrator issued a new Show Cause Order, which re-alleged the charges of the previous Show Cause Order. The second Show Cause Order again advised Applicant that he had the right to request a hearing or to submit a written statement while waiving his right to a hearing and the procedure for electing either option. Most importantly, the Order properly advised Applicant that ''[s]hould you decline to file a request for a hearing . . . you shall be deemed to have waived the right to a

[1] This regulation provides, in relevant part, that ''[a]fter an application has been accept for filing . . . the failure of the applicant to respond to official correspondence regarding the application, when sent by registered or certified mail, return receipt requested, shall be deemed to be a withdrawal of the application.'' 21 CFR 1301.16(b). In her Order, the Administrator explained that once the Government files an Order Show Cause, the consequence of an applicant's or registrant's failure to respond to the Order is specifically addressed by 21 CFR 1301.43(d), which provides that if ''[i]f any person entitled to a hearing . . . fails to file a request for a hearing . . . such person shall be deemed to have waived the opportunity for a hearing . . . unless such person shows good cause for such failure.'' *See also* 21 CFR 1301.43(e) (''If all persons entitled to a hearing . . . are deemed to waive their opportunity for the hearing . . . the Administrator may cancel the hearing, if scheduled, and issue his/her final order pursuant to § 1301.46 without a hearing.'').

hearing and the Administrator may . . . issue a final order in this matter without a hearing based upon the evidence presented to her.'' Show Cause Order (II), at 2 (citing 21 CFR 1301.43(d) & (e); *id.* § 1301.46). On August 23, 2013, the Show Cause Order was personally served on Applicant by the lead Diversion Investigator. Second Request for Final Agency Action, Attachment 4.

On October 2, 2013, the Government submitted a Second Request for Final Agency Action. Therein, the Government noted that since the date of service of the Second Show Cause Order, Applicant had not requested a hearing. *Id.* at 2. The Government thus contends that Applicant has waived his right to a hearing and requests the issuance of a final order denying the application. *Id.*

Based on the Government's submission, I find that since the date of service of the Second Order to Show Cause, neither Applicant, nor anyone purporting to represent him, has either requested a hearing on the allegations or submitted a written statement in lieu of a hearing. *See* 21 CFR 1301.43(a) & (c). Accordingly, I find that Applicant has waived his right to a hearing or to submit a written statement. *Id.* § 1301.43(c) & (d). I therefore issue this Decision and Final Order based on the Investigative Record submitted by the Government. *Id.* § 1301.43(e). I make the following findings of fact.

Findings

Applicant is a psychiatrist, who previously held DEA Certificate of Registration BC2559219, which authorized him to dispense controlled substances, as a practitioner, in schedules II–V. GX 1, at 4. On January 26, 2011, Applicant surrendered this registration for cause, ''after which date no controlled substances could be obtained, stored, administered, prescribed, or dispensed under'' his registration. *Id.* at 1. However, on June 8, 2011, Applicant submitted an application for a new registration. *Id.* at 3.

In February 2009, DEA first became interested in Applicant after a Diversion Investigator (DI) received a letter from a pharmacist in Cameron Park, California. GX 3, at 1; GX 6. In the letter, the pharmacist expressed her ''concerns about [Applicant's] prescribing'' practices. GX 6. Specifically, the pharmacist opined that Applicant was writing methadone prescriptions to treat drug withdrawal, that he was prescribing excessive amounts of methadone, and that in 2007, one of his patients died from a drug overdose. *Id.*

Subsequently, the DI teamed up with the West El Dorado Narcotics Enforcement Team to conduct several undercover operations involving Applicant. GX 3, at 1. Specifically, on May 22, 2009, July 8, 2009, and February 10, 2010, the team conducted three undercover visits, during which a West El Dorado Detective, using the alias of ''Tony Cruz,'' visited Applicant for the purpose of obtaining controlled substances. *Id.*

On May 22, 2009, the Detective arrived at Applicant's medical clinic and paid $250 before seeing him. GX 4, at 2. Upon meeting Applicant, the Detective told him that he was taking ''Oxy,'' but because his wallet had been stolen he had borrowed some pills from a friend. *Id.* at 3–4. The following exchange ensued:

> Applicant: What's the medical problem?
> Det: Um you know I started a while ago and you know.
> Applicant: Ok, so you are trying to get off of them at this point?

Id. at 4.

Applicant then recognized that the Detective's use of OxyContin was ''recreational'' and that ''there's not a medical problem.'' *Id.* at 4–5. The Detective further told Applicant that he ''liked to stay more on the right side you know I mean I like to have a prescription instead of hitting somebody up.'' *Id.* at 10.

Applicant then stated: ''You see, the only problem is unless we have an actual pain diagnosis psychiatrists can't write for it. So have you ever been diagnosed with a disk problem or anything?'' *Id.* The Detective replied: ''I mean um if I just gotta say I got something.'' *Id.* Applicant then stated ''ok[,] what I can do is probably write it for a couple of months,'' but then warned that ''after that it's got to be more of a primary care or the urgent care because you know again without the pain diagnosis that's where we get nailed.'' *Id.* at 10–11.

Applicant did not perform a physical examination during the visit, which lasted thirteen minutes. Nonetheless, Applicant issued the Detective a prescription for 120 tablets of OxyContin 80mg. GX 5, at 1. On the prescription, Applicant wrote: ''Dx 722.1.'' *Id.* According to the DI, this is an insurance code ''describing displacement of thoracic or lumbar invertebral [sic] disc without myelopathy.'' GX 4, at 13.

On July 8, 2009, the Detective returned to Applicant's clinic. *Id.* During the visit, Applicant asked the Detective what kind of pain he felt, and if it was back pain. *Id.* at 14. The Detective answered, ''um, that's what you uh told me you put on there before.'' *Id.* Applicant replied, ''Ok. Ok. Good luck.'' *Id.*

Applicant's interaction with the Detective lasted all of two minutes, during which Applicant did not perform a physical examination. GX 4, at 14–15. He did, however, issue to the Detective another prescription for 120 tablets of OxyContin 80mg. GX 5.

On February 10, 2010, the Detective returned again to Applicant's clinic. *Id.* at 15. Upon meeting Applicant, the Detective again asked for ''Oxy.'' *Id.* at 16. However, Applicant stated that ''they won't let us,'' and added that ''[t]he Drug Enforcement Agency has basically told physicians that if you don't give a physical exam you can't prescribe opiates.'' *Id.* at 16–17. Applicant then stated that ''[p]sychiatrists don't do physical exams and so [we are] specifically forbidden from doing that.'' *Id.* at 17. Applicant added that ''they will not let us do . . . the Schedule II's like the Oxy [and] the Percocet . . . they will let us do the Schedule III's which are the Norcos.'' *Id.*

After Applicant discussed with the Detective where he could get Schedule II drugs, the Detective asked if he would ''still be able to'' get Norcos.[2] *Id.* at 18. Applicant replied, ''I can write Norco, yeah.'' *Id.*

Applicant then asked ''[i]s this for your back?'' *Id.* The Detective answered: ''You know yeah that's well last time you told me to it was my back yeah.'' *Id.* Continuing, Applicant asked, ''[i]s it more help out your mood or what's it do for you?'' *Id.* The Detective answered that he did ''concrete all day long'' and was ''working with people and stuff like that,'' and that after coming home, the drug ''helps [to] unwind.'' *Id.* To this, Applicant stated: ''Ok[,] that one they'll let us do.'' *Id.*

Next, the Detective asked if Applicant had ''anything that will help sleep''; Applicant replied in the affirmative. *Id.* The Detective then said that someone had told him about a drug that was ''spelt weird,'' and that he couldn't remember the drug's name but that it ''had two X's.'' Applicant then said ''Xanax?'' and the Detective agreed. *Id.*

Applicant issued to the Detective two prescriptions: One for 120 tablets of Norco 10/325mg and one for 30 tablets of Xanax 1mg. GX 5, at 3–4. Applicant's interaction with the Detective lasted three minutes, during which Applicant again failed to perform a physical exam. GX 4, at 15–18.

[2] Norco (hydrocodone/acetaminophen) is a schedule III narcotic. *See* 21 CFR 1308.13(e)(1).

On January 25, 2011, DEA Investigators, including the DI, executed a federal search warrant at Applicant's clinic. GX 3, at 2. During the execution of the warrant, Applicant admitted to the DI ''that he did not maintain any records of acquisition or dispensation'' of controlled substances and that he ''did not document the dispensation in the patient's chart.'' *Id.* He also admitted that he ''frequently would not perform physical examinations on patients.'' *Id.*

During the search, DEA seized various schedule IV controlled substances including alprazolam (Xanax), zolpidem (Ambien), and eszopiclone (Lunesta). GX 7; *see* 21 CFR 1308. 14(c). That same day, Applicant surrendered his DEA Certificate of Registration. GX 3.

Discussion

Section 303(f) of the Controlled Substances Act (CSA) provides that an application for a practitioner's registration may be denied ''if the Attorney General determines that the issuance of such registration . . . would be inconsistent with the public interest.'' 21 U.S.C. 823(f). In making this determination, Congress directed that the following factors be considered:

(1) The recommendation of the appropriate State licensing board or professional disciplinary authority.

(2) The applicant's experience in dispensing . . . controlled substances.

(3) The applicant's conviction record under Federal or State laws relating to the manufacture, distribution, or dispensing of controlled substances.

(4) Compliance with applicable State, Federal, or local laws relating to controlled substances.

(5) Such other conduct which may threaten the public health and safety.

Id.

''These factors are . . . considered in the disjunctive.'' *Robert A. Leslie, M.D.,* 68 FR 15227, 15230 (2003). I ''may rely on any one or a combination of factors and may give each factor the weight . . . [I] deem [ ] appropriate in determining whether . . . an application for registration [should be] denied.'' *Id.; see also Kevin Dennis, M.D.,* 78 FR 52787, 52794 (2013); *MacKay* v. *DEA,* 664 F.3d 808, 816 (10th Cir. 2011).

The Government has the burden of proving, by substantial evidence, that the requirements for a denial of an application, pursuant to 21 U.S.C. 823(f), are met. 21 CFR 1301.44(e). This is so even in a non-contested case. *Gabriel Sanchez, M.D.,* 78 FR 59060, 59063 (2013). Having considered all of the factors,[3] I conclude that the Government's evidence with respect to factors two and four establishes, *prima facie,* that the issuance of a DEA certificate of registration to Applicant ''would be inconsistent with the public interest.'' *See* 21 U.S.C. 823(f).

Factors Two and Four—The Applicant's Experience in Dispensing Controlled Substances and Compliance With Applicable Laws Related to Controlled Substances

Under a longstanding Agency regulation, ''[a] prescription for a controlled substance [is not] effective [unless it is] issued for a legitimate medical purpose by an individual practitioner acting in the usual course of [his] professional practice.'' 21 CFR 1306.04(a). This regulation further provides that ''an order purporting to be a prescription issued not in the usual course of professional treatment . . . is not a prescription within the meaning and intent of [21 U.S.C. 829] and . . . the person issuing it, shall be subject to the penalties provided for violations of the provisions of law relating to controlled substances.'' *Id.*

As the Supreme Court recently explained, ''the prescription requirement . . . ensures patients use controlled substances under the supervision of a doctor so as to prevent addiction and recreational abuse. As a corollary, [it] also bars doctors from peddling to patients who crave the drugs for those prohibited uses.'' *Gonzales* v. *Oregon,* 546 U.S. 243, 274 (2006) (citing *United States* v. *Moore,* 423 U.S. 122, 135, 143 (1975)); *United States* v. *Alerre,* 430 F.3d 681, 691 (4th Cir. 2005), *cert. denied,* 547 U.S. 1113 (2006) (holding that the CSA's prescription requirement stands as a proscription against doctors acting not ''as a healer[,] but as a seller of wares.'').

Under the CSA, it is fundamental that a practitioner establish and maintain a legitimate doctor-patient relationship in order to act ''in the usual course of . . . professional practice'' and to issue a prescription for a ''legitimate medical purpose.'' *Paul H. Volkman,* 73 FR 30629, 30642 (2008), *pet. for rev. denied,* 567 F.3d 215, 223–24 (6th Cir. 2009). The CSA generally looks to state law and state medical practice standards to determine whether a legitimate doctor-patient relationship has been established. *Id.*

Under California law, a physician ''may prescribe for, or dispense or administer to, a person under his or her treatment for a medical condition . . . prescription controlled substances for the treatment of pain or a condition causing pain.'' Cal. Bus. & Prof. Code section 2241.5(a). However, under California law, in order to legally prescribe a controlled substance, a physician must conduct an ''appropriate prior examination.'' Cal. Bus. & Prof. Code section 2242(a) (''Prescribing, dispensing, or furnishing dangerous drugs . . . without an appropriate prior examination and a medical indication, constitutes unprofessional conduct.''); *see also People* v. *Gandotra,* 14 Cal. Rptr. 2d 896, 899–900 (Cal. Ct. App. 1992) (''A prescription for a controlled substance shall only be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his or her professional practice.'') (quoting Cal. Health & Safety Code section 11153(a)).

Here, the Government has presented evidence that on multiple occasions, Applicant acted outside of the usual course of professional practice and lacked a legitimate medical purpose when he prescribed highly abused controlled substances including OxyContin (oxycodone), hydrocodone, and alprazolam to the Detective, without conducting a prior physical examination as required by state law. *See* 21 CFR 1306.04(a). More specifically, the evidence shows that Applicant did not perform a physical examination of the Detective at any of the visits and that the Detective did not even complain of any symptoms that would warrant medical treatment, let alone the issuance of controlled substance prescriptions. Indeed, Respondent issued prescriptions to the Detective notwithstanding that he clearly knew that the latter (in his undercover persona) was seeking drugs to abuse them.

As found above, during his first visit, the Detective openly stated that he had borrowed some pills from a friend and Applicant acknowledged that the Detective's use of OxyContin was ''recreational'' and that ''there's not a medical problem.'' Moreover, after the

[3] The record contains no evidence regarding any recommendation of the state licensing board or professional disciplinary authority, or any other evidence as to the status of Applicant's state license. *See* 21 U.S.C. 823(f)(1). However, even assuming that Applicant currently possesses state authority to dispense controlled substances and thus meets this requirement for obtaining a practitioner's registration, *see id.* sections 802(21) and 823(f), this is only one of the five factors which the Agency considers in making the public interest determination and is therefore not dispositive. *See Joseph Gaudio,* 74 FR 10083, 10090 n.25 (2009); *Mortimer B. Levin,* 55 FR 8209, 8210 (1990).

There is also no evidence in the record that Applicant has been convicted of an offense related to the manufacture, distribution or dispensing of controlled substances. *See* 21 U.S.C. 823(f)(3). However, as the Agency has held, there are a number of reasons why a person who has committed misconduct may not have been convicted, let alone prosecuted for such an offense. Accordingly, the absence of such a conviction is not dispositive.

Detective stated that he would like to get ''a prescription instead of hitting somebody up,'' Applicant acknowledged that ''the only problem is unless we have an actual pain diagnosis psychiatrists can't write for it'' and then asked the Detective if he had ''ever been diagnosed with a disk problem or anything?'' GX 4, at 10. Even then, the Detective did not identify any pain problem, and said: ''I mean . . . if I just gotta say I got something.'' *Id.* Applicant thus clearly knew that the Detective did not have a legitimate pain condition.

Moreover, Applicant did not perform a physical exam at either the Detective's second or third visit, each of which lasted two to three minutes. Indeed, at the second visit, Applicant merely asked ''what kind of pain is it? Is it back pain or?'' to which the Detective replied: ''That's what you . . . told me you put on there before.'' *Id.* at 14. Here again, Applicant issued the Detective an additional prescription for OxyContin and did so notwithstanding that he knew that the Detective did not have any pain.

So too, at the Detective's third visit, Applicant's inquiry into the former's need for controlled substances involved him asking, ''[i]s this for your back?'' with the Detective answering: ''You know yeah that's well last time you told me to it was my back yeah.'' *Id.* at 18. Applicant then asked ''[i]s it more help out your mood or what's it do for you?'' to which the Detective answered that he did ''concrete all day long'' and was ''working with people and stuff like that,'' and that after coming home, ''it helps unwind.'' Respondent then stated: ''Ok that one they'll let us do.'' *Id.* Applicant then agreed to write the Detective a prescription for Norco, a schedule III combination drug which contains hydrocodone. *Id.* Moreover, he also wrote the Detective a prescription for Xanax based solely on the Detective's asking him if he had anything for sleep and did not ask him a single question about his sleep patterns. *Id.*

As the evidence shows, at each of the above visits, Applicant knew that the Detective was not seeking the drugs for the purpose of treating a legitimate medical condition, but rather, for the purpose of abusing them. He also did not perform a physical examination. Applicant nonetheless issued the four prescriptions to the Detective. Given the evidence, expert testimony is not necessary to conclude that Applicant acted outside of the usual course of professional practice and lacked a legitimate medical purpose in issuing each of the four prescriptions. 21 CFR 1306.04(a); *see also T.J. McNichol,* 77 FR 57133, 57147–48 (2012), *pet. for rev. denied McNichol* v. *DEA,* No. 12–15292, Slip. Op. at 4 (11th Cir. Oct. 17, 2013).

Indeed, these were outright drug deals. *See Moore,* 423 U.S. at 142–43 (noting that evidence established that physician ''exceeded the bounds of professional practice,'' when, *inter alia,* ''he gave inadequate physical examinations or none at all'' and ignored signs of diversion); Cal. Bus. & Prof. Code section 2242(a) (requiring a ''prior examination'' before prescribing medication); *Gabriel Sanchez, M.D.,* 78 FR 59060, 59063–64 (2013) (finding that a doctor acted outside the usual course of professional practice by not conducting an adequate physical examination before prescribing controlled substances). These findings alone support the conclusion that granting Applicant's application for a new registration ''would be inconsistent with the public interest.'' 21 U.S.C. 823(f).

While these findings provide reason alone to deny his application, the evidence further shows that Applicant violated several recordkeeping requirements. *See Volkman,* 73 FR at 30644 (''Recordkeeping is one of the CSA's central features; a registrant's accurate and diligent adherence to this obligation is absolutely essential to protect against the diversion of controlled substances.''). As found above, at the time of the search, Respondent possessed various controlled substances including Ambien (zolpidem), Lunesta (eszopiclone), and Xanax (alprazolam). Applicant, however, admitted to the DI that he ''did not maintain any records of acquisition or dispensation'' of controlled substances and that he ''did not document the dispensation in the patient's chart.'' GX 3, at 2.

Under the CSA, a ''registered individual practitioner is required to maintain records of controlled substances in Schedules II–V that are dispensed and received, including the number of dosage units, the date of receipt or disposal, and the name, address, and registration number of the distributor.'' *Richard A. Herbert,* 76 FR 53942, 53958 (2011) (citing 21 CFR 1304.03(b), 1304.22(c)); *see also* 21 U.S.C. 827(a) & (c). Thus, by his own admission, Applicant violated federal law by failing to maintain CSA-required records. *See Volkman,* 73 FR at 30644); *see also* Cal. Bus. & Prof. Code section 2241.5(c)(5) (subjecting physician to discipline for failing to ''keep complete and accurate records of purchases and disposals of . . . controlled substances scheduled in the federal Comprehensive Drug Abuse Prevention and Control Act of 1970''). This finding provides an additional basis for denying Applicant's application.

I therefore conclude that the Government has met its *prima facie* burden of showing that the issuance of a registration to Applicant ''would be inconsistent with the public interest.'' 21 U.S.C. 823(f). Because Applicant neither requested a hearing nor submitted a written statement regarding the allegations of the Order to Show Cause, there is no evidence to the contrary. *Patrick K. Chau,* 77 FR 36003, 36008 (2012). Accordingly, I will order that Applicant's application be denied.

Order

Pursuant to the authority vested in me by 21 U.S.C. 823(f), as well as 28 CFR 0.100(b) and 0.104, I hereby order that the application of James Clopton, M.D., for a DEA Certificate of Registration be, and it hereby is, denied. This order is effective immediately.

Dated: January 6, 2014.

Thomas M. Harrigan,

Deputy Administrator.

[FR Doc. 2014–00524 Filed 1–13–14; 8:45 am]

BILLING CODE 4410–09–P

DEPARTMENT OF JUSTICE

Executive Office for Immigration Review

[OMB Number 1125–NEW]

Agency Information Collection Activities: Proposed Collection; Comments Requested; Request by Organization for Accreditation of Non-Attorney Representative (Form EOIR–31A)

ACTION: 30-Day notice.

The Department of Justice (DOJ), Executive Office for Immigration Review (EOIR) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. This proposed information collection was previously published in the **Federal Register**, 78 FR 66382, November 5, 2013, allowing for a 60-day comment period.

The purpose of this notice is to allow for an additional 30 days for public comment until February 13, 2014. This process is conducted in accordance with 5 CFR 1320.10.

Written comments and/or suggestions regarding the items contained in this

notice, especially the estimated public burden and associated response time, should be directed to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention: Department of Justice Desk Officer, Washington, DC 20530. Additionally, comments also may be submitted to OMB via facsimile to (202) 395–5806. 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 elect 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:* New Voluntary Collection.

(2) *Title of the Form/Collection:* Request by Organization for Accreditation of Non-Attorney Representative.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form Number: EOIR–31A. Executive Office for Immigration Review, United States Department of Justice.

(4) *Affected public who may choose to respond to this collection, as well as a brief abstract:* Primary: Non-profit organizations seeking accreditation of its representatives by the Board of Immigration Appeals (Board) of the Executive Office for Immigration Review (EOIR). Other: None. Abstract: This information collection will allow an organization to seek accreditation for a non-attorney representative to appear before EOIR and/or the Department of Homeland Security. The Form EOIR–31A will elicit, in a uniform manner, all of the required information for EOIR to determine whether a proposed representative meets the eligibility requirements for accreditation.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply:* It is estimated that 544 respondents will complete the form annually with an average of 2 hours per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 1,088 total burden hours associated with this collection annually.

If additional information is required, contact: Jerri Murray, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE., Room 3W–1407B, Washington, DC 20530.

Dated: January 8, 2014.

Jerri Murray,

Department Clearance Officer for PRA, United States Department of Justice.

[FR Doc. 2014–00422 Filed 1–13–14; 8:45 am]

BILLING CODE 4410–30–P

NUCLEAR REGULATORY COMMISSION

[Docket No. NRC–2014–0003]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of pending NRC action to submit an information collection request to the Office of Management and Budget (OMB) and solicitation of public comment.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) invites public comment about our intention to request the OMB's approval for renewal of an existing information collection that is summarized below. We are required to publish this notice in the **Federal Register** under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement to be submitted:

1. *The title of the information collection:* Generic Customer Satisfaction Surveys and NRC Form 671, Request for Review of a Customer Satisfaction Survey under Generic Clearance.

2. *Current OMB approval number:* 3150–0197.

3. *How often the collection is required:* On occasion.

4. *Who is required or asked to report:* NRC licensees and the public will be asked to report voluntarily.

5. *The number of annual respondents:* 3,884.

6. *The number of hours needed annually to complete the requirement or request:* 1,614 hours.

7. *Abstract:* Voluntary customer satisfaction surveys will be used to contact users of NRC's services and products to determine how the Commission can improve its services and products to better meet their needs. In addition, focus groups will be conducted to discuss questions concerning those services and products. Results from the surveys will provide insight into how the NRC can make its services and products more effective, efficient and responsive to customer needs. Each survey will be submitted to the OMB for its review.

Submit, by March 17, 2014, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the burden estimate accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

The public may examine and have copied for a fee publicly available documents, including the draft supporting statement, at the NRC's Public Document Room, Room O–1F21, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852. The OMB clearance requests are available at the NRC's Web site: *http://www.nrc.gov/public-involve/doc-comment/omb/.* The document will be available on the NRC's home page site for 60 days after the signature date of this notice. Comments submitted in writing or in electronic form will be made available for public inspection.

Because your comments will not be edited to remove any identifying or contact information, the NRC cautions you against including any information in your submission that you do not want to be publicly disclosed. Comments submitted should reference Docket No. NRC–2014–0003. You may submit your comments by any of the following methods: Electronic comments go to *http://www.regulations.gov* and search for Docket No. NRC–2014–0003. Mail comments to the NRC Clearance Officer,

Tremaine Donnell (T–5 F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

Questions about the information collection requirements may be directed to the NRC Clearance Officer, Tremaine Donnell (T–5 F53), U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–6258, or by email to *INFOCOLLECTS.Resource@NRC.GOV.*

Dated at Rockville, Maryland, this 8th day of January, 2014.

For the Nuclear Regulatory Commission.

Tremaine Donnell,

NRC Clearance Officer, Office of Information Services.

[FR Doc. 2014–00417 Filed 1–13–14; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2014–0001]

Sunshine Act Meeting Notice

DATE: Weeks of January 13, 20, 27, February 3, 10, 17, 2014.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

Week of January 13, 2014

There are no meetings scheduled for the week of January 13, 2014.

Week of January 20, 2014—Tentative

There are no meetings scheduled for the week of January 20, 2014.

Week of January 27, 2014—Tentative

Wednesday, January 29, 2014

9:30 a.m. Briefing on Equal Employment Opportunity and Civil Rights Outreach (Public Meeting) (Contact: Larniece McKoy Moore, 301–415–1942)

This meeting will be webcast live at the Web address—*http://www.nrc.gov/.*

Week of February 3, 2014—Tentative

There are no meetings scheduled for the week of February 3, 2014.

Week of February 10, 2014—Tentative

There are no meetings scheduled for the week of February 10, 2014.

Week of February 17, 2014—Tentative

Wednesday, February 19, 2014

9:30 a.m. Briefing on NRC International Activities (Closed—Ex. 1 & 9)

1:30 p.m. Briefing on Security Issues (Closed—Ex. 3)

Thursday, February 20, 2014

9:30 a.m. Briefing on Threat Environment Assessment (Closed—Ex. 1)

* * * * *

The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings, call (recording)—301–415–1292. Contact person for more information: Rochelle Bavol, 301–415–1651.

* * * * *

The NRC Commission Meeting Schedule can be found on the Internet at: *http://www.nrc.gov/public-involve/public-meetings/schedule.html.*

* * * * *

The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings, or need this meeting notice or the transcript or other information from the public meetings in another format (e.g. braille, large print), please notify Kimberly Meyer, NRC Disability Program Manager, at 301–287–0727, or by email at *Kimberly.Meyer-Chambers@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

* * * * *

Members of the public may request to receive this information electronically. If you would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301–415–1969), or send an email to *Darlene.Wright@nrc.gov.*

Dated: January 9, 2014.

Rochelle C. Bavol,

Policy Coordinator, Office of the Secretary.

[FR Doc. 2014–00630 Filed 1–10–14; 4:15 pm]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Excepted Service

AGENCY: U.S. Office of Personnel Management (OPM).

ACTION: Notice.

SUMMARY: This notice identifies Schedule A, B, and C appointing authorities applicable to a single agency that were established or revoked from November 1, 2013, to November 30, 2013.

FOR FURTHER INFORMATION CONTACT: Senior Executive Resources Services, Senior Executive Services and Performance Management, Employee Services, 202–606–2246.

SUPPLEMENTARY INFORMATION: In accordance with 5 CFR 213.103, Schedule A, B, and C appointing authorities available for use by all agencies are codified in the Code of Federal Regulations (CFR). Schedule A, B, and C appointing authorities applicable to a single agency are not codified in the CFR, but the Office of Personnel Management (OPM) publishes a notice of agency-specific authorities established or revoked each month in the **Federal Register** at *www.gpo.gov/fdsys/.* OPM also publishes an annual notice of the consolidated listing of all Schedule A, B, and C appointing authorities, current as of June 30, in the **Federal Register**.

Schedule A

No schedule A authorities to report during November 2013.

Schedule B

No schedule B authorities to report during November 2013.

Schedule C

The following Schedule C appointing authorities were approved during November 2013.

Agency name	Organization name	Position title	Authorization No.	Effective date
DEPARTMENT OF AGRICULTURE.	Office of the Secretary	Confidential Assistant	DA140004	11/5/2013
	Office of the Under Secretary for Rural Development.	State Director	DA140010	11/15/2013
DEPARTMENT OF COMMERCE	Office of the Under Secretary	Congressional Affairs Specialist	DC140005	11/4/2013
	Office of Legislative and Intergovernmental Affairs.	Confidential Assistant	DC140006	11/4/2013

Agency name	Organization name	Position title	Authorization No.	Effective date
	Immediate Office	Executive Assistant	DC140007	11/4/2013
	Office of Business Liaison	Senior Advisor	DC140011	11/26/2013
DEPARTMENT OF DEFENSE	Office of Assistant Secretary of Defense (Legislative Affairs).	Special Assistant	DD130130	11/6/2013
DEPARTMENT OF EDUCATION	Office of Elementary and Secondary Education.	Confidential Assistant	DB140005	11/1/2013
	Office of Communications and Outreach.	Special Assistant	DB140007	11/7/2013
	Office of the Secretary	Confidential Assistant (2)	DB140011	11/12/2013
			DB140016	11/15/2013
		Deputy Director, Office of Educational Technology.	DB140012	11/12/2013
	Office of Legislation and Congressional Affairs.	Confidential Assistant	DB140010	11/13/2013
	Office of Planning, Evaluation and Policy Development.	Confidential Assistant	DB140006	11/20/2013
	Office of Communications and Outreach.	Special Assistant	DB140019	11/22/2013
DEPARTMENT OF ENERGY	Under Secretary for Science	Special Assistant	DE140006	11/1/2013
	Office of the Deputy Secretary	Special Advisor	DE130113	11/6/2013
	Office of Economic Impact and Diversity.	Special Advisor	DE140002	11/6/2013
	Office of the Secretary	Special Assistant	DE140005	11/6/2013
	Office of Assistant Secretary for Policy and International Affairs.	Special Assistant	DE140013	11/8/2013
		Special Advisor	DE140014	11/19/2013
	Office of Public Affairs	Press Secretary	DE140012	11/22/2013
EXPORT-IMPORT BANK	Office of the Chairman	Deputy Chief of Staff	EB140001	11/7/2013
		Executive Vice President and Chief Risk Officer.	EB140002	11/21/2013
FEDERAL COMMUNICATIONS COMMISSION.	Office of Media Relations	Communications Director	FC140005	11/20/2013
DEPARTMENT OF HEALTH AND HUMAN SERVICES.	Office of Health Reform	Confidential Assistant (Office of Health Reform).	DH140004	11/1/2013
DEPARTMENT OF HOMELAND SECURITY.	Office of the Assistant Secretary for Policy.	Senior Director	DM130155	11/6/2013
	Office of the Assistant Secretary for Intergovernmental Affairs.	Special Advisor	DM140007	11/13/2013
	Office of the Under Secretary for Intelligence and Analysis.	Deputy Chief of Staff	DM140010	11/26/2013
	Office of the General Counsel	Counselor	DM140012	11/26/2013
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.	Office of the General Counsel	Senior Counsel	DU130045	11/1/2013
	Office of Field Policy and Management.	Regional Administrator (Northwest/Alaska).	DU140002	11/15/2013
	Great Plains (Kansas City)	Regional Administrator (Great Plains).	DU140006	11/15/2013
DEPARTMENT OF JUSTICE	Office of Public Affairs	Deputy Press Secretary	DJ140011	11/26/2013
NATIONAL AERONAUTICS AND SPACE ADMINISTRATION.	Office of the Chief Financial Officer/Comptroller.	Policy Analyst	NN140010	11/26/2013
NATIONAL MEDIATION BOARD	National Mediation Board	Confidential Assistant	NM140001	11/18/2013
OFFICE OF MANAGEMENT AND BUDGET.	Strategic Planning and Communications.	Specialist for Strategic Planning and Communications.	BO140004	11/18/2013
		Press Secretary	BO140003	11/26/2013
OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE.	Office of the Ambassador	Director of Scheduling and Advance.	TN140001	11/12/2013
SOCIAL SECURITY ADMINISTRATION.	Office of Communications	Press Officer	SZ140002	11/25/2013
DEPARTMENT OF STATE	Office of the Global Women's Issues.	Senior Advisor	DS140003	11/12/2013
	Bureau of Legislative Affairs	Legislative Management Officer	DS140006	11/13/2013
	Bureau of Overseas Buildings Operations.	Director, Art In Embassies Program.	DS140008	11/15/2013
DEPARTMENT OF TRANSPORTATION.	Assistant Secretary for Transportation Policy.	Deputy Director for Public Engagement.	DT130040	11/1/2013
	Public Affairs	Press Secretary	DT140005	11/26/2013
	Assistant Secretary for Budget and Programs.	Deputy Assistant Secretary for Finance and Budget.	DT140006	11/26/2013
DEPARTMENT OF THE TREASURY.	Under Secretary for Terrorism and Financial Intelligence.	Senior Advisor	DY140012	11/15/2013
	Under Secretary for Domestic Finance.	Senior Advisor (2)	DY140013	11/15/2013

Agency name	Organization name	Position title	Authorization No.	Effective date
UNITED STATES INTERNATIONAL TRADE COMMISSION.	Office of Commissioner Kieff	Staff Assistant (Legal)	DY140016 TC140004	11/25/2013 11/7/2013

The following Schedule C appointing authorities were revoked during November 2013.

Agency name	Organization name	Position title	Authorization No.	Vacate date
DEPARTMENT OF AGRICULTURE.	Rural Housing Service	Chief of Staff	DA130050	11/16/2013
DEPARTMENT OF COMMERCE	International Trade Administration	Deputy Director of Public Affairs	DC120013	11/1/2013
	Office of the Chief of Staff	Special Assistant	DC090107	11/16/2013
	Office of the Under Secretary	Special Advisor to the Under Secretary.	DC110093	11/29/2013
		Senior Policy Advisor	DC120072	11/29/2013
DEPARTMENT OF HEALTH AND HUMAN SERVICES.	Office of Intergovernmental and External Affairs.	Confidential Assistant	DH110116	11/2/2013
	Office of the Assistant Secretary for Planning and Evaluation.	Director of Coverage Policy (Office of Health Reform).	DH130018	11/12/2013
DEPARTMENT OF HOMELAND SECURITY.	Office of the Under Secretary for Science and Technology.	Advisor	DM130136	11/9/2013
	U.S. Customs and Border Protection.	Advisor to the Chief of Staff	DM120078	11/15/2013
DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT.	Office of Policy Development and Research.	Special Assistant	DU110011	11/2/2013
	Office of Congressional and Intergovernmental Relations.	Congressional Relations Specialist	DU120006	11/2/2013
		Deputy Director of Intergovernmental Relations.	DU120035	11/2/2013
DEPARTMENT OF THE INTERIOR.	Bureau of Ocean Energy Management.	Senior Advisor	DI120003	11/16/2013
OFFICE OF THE SECRETARY OF DEFENSE.	Deputy Under Secretary of Defense (Asian and Pacific Security Affairs).	Senior Advisor for Regional Policy and Integration.	DD130001	11/3/2013

Authority: 5 U.S.C. 3301 and 3302; E.O. 10577, 3 CFR, 1954–1958 Comp., p. 218.

Katherine Archuleta,

Director, U.S. Office of Personnel Management.

[FR Doc. 2014–00518 Filed 1–13–14; 8:45 am]

BILLING CODE 6325–39–P

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Upon Written Request Copies Available From: Securities and Exchange Commission, Office of Investor Education and Advocacy, Washington, DC 20549–0213.

Extension: Form 5. OMB Control No. 3235–0362, SEC File No. 270–323.

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') this request for extension of the previously approved collection of information discussed below.

Under Section 16(a) of the Securities Exchange Act of 1934 (''Exchange Act'') (15 U.S.C. 78a *et seq.*) every person who is directly or indirectly the beneficial owner of more than 10 percent of any class of any equity security (other than an exempted security) which registered pursuant to Section 12 of the Exchange Act, or who is a director or an officer of the issuer of such security (collectively ''reporting persons''), must file statements setting forth their security holdings in the issuer with the Commission. Form 5 (17 CFR 249.105) is an annual statement of beneficial ownership of securities. The information disclosure provided on Form 5 is mandatory. All information is provided to the public for review. We estimate that approximately 4,600 reporting persons file Form 5 annually and we estimate that it takes approximately one hour to prepare the form for a total of 4,600 annual burden hours.

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 public may view the background documentation for this information collection at the following Web site, *www.reginfo.gov* . Comments should be directed to: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10102, New Executive Office Building, Washington, DC 20503, or by sending an email to: *Shagufta_Ahmed@omb.eop.gov;* and (ii) 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.* Comments must be submitted to OMB within 30 days of this notice.

Dated: January 8, 2014.

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–00467 Filed 1–13–14; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Public Law 94–409, that the Securities and Exchange Commission will hold a Closed Meeting on Thursday, January 16, 2014 at 2:00 p.m.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the Closed Meeting. Certain staff members who have an interest in the matters also may be present.

The General Counsel of the Commission, or her designee, has certified that, in her opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (7), 9(B) and (10) and 17 CFR 200.402(a)(3), (5), (7), 9(ii) and (10), permit consideration of the scheduled matter at the Closed Meeting.

Commissioner Aguilar, as duty officer, voted to consider the items listed for the Closed Meeting in a closed session.

The subject matter of the Closed Meeting will be:

Institution and settlement of injunctive actions;

institution and settlement of administrative proceedings;

adjudicatory matters; and

other matters relating to enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting items.

For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact the Office of the Secretary at (202) 551–5400.

Dated: January 9, 2014.

Elizabeth M. Murphy,

Secretary.

[FR Doc. 2014–00558 Filed 1–9–14; 4:15 pm]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71255; File No. SR–MSRB–2013–09]

Self-Regulatory Organizations; Municipal Securities Rulemaking Board; Notice of Filing of a Proposed Rule Change, as Modified by Amendment No. 1 Thereto, Consisting of Amendments to MSRB Rules A–12, on Initial Fee, G–14, on Reports of Sales or Purchases, and the Facility for Real-Time Transaction Reporting and Price Dissemination (''RTRS Facility''); Deletion of Rules A–14, on Annual Fee, A–15, on Notification to the Board of Change in Status or Change of Name or Address, and G–40, on Electronic Mail Contacts; Deletion of References to RTRS Testing Requirements Under Rules G–14(b)(v), G–14(c), on RTRS Procedures, and in the RTRS Facility; Elimination of MSRB Forms RTRS and G–40; and Adoption of a Single, Consolidated Electronic Registration Form, New Form A–12

January 8, 2014.

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 24, 2013, the Municipal Securities Rulemaking Board (the ''MSRB'' or ''Board'') filed with the Securities and Exchange Commission (the ''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the MSRB. On January 7, 2014, the Board filed Amendment No. 1 to the proposed rule change.[3] The Commission is publishing this notice to solicit comments on the proposed rule change, as modified by Amendment No. 1 thereto, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The MSRB is filing with the Commission a proposed rule change consisting of amendments to MSRB Rules A–12, on initial fee, Rule G–14, on reports of sales or purchases, and the Facility for Real-Time Transaction Reporting and Price Dissemination (''RTRS Facility''). The MSRB also proposes a deletion of the entire rule language (reserving the rule numbers for potential future use) for Rules A–14, on annual fee, A–15, on notification to the Board of change in status or change of name or address, and G–40, on electronic mail contacts. Additionally, references to RTRS testing requirements under G–14(b)(v), G–14(c), on RTRS Procedures, and in the RTRS Facility will be deleted. Finally, the MSRB proposes to eliminate two MSRB forms, Forms RTRS and G–40, and adopt a single, consolidated electronic registration form, new Form A–12 (collectively, the ''proposed rule change''). The MSRB will provide at least thirty days notice of the effective date, which shall be announced within ten days of SEC approval in a notice published on the MSRB Web site. The notice will also announce a compliance date for completion of new Form A–12 of ninety days from the effective date.[4]

The text of the proposed rule change is available on the MSRB's Web site at *www.msrb.org/Rules-and-Interpretations/SEC-Filings/2013-Filings.aspx,* at the MSRB's principal office, 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 MSRB 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 MSRB has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] By Amendment No. 1, the Board: (1) Added footnote 5 to Item II(A)(1) explaining that Form A–12 included as Exhibit 3 to SR–MSRB–2013–09 as filed with the SEC is a pre-production depiction of an electronic form and the final appearance of which may vary in non-substantive respects; (2) added text and footnotes 6, 8, and 9 to Item II(A)(1) to clarify that the current requirement for all registrants to provide a Primary Electronic Mail Contact and for municipal securities dealers that report trades to the MSRB to provide a primary Trade Data Quality contact would be replaced by the requirement that all registrants provide a Primary Regulatory Contact, Master Account Administrator, Billing Contact, Compliance Contact, and Data Quality Contact. Additionally, the new text explains that the optional Trade Data Quality Contact, Optional Electronic Mail Contact, and optional Technical Contact would be replaced with the Optional Regulatory Contact, Optional Data Quality Contact, and Optional Technical Contact; and (3) included an additional graphic illustration on new Form A–12, found in Exhibit 3 to SR–MSRB–2013–09 as filed with the SEC, that depicts where registrants would describe the reason(s) for the involuntary withdrawal of their registration with the MSRB on the new Form A–12.

[4] The MSRB anticipates that the effective date will be on or about April 28, 2014 when new Form A–12 will be available and that registrants will have ninety days from such date to complete the form in accordance with the proposed rule change.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The proposed rule change would amend Rule A–12 to create new registration procedures for MSRB-regulated brokers, dealers and municipal securities dealers (''dealers'') and municipal advisors (dealers and municipal advisors are referred to herein collectively as ''registrants'' or ''regulated entities''). These new procedures would be incorporated into new Form A–12.[5] The proposed rule change would consolidate the MSRB registration process in Rule A–12 and delete the rule language under Rules A–14, A–15, and G–40; eliminating Forms RTRS and G–40; and amending Rule G–14(b)(iv). The MSRB believes, as explained below, that the proposed rule change will make it easier for registrants to complete the registration process and will provide the MSRB with additional information regarding registrants that will be useful for regulatory purposes.

Currently, regulated entities must reference a series of MSRB rules when registering with the MSRB, as there is no single ''registration'' rule. Prior to engaging in municipal securities or municipal advisory activities, regulated entities are required, consistent with current Rule A–12, to supply only basic identifying information to the MSRB and pay an initial fee. Each regulated entity that changes its name or address, or ceases to be engaged in municipal securities business, whether voluntarily or otherwise, must so notify the MSRB, pursuant to current Rule A–15. Under Rules G–14(b)(iv) and G–40, regulated entities must complete Forms RTRS and G–40 that require registrants to provide the MSRB with an official contact, certain business information, and certain other information necessary to process their transaction reports correctly. Additionally, Rule G–14(b)(v) requires registrants that submit transaction data to the MSRB to test their ability to interface with MSRB systems. Finally, under Rule A–14, regulated entities must pay an annual fee upon registration and annually thereafter. The proposed rule change reflects the MSRB's determination that additional rulemaking in this area is necessary to improve the efficiency by which regulated entities register, and maintain registration, with the MSRB.

The proposed rule change addresses concerns expressed by registrants regarding the current registration process and the number of rules and forms governing that process. The MSRB believes that the proposed rule change would clarify and simplify the registration process for new registrants, who, as noted, currently must follow requirements spread across several rules and forms. In addition to increased efficiency, the proposed rule change would allow the MSRB to collect additional data from and about registrants. Such information would further support the MSRB and other appropriate regulators in their regulatory activities.

The proposed rule change would require registrants to provide contact information (name, title, phone number, address, and email address) for several new contact persons on Form A–12. In addition to the Primary Regulatory Contact, Form A–12 would require all registrants to identify a Master Account Administrator, Billing Contact,[6] Compliance Contact, and Data Quality Contact, as further described below under ''Form A–12.''[7] The Trade Data Quality Contact required for dealers engaged in certain business activities[8] under the current Form RTRS would be replaced by the Data Quality Contact under the proposed rule change and would be required of all registrants regardless of their business activities. These required contacts would alleviate the need for the MSRB to direct all communications through a Primary Electronic Mail Contact, as is currently the case under Rule G–40.[9] Instead, the MSRB would be able to communicate issues and make requests directly relevant to the contact person tasked with handling such matters. The MSRB believes that this will increase regulatory efficiency for the MSRB and reduce the burdens on registrants when responding to MSRB inquiries.

The proposed rule change also would provide a waiver of the annual fee for dealers and municipal advisors that register in the last month of the MSRB's fiscal year. This relief would address concerns raised by regulated entities that they must pay two annual fees in a short period of time if they register with the MSRB near the end of the fiscal year. Finally, the proposed rule change would impose a late fee on those regulated entities that fail to pay MSRB assessments in a timely manner, as further described below under ''Summary of the Proposed Rule Change'' and under ''Discussion of Comments.'' The MSRB currently does not impose late fees and believes that this change will promote compliance with fee requirements and reduce the necessity for the MSRB to expend resources to collect untimely fees.

The proposed rule change would eliminate the requirement for registrants who submit transaction data to the MSRB to test their ability to interface with MSRB systems. The MSRB has determined that testing is no longer necessary due to improvements in technology and the establishment of other controls, though dealers would still have the ability to test transaction submissions at their discretion.

The MSRB will provide at least thirty days notice of the effective date, which shall be announced within ten days of SEC approval in a notice published on the MSRB Web site. The notice will also announce a compliance date for completion of new Form A–12 of ninety days from the effective date. This would allow the MSRB sufficient time to develop the automated system needed to support the new registration process. It also would allow new and existing registrants approximately three months to complete new Form A–12. The MSRB anticipates that the effective date will be on or about April 28, 2014 when new Form A–12 will be available and that registrants will have ninety days from such date to complete the form in accordance with the proposed rule change.

Summary of the Proposed Rule Change

Rule A–12

Proposed Rule A–12, as explained in detail below, would require regulated entities to register with the MSRB prior to engaging in any municipal securities or municipal advisory activities by completing the new electronic Form A–12. Note that, prior to registration with the MSRB, each dealer and municipal advisor must first register with and receive approval from the Commission.

Rule A–12(a) would require each dealer, prior to engaging in municipal securities activities, and each municipal advisor, prior to engaging in municipal

[5] The new Form A–12 found in Exhibit 3 to SR–MSRB–2013–09 as filed with the SEC is a pre-production depiction of an electronic form, the final appearance of which may vary in non-substantive respects.

[6] Currently, Form G–40 permits registrants to provide a billing contact; however, such a contact is not required under current MSRB rules.

[7] MSRB Rule G–14(b)(iv) currently requires only dealers to provide a data quality contact for trade submissions.

[8] Current Form RTRS requires a dealer to provide a primary Trade Data Quality Contact if such dealer (1) effects purchases and sales transactions in municipal securities, (2) clears and settles transactions as an NSCC participant, or (3) acts as a broker's broker. In addition, currently, registrants have the option of providing a secondary Trade Data Quality Contact and/or a Technical Contact.

[9] Currently, Rule G–40 permits registrants to provide an Optional Electronic Mail Contact; however, such a contact is not required under current MSRB rules.

advisory activities, to register with the MSRB. Rule A–12(a) also would require registrants to notify, as appropriate, a registered securities association or appropriate regulatory agency [10] of their intent to engage in municipal securities and/or municipal advisory activities and provide the MSRB, on their Form A–12, with a written statement evidencing such notification.[11] Registration with the MSRB would be effective only after the MSRB notifies a registrant that its Form A–12 is complete and all fees have been received and processed.

Rule A–12(b) would provide for the amount and method of payment of the initial registration fee. New registrants would be required to pay an initial fee of $100 to the MSRB in the manner prescribed by the MSRB Registration Manual. Rule A–12(c) would provide that the annual registration fee would continue to be $500 and would be paid in accordance with the method described in the MSRB Registration Manual. The MSRB Registration Manual would provide specifications for complying with the registration process set forth in proposed Rule A–12 and would be available in advance of the Form A–12 release date. The MSRB Registration Manual would contain instructions for completion of Form A–12, as well as graphical representations of the form. It would not, however, contain any substantive requirements not contained in MSRB rules or fairly and reasonably implied from those rules. Rule A–12(d) would establish late fees for any assessment due under Rule A–12 or A–13. Although the initial and annual fee amounts would remain unchanged, the MSRB reviews its fee structure periodically in connection with its budget. The annual fee would continue to be due by October 31 each year, but proposed Rule A–12 would provide that a regulated entity that registers in September and pays an annual fee at the time of registration need not pay the annual fee for the following fiscal year, beginning October 1. Any registrant that fails to pay any fee due under Rules A–12 or A–13 (underwriting, transaction or technology fee) would be assessed a monthly late fee computed based on the overdue balance and the prime rate plus an additional $25 per month.

Rule A–12(e) would permit registrants to use the designation ''MSRB registered'' when referencing their registrant status. The MSRB has received inquiries from registrants regarding the proper manner for denoting their registration status in their advertising material and on their Web sites. The MSRB has been informed of instances where registrants have used various designations, such as ''MSRB member.'' This designation is inappropriate because the MSRB is not a membership organization. Section (e) would provide clarity to registrants and the general public in this regard.

Rule A–12(f), rather than the current requirement to provide only a primary electronic mail contact, would require the provision of a primary regulatory contact, master account administrator, billing contact, compliance contact, and primary data quality contact. MSRB registrants could also provide an optional regulatory contact, data quality contact and technical contact. For dealers, the primary regulatory contact would be required to be a registered principal. It would be the responsibility of the primary regulatory contact to receive official communications from the MSRB, similar to the role of the primary electronic mail contact under current Rule G–40.

Rule A–12(g) would require dealers, prior to registering with the MSRB, to provide trade reporting information so that their trade reports can be processed correctly, or notify the MSRB that they are exempt from the trade reporting requirements, as further described below under ''Rule G–14(b)(iv).''

Rule A–12(h), similar to current Rule G–40(d), would require dealers and municipal advisors to comply, within 15 days or such longer period as may be agreed to by the requesting authority, with any request from the MSRB, a registered securities association or other appropriate regulatory authority, for information required as a function of their registration with the MSRB. The MSRB requirement of registrants to comply with such requests from the MSRB or a registered securities association, as applicable, would be a new obligation not required under current Rule G–40(d).

Sections (i)–(k) of proposed Rule A–12 establish the requirements for completing, updating, and annually affirming the information on new electronic Form A–12, as further described below under ''Form A–12.'' The proposed rule provides for an annual affirmation process, similar to the current process under Rule G–40(c), which would require registrants to review, update and affirm the information on Form A–12 during the first seventeen business days of each calendar year. Similar to the current requirement in Rule A–15, registrants would be required to update Form A–12, within 30 days, if any information on the form becomes inaccurate or the firm ceases to be engaged in municipal securities or municipal advisory activities either voluntarily or involuntarily through a regulatory or judicial bar, suspension or otherwise. Registrants that involuntarily cease to be engaged in municipal securities or municipal advisory activities would be required to provide a written explanation, on their Form A–12, of the circumstances that lead to, and resulted in, the involuntary cessation of such activities. Finally, to collect more complete data concerning the activities engaged in by MSRB registrants, regulated entities would be required to inform the MSRB of the types of municipal securities and municipal advisory activities engaged in by such firms. Currently, the MSRB collects similar information from municipal advisor registrants on Form G–40, and from dealers on Form RTRS. Finally, MSRB registrants would be able to withdraw their registration, either fully or partially, by amending Form A–12.

The instructions for completing and amending Form A–12, as well as information about the method of payment under Rule A–12, would be located in the MSRB Registration Manual as described in section (l) of the proposed rule.

Form A–12

The information required by Form A–12 would be submitted electronically by each registrant through a web portal located on the MSRB's Web site. In order to mitigate the burden on current registrants and ease the transition process, information from registrants' current Forms RTRS and G–40 would be pre-populated on new Form A–12, as feasible. To the extent that any part of a registrant's Form A–12 is pre-populated, the registrant would be able to amend, edit or delete such information prior to submitting the completed form. Form A–12 would require the submission of the following information:

• *Registration Categories:* Form A–12 would require the registrant to identify its registration category, such as dealer or municipal advisor. Registrants would be permitted to select both registration

[10] The term ''appropriate regulatory agency,'' as used in this filing and proposed Rule A–12(a) means the Comptroller of the Currency, Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, or SEC as defined in 15 U.S.C. 78c(a)(34)(A).

[11] This requirement would only be applicable to dealers or municipal advisors first registering on or after April 28, 2014. Registrants would have the flexibility to submit any form of documentation, such as a letter on company letterhead, evidencing notice to a registered securities association or appropriate regulatory agency, as applicable, of their intent to engage in municipal securities and/or municipal advisory activities.

categories, either initially or at a later date. Similarly, registrants that are registered as both dealers and municipal advisors would be permitted to withdraw either of these categories or submit a complete withdrawal. Registered entities that would like to add a category would be required to update Form A–12 to change their status prior to engaging in activities in the additional category. Moreover, those registered in multiple categories would be required to amend Form A–12 if they cease to engage in either municipal securities or municipal advisory activities. The registrants would be able to designate their firm as a broker-dealer, municipal securities dealer (*e.g.,* bank dealer), or municipal advisor, or as both a broker-dealer or municipal securities dealer and municipal advisor. In instances of complete withdrawal, the registrant would select the indicator on Form A–12 for a complete withdrawal.

• *General Firm Information:*

• *Firm Identifiers:* Each registrant would be required to enter the 1) name of the firm or individual, if registrant is a sole proprietorship, 2) dealer SEC identification number, if applicable, 3) municipal advisor SEC identification number, if applicable, 4) FINRA identification (Central Registration Depository) number, if applicable, and 5) legal entity identifier, if any.

• *Intent to Engage in Municipal Securities and/or Municipal Advisory Activities:* Registrants would be required to upload an electronic copy (PDF format) of the documentation evidencing the registrant's notification to a registered securities association or appropriate regulatory agency (bank regulator), as applicable, of its intent to engage in municipal securities and/or municipal advisory activities.

• *Business Information:* Registrants would provide their firm's physical address and Web site address, if any.

• *Form of Organization:* Each registrant would be required to disclose its legal form from a list that includes: Corporation, Sole Proprietorship (for individuals), Limited Liability Partnership, Partnership, Limited Liability Company, Limited Partnership, or Other (registrant would be required to specify). This list is identical to the list of organization types on the Commission's Form MA, which will be completed by municipal advisors. Registrants would also be required to provide the city and state in which they are incorporated, organized or established.

• *Types of Business Activity:* Each registrant would be required to identify its types of business activities. Multiple activities may be selected. The types of business activities a registrant would be able to select from are based on the registration category or categories selected by the registrant (*i.e.,* dealer and/or municipal advisor). The municipal advisor business activities substantially mirror the business activity categories available on the Commission's Form MA. However, abbreviated titles are used in Form A–12. Detailed descriptions of each business activity would be provided in the MSRB Registration Manual. The following are the business activities that would be available on Form A–12 for each registration category:

• *Business Activities of Broker/Dealers—Municipal Fund Securities:* 529 Plan Underwriting, 529 Plan Sales, Local Government Investment Pool Distributor/Sales, Other (registrant to specify).

• *Business Activities of Broker/Dealers—Sales/Trading:* Retail Sales, Institutional Sales, Trading—Proprietary, Trading—Inter-Dealer, Broker's Broker Activities, Online Brokerage.

• *Business Activities of Broker/Dealer—Other:* Underwriting, Clear and settle transactions as National Securities Clearing Corporation (NSCC) participant, Alternative Trading System, Remarket Variable Rate Demand Obligations (VRDOs), Auction Rate Securities (ARS) Program Dealer, Research, Engage in other activities that require registration (registrant to specify).

• *Business Activities of Municipal Advisors:* Issuance Advice, Investment Advice—Proceeds of Municipal Securities, Investment Advice—Funds of Municipal Entity, Municipal Escrow Investment Advice, Municipal Escrow Investment Brokerage, Guaranteed Investment Contracts Advice, Municipal Derivatives Advice, Solicitation of Business—Investment Advisory, Solicitation of Business—Other than Investment Advisory, Municipal Advisor/Underwriter Selection Advice, Other (registrant to specify).

• *Contact Information:* Rather than provide a primary electronic mail contact as is required currently, registrants would provide contact information on Form A–12 for a primary regulatory contact, master account administrator, billing contact, compliance contact, and data quality contact. Registrants may also provide an optional regulatory contact, optional data quality contact and/or optional technical contact. Registrants would be required to provide the name, title, address, phone number, and email address of each contact entered on the form. Registrants would be permitted to designate one individual for any or all of the contacts required under the proposed rule change. Below are brief descriptions of each contact:

• *Primary & Optional Regulatory Contact:* For dealers, the primary regulatory contact would be required to be a registered principal. It would be the responsibility of the primary regulatory contact to receive official communications from the MSRB, similar to the role of the primary electronic mail contact under current Rule G–40. Also, the primary regulatory contact, optional regulatory contact or compliance contact would be required to annually affirm the information in Form A–12.

• *Master Account Administrator:* The master account administrators would maintain each registrant's MSRB Gateway account (a web portal containing all MSRB Market Transparency submission services, applications and the associated forms), ensure only appropriate personnel of the registrant have access to MSRB systems, and serve as the MSRB's primary contact for any and all issues that may arise regarding the account.

• *Billing Contact:* Each registrant would provide a billing contact who is responsible for receiving electronic statements and invoices from the MSRB that relate to fees assessed under MSRB Rules A–12 and A–13, facilitating payment of such invoices, and acting as the MSRB's first point of contact regarding billing and payment questions for such fees. The addition of this contact would assist registrants by directing the MSRB's billing questions to the individual at the registered entity, thereby avoiding unnecessary communications with the primary regulatory contact.

• *Compliance Contact:* The compliance contact would be an individual capable of competently responding to inquiries from the MSRB about registrants' monitoring of day-to-day operations, internal controls, and policies and procedures established to comply with applicable rules and regulations. Also, the compliance contact, primary regulatory contact or optional regulatory contact would be required to annually affirm the information in Form A–12.

• *Primary & Optional Data Quality Contact:* Each registrant would be required to identify an individual that would respond to MSRB inquiries relating to the quality and control of the data the registrant transmits to the MSRB as part of its trade reporting and

other regulatory obligations.[12] Registrants would also have the option to provide a second contact person capable of responding to MSRB communications regarding the quality and control of the registrant's data transmissions.

• *Optional Technical Contact:* Registrants would have the option of providing a technical contact that would be able to respond to inquiries from the MSRB related to a registrant's technical capabilities and any technical issues in connection with trade reporting and other programs.

• *Trade Reporting:* Form A–12 would require registrants to select a prescribed method for reporting municipal securities transactions to the MSRB and receiving and responding to transaction and error feedback messages from the MSRB.

• *Submission Information:* Registrants would select among three manners of reporting transactions to the MSRB: (1) Self-report trades using a message-based trade portal operated by the NSCC and RTTM Web (an electronic platform maintained by NSCC-Fixed Income Services for the submission, collection and monitoring of trade data); (2) have their trades reported by another dealer acting as agent; or (3) self-report through RTRS Web (a web based reporting mechanism maintained by the MSRB for submitting, modifying and canceling municipal securities transactions as well as for modifications to regulatory data on inter-dealer transactions). If a registrant chooses to submit trades through another dealer acting as agent, the registrant must include the identity of such intermediary dealer to be used as a submitter.

• *Feedback Information:* Registrants would be required to select among three methods to receive and respond to transaction status and error feedback messages from the MSRB: (1) Email; (2) Process MT509 messages (a standardized electronic messaging format used by dealers when reporting trade data from computer to computer); or (3) RTRS Web. If registrants select to receive transaction status and error feedback messages through email, the registrant would be required to include the email address that would receive such messages.

• *Trade Reporting Identifiers:* Registrants would continue to be required to provide certain trade reporting identifiers, as currently required under Rule G–14. These include their Executing Broker Symbols (EBS) (also known as Market Participant Identifiers or MPIDs) assigned by NASDAQ and, for registrants that report transactions using a message-based portal operated by the NSCC, their NSCC Participant Identifier.

Rules A–14, A–15 and G–40

The entire rule language for Rules A–14, A–15 and G–40 would be deleted.

Forms RTRS and G–40

Forms RTRS and G–40 would be discontinued.

Rule G–14(b)(iv)

Amended Rule G–14(b)(iv) would replace a requirement to provide a completed Form RTRS with a provision exempting dealers from all of the requirements listed in Rule G–14(b), related to trade reporting, if the dealer does not effect any municipal securities transactions or if the dealer's transactions in municipal securities are limited to (1) transactions in securities without assigned CUSIP numbers, (2) transactions in municipal fund securities, or (3) inter-dealer transactions for principal movement of securities between dealers that are not inter-dealer transactions eligible for comparison in a clearing agency registered with the Commission.[13] Furthermore, the amended rule would require dealers to confirm that they qualified for the exemption as provided in proposed Rule A–12(g).[14]

Rule G–14(b)(v)

The entire language from this section would be deleted.

Rule G–14(c)

The reference to the testing procedures contained in the RTRS Users Manual would be deleted.

2. Statutory Basis

The MSRB believes that the proposed rule change is consistent with Section 15B(b)(2)(C) of the Act,[15] which provides that the MSRB's rules shall:

> 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 municipal securities and municipal financial products, to remove impediments to and perfect the mechanism of a free and open market in municipal securities and municipal financial products, and, in general, to protect investors, municipal entities, obligated persons, and the public interest.

As summarized above, the proposed rule change removes impediments to dealers and municipal advisors by streamlining the registration process for new registrants. The MSRB believes that the consolidation into a single rule of requirements currently located in multiple rules will clarify and simplify the identification of regulatory requirements. The MSRB also believes that the new electronic form will reduce the burden on registrants who currently must complete multiple forms to register with the MSRB. The proposed rule change also would allow the MSRB to collect information on the business activities of registrants, which would assist the MSRB and other appropriate regulatory authorities in regulating dealers and municipal advisors.

The MSRB also believes that the proposed rule change is consistent with Section 15B(b)(2)(J) of the Act,[16] which provides that the MSRB's rules shall:

> provide that each municipal securities broker, municipal securities dealer, and municipal advisor shall pay to the Board such reasonable fees and charges as may be necessary or appropriate to defray the costs and expenses of operating and administering the Board. Such rules shall specify the amount of such fees and charges, which may include charges for failure to submit to the Board, or to any information system operated by the Board, within the prescribed timeframes, any items of information or documents required to be submitted under any rule issued by the Board.

The MSRB regards the obligation to pay late fees for failure to pay any fee assessed under Rules A–12 and A–13 as reasonable for several reasons. No dealer or municipal advisor will be obligated to pay a late fee if it remits the applicable fee under Rules A–12 or A–13 in the timeframe required by MSRB rules. Furthermore, the MSRB believes that the existence of late fee provisions will promote timely compliance with MSRB rules on fees.

B. Self-Regulatory Organization's Statement on Burden on Competition

The MSRB does not believe that the proposed rule change would impose any

[12] There are no data submission requirements for municipal advisors or dealers exempt from the transaction reporting requirements under current Rule G–14(b)(vi) (proposed Rule G–14(b)(v)) at this time. However, these registrants must designate a data quality contact because future rulemaking may impose new data submission requirements on these registrants.

[13] MSRB Rule G–14(b)(vi).

[14] In connection with the proposed rules change, as a result of the proposed deletion of Form RTRS, the MSRB proposes deleting the following sentence in the description of the Facility for Real-Time Transaction Reporting and Price Dissemination (the "REAL-TIME TRANSACTION REPORTING SYSTEM" or "RTRS"): "The requirement for testing and submission of a "Form RTRS" with the name of a contact person is reflected in Rule G–14."

[15] 15 U.S.C. 78o–4(b)(2)(C).

[16] 15 U.S.C. 78o–4(b)(2)(J).

burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The MSRB solicited comments on the potential burden of the proposed rule change in a request for comment.[17] Among the questions asked were:

- Would the proposed changes make it easier for regulated entities to understand and follow the registration requirements of the MSRB? Are there other ways for the MSRB to assist new registrants in meeting their registration requirements?
- Relative to the process for registration today, do the proposed changes offer any benefits to regulated entities?
- To the extent the proposed changes would impose any *new* burdens on regulated entities, please describe those burdens in detail and quantify them, to the extent possible.
- Would the waiver of the following year's annual fee for firms that register in September be appropriate relief for firms that seek to register at the end of a fiscal year?
- Would the assessment of late fees impose any undue burden on firms that fail to pay the requisite fees in a timely fashion? If so, what alternatives should the MSRB consider as means to promote the payment of fees in a timely manner?
- Are there any other provisions in MSRB rules that should be consolidated into the proposed new registration rule?

The specific comments and responses that were received to these questions are discussed below. The MSRB believes that the proposed rule change would benefit dealers and municipal advisors by improving the efficiency by which they register with the MSRB. Specifically, the proposed rule change would consolidate and clarify the registration process through a single rule and form, rather than multiple rules and forms, as is the case currently. The MSRB believes that the proposed rule and form would reduce the amount of inquiries by registrants to the MSRB about the registration process, thereby reducing the amount of time and expense incurred by registrants when registering and maintaining their registration. In addition, registrants would benefit from the changes proposed to the assessment of the annual fee by permitting regulated entities that register and pay the annual fee in September to avoid the annual fee for the following fiscal year. This change would reduce costs to new registrants by eliminating the need to pay for the entire year when registering in the last month of the fiscal year.

The MSRB recognizes that there are costs of compliance associated with the proposed rule change. The MSRB notes, however, that the requirement to submit additional information about each regulated entity and its business activities would apply equally to all registered entities. Moreover, the MSRB believes that other elements of the proposed rule change, including the consolidation of various ''registration'' rules and forms would serve to make the registration process more efficient for dealers and municipal advisors.

The MSRB notes that several commenters have stated that the proposed rule change would improve the municipal securities market and its efficient operation, and that any burden created by the proposed rule change is outweighed by the benefits received by registrants and the municipal securities marketplace.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The proposed rule change was developed with input from a diverse group of market participants. On August 19, 2013, the MSRB published the August Notice soliciting comment on the rule proposals regarding registration under Rule A–12, Rule G–14 and Form A–12. The MSRB received four letters in response to the August Notice.[18]

Discussion of Comments

Support for the Consolidation of the Registration Rules

Comments: SIFMA, NAIPFA and FSI expressed support of the consolidation of the registration process, the proposed rules and the new electronic registration form. SIFMA stated that the proposed rule change makes ''the registration process easier to understand, and that is a benefit to regulated entities'' and that there were no additional provisions in the MSRB rules that needed to be consolidated into the new rule. NAIPFA and FSI expressed their support of the consolidation and wrote that the proposed rule change would simplify the registration process and add clarity to the registration rules and process. In expressing its support for the proposed rule change, FSI stated that the provision of the proposed rule change that allows registrants who register in the last month of the fiscal year to not pay the annual fee for the following fiscal year would ''allow flexibility and relief for some new registered entities.'' FSI also stated that the proposed rule change is a ''net positive'' that would ''increase the uniformity between [the] information collected by the MSRB and other self-regulatory organizations.'' Mr. Neufeld of U.S. Bancorp stated that he supported a simplification of the registration process that removes ambiguities.

MSRB Response: The MSRB acknowledges these comments.

Application and Structure of Fees

Comments: SIFMA sought clarification that the initial fee assessed under Rule A–12 would be required only of new MSRB registrants and not of current registrants that have already paid the $100 initial fee and would be submitting a new Form A–12 in compliance with the proposed Rule A–12.

MSRB Response: MSRB would not charge existing registrants an additional $100 initial fee for completing the new form, if such registrants have already paid the initial fee.

Creation of a New Fee: Late Fees

Comments: While FSI expressed a general concern about fee increases, it stated that it is not opposed to the MSRB charging the late fees because such fees are ''*de minimis* in nature.''

MSRB Response: The MSRB acknowledges these comments but notes that the applicable standard under the Act for these fees is that they be reasonable.

Functions of Form A–12

Comments: SIFMA asked for clarification on whether registrants would be able to enter multiple business activity types on Form A–12. SIFMA expressed concern that the part of Form A–12 that requires regulated entities to provide the ''type of business activity'' in which the regulated entity plans to conduct is singular and does not consider the fact that many regulated entities engage in multiple types of business activities. SIFMA recommended that Form A–12 permit a singular registration by a regulated entity for multiple business activities.

MSRB Response: On the new Form A–12, registrants would be able to indicate that they engage in multiple types of municipal securities and/or municipal advisory activities. Therefore, regulated entities need only complete a single Form A–12, even for multiple types of municipal securities activities and/or

[17] *See* MSRB Notice 2013–19 (August 19, 2013) (the ''August Notice'').

[18] Comment Letters were received from: Financial Services Institute (''FSI''); National Association of Independent Public Finance Advisors (''NAIPFA''); Securities Industry and Financial Markets Association (''SIFMA''); and Herbert Neufeld of U.S. Bancorp Investments, Inc. (''Neufeld/U.S. Bancorp'').

multiple types of municipal advisory activities, and even if registering as both a dealer and municipal advisor.

Improvements to Registration Forms and Process

Comments: SIFMA suggested that the MSRB use a spreadsheet to maintain the registrant contact information similar to a spreadsheet purportedly used by the Financial Industry Regulatory Authority (FINRA) to collect contact information for submitters to FINRA's Trade Reporting and Compliance Engine (TRACE) system.

MSRB Response: MSRB staff has been informed by FINRA that it no longer collects contact information in the manner described by SIFMA. Under the proposed rule change, the trade reporting information would be entered directly on Form A–12, thereby streamlining the registration process.

Comments: NAIPFA stated that it would welcome additional efforts by the MSRB to harmonize its registration process with that of the SEC in terms of developing a more standardized or uniform initial registration form/system designed to avoid the current duplicative SEC and MSRB registration process. Also, NAIPFA suggested that the MSRB standardize its forms and process for updating registrant information between the MSRB and the SEC.

MSRB Response: The MSRB has reviewed the SEC forms and process established for registering municipal advisors in creating new Form A–12 and has harmonized the business activities on Form A–12 with SEC Form MA.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period of 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 such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be 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, as modified by Amendment No. 1 thereto, 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–MSRB–2013–09 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–MSRB–2013–09. 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 MSRB. 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–MSRB–2013–09, and should be *submitted on or before* February 4, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–00463 Filed 1–13–14; 8:45 am]

BILLING CODE 8011–01–P

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71257; File No. SR–Phlx–2014–03]

Self-Regulatory Organizations; NASDAQ OMX PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to the Customer Rebate Program

January 8, 2014.

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 January 3, 2014, NASDAQ OMX PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III 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 the Substance of the Proposed Rule Change

The Exchange proposes to amend the Customer Rebate Program in Section B of the Pricing Schedule.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaqomxphlx.cchwallstreet.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 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 proposes to amend certain Customer Rebate tier percentage thresholds and add a new tier to the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

''Customer Rebate Program,'' in Section B of the Pricing Schedule to provide members a greater opportunity to receive Customer rebates.

Currently, the Exchange has a Customer Rebate Program consisting of four tiers which pays Customer rebates on two Categories, A [3] and B,[4] of transactions.[5] A Phlx member qualifies for a certain rebate tier based on the percentage of total national customer volume in multiply-listed options which it transacts monthly on Phlx. The Exchange calculates Customer volume in Multiply Listed Options by totaling electronically-delivered and executed volume, except volume associated with electronic Qualified Contingent Cross (''QCC'') Orders,[6] as defined in Exchange Rule 1080(o).[7] The Exchange pays the following rebates: [8]

Customer rebate tiers	Percentage thresholds of national customer volume in multiply-listed equity and ETF options classes, excluding SPY options (monthly)	Category A	Category B
Tier 1	0.00%–0.75%	$0.00	$0.00
Tier 2	Above 0.75%–1.60%	*0.12	*0.17
Tier 3	Above 1.60%–2.50%	0.16	0.19
Tier 4	Above 2.50%	0.17	0.19

* The Exchange will pay a $0.02 per contract rebate in addition to the applicable Tier 2 rebate to a Specialist or Market Maker or its affiliate under Common Ownership provided the Specialist or Market Maker has reached the Monthly Market Maker Cap, as defined in Section II.

The Exchange proposes to amend Tier 1 of the Customer Rebate Program to lower the percentage threshold from 0.00%–0.75% to 0.00%–0.45%. The Exchange believes that lowering the percentage threshold in Tier 1 will continue to encourage market participants to direct a greater number of Customer orders to the Exchange to qualify for the rebate.

The Exchange proposes to adopt a new Tier 2 Customer rebate with a percentage threshold of above 0.45%–1.00% and offer a Category A rebate of $0.11 per contract and a Category B rebate of $0.17 per contract. The Exchange believes that this new tier will continue to encourage market participants to direct a greater number of Customer orders to the Exchange to qualify for the rebate.

The Exchange proposes to amend the current Tier 2 rebate by renaming it ''Tier 3'' and amending the percentage threshold from above 0.75%–1.60% to above 1.00%–1.60%. The Exchange is increasing this rebate tier to account for the new Tier 2 rebate.

The Exchange proposes to rename current Tier 3 as Tier 4 and current Tier 4 as Tier 5 to account for the new rebate tier that is being proposed.

The Exchange proposes to amend rule text related to a current rebate which was recently added in November 2013.[9] In that filing the Exchange amended the Pricing Schedule at Section B to offer a Specialist or Market Maker, or its affiliate under Common Ownership,[10] provided the Specialist or Market Maker has reached the Monthly Market Maker Cap [11] as defined in Section II, an additional $0.02 per contract rebate in addition to the applicable Tier 2 rebate if they qualified for the Tier 2 rebate (''$0.02 Rebate''). The Exchange is proposing to amend the rule text to continue to refer to the current Tier 2 rebate which the Exchange is proposing to rename Tier 3. The rule text will be amended to also reflect the change to Tier 3 with respect to the ''$0.02 Rebate.'' Further, the Exchange proposes to clarify the rule text by noting that the reference to ''affiliate'' with respect to the ''$0.02 Rebate is to a member or member organization affiliate. This relates back to the definition of Common Ownership which means members or member organizations under 75% common ownership or control.[12] The Exchange is proposing to add the words ''member or member organization'' before ''affiliate'' to make clear that the affiliate must be a member or member organization of Phlx.

The Exchange also proposes to amend Category A of Section B of the Pricing Schedule to amend the following sentence: [i]n the instance where member organizations qualify for Tier 3 or higher in the Customer Rebate Program, Customer PIXL Orders that execute against a PIXL Initiating Order are paid a rebate of $0.14 per contract.

[3] Category A rebates are paid to members executing electronically-delivered Customer Simple Orders in Penny Pilot Options and Customer Simple Orders in Non-Penny Pilot Options in Section II symbols. Rebates are paid on Customer PIXL Orders in Section II symbols that execute against non-Initiating Order interest. In the instance where member organizations qualify for Tier 3 or higher in the Customer Rebate Program, Customer PIXL Orders that execute against a PIXL Initiating Order are paid a rebate of $0.14 per contract.

[4] Category B rebates are paid to members executing electronically-delivered Customer Complex Orders in Penny Pilot Options and Non-Penny Pilot Options in Section II. Rebates are paid on Customer PIXL Complex Orders in Section II symbols that execute against non-Initiating Order interest. In the instance where member organizations qualify for Tier 3 or higher in the Customer Rebate Program, Customer Complex PIXL Orders that execute against a Complex PIXL Initiating Order will be paid a rebate of $0.17 per contract.

[5] *See* Section B of the Pricing Schedule.

[6] A QCC Order is comprised of an order to buy or sell at least 1000 contracts that is identified as being part of a qualified contingent trade, as that term is defined in Rule 1080(o)(3), coupled with a contra-side order to buy or sell an equal number of contracts. The QCC Order must be executed at a price at or between the National Best Bid and Offer and be rejected if a Customer order is resting on the Exchange book at the same price. A QCC Order shall only be submitted electronically from off the floor to the PHLX XL II System. *See* Rule 1080(o). *See also* Securities Exchange Act Release No. 64249 (April 7, 2011), 76 FR 20773 (April 13, 2011) (SR–Phlx–2011–47) (a rule change to establish a QCC Order to facilitate the execution of stock/option Qualified Contingent Trades (''QCTs'') that satisfy the requirements of the trade through exemption in connection with Rule 611(d) of the Regulation NMS).

[7] Members and member organizations under common ownership may aggregate their Customer volume for purposes of calculating the Customer Rebate Tiers and receiving rebates. Common ownership means members or member organizations under 75% common ownership or control.

[8] SPY is included in the calculation of Customer volume in Multiply Listed Options that are electronically-delivered and executed for purposes of the Customer Rebate Program, however, the rebates do not apply to electronic executions in SPY.

[9] *See* Securities Exchange Act Release No. 70969 (December 3, 2013), 78 FR 73907 (December 9, 2013) (SR–Phlx–2013–114).

[10] The term ''Common Ownership'' means members or member organizations under 75% common ownership or control.

[11] Specialists and Market Makers are subject to a ''Monthly Market Maker Cap'' of $550,000 for: (i) Electronic and floor Option Transaction Charges; (ii) QCC Transaction Fees (as defined in Exchange Rule 1080(o) and Floor QCC Orders, as defined in 1064(e)); and (iii) fees related to an order or quote that is contra to a PIXL Order or specifically responding to a PIXL auction. The trading activity of separate Specialist and Market Maker member organizations is aggregated in calculating the Monthly Market Maker Cap if there is Common Ownership between the member organizations. All dividend, merger, short stock interest, reversal and conversion, jelly roll and box spread strategy executions (as defined in this Section II) are excluded from the Monthly Market Maker Cap. In addition, Specialists or Market Makers that (i) are on the contra-side of an electronically-delivered and executed Customer order; and (ii) have reached the Monthly Market Maker Cap are assessed a $0.17 per contract fee.

[12] *See* the Preface of the Exchange's Pricing Schedule which includes the definition of Common Ownership.

The Exchange proposes to pay the $0.14 per contract rebate in the instance where member organizations qualify for Tier *4* or higher in the Customer Rebate Program. Similarly, the Exchange proposes to amend Category B of Section B of the Pricing Schedule to amend the following sentence: [i]n the instance where member organizations qualify for Tier 3 or higher in the Customer Rebate Program, Customer Complex PIXL Orders that execute against a Complex PIXL Initiating Order will be paid a rebate of $0.17 per contract. The Exchange proposes to pay the $0.17 per contract rebate in the instance where member organizations qualify for Tier 4 or higher in the Customer Rebate Program. The Exchange added a new Tier 2 rebate to the Customer Rebate Program and is proposing to apply the higher rebates to the newly renamed Tier *4* rebate at this time to incentivize market participants to add a greater amount of Customer volume.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[13] in general, and with Section 6(b)(4) and 6(b)(5) of the Act,[14] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which the Exchange operates or controls, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange's proposal to lower the Tier 1 percentage threshold from 0.00% −0.75% to 0.00%–0.45% is reasonable because the Exchange is proposing to adopt a Tier 2 rebate for volume between 0.45%–1.00%. Members that currently qualify for a non-paying Tier 1 rebate by transacting greater than 0.75% of national customer volume in multiply listed equity and ETF options (excluding SPY) may qualify for the newly added Tier 2 rebate, which pays a Category A rebate of $0.11 per contract and a Category B rebate of $0.17 per contract, by transacting greater than 0.45% of national customer volume in multiply listed equity and ETF options (excluding SPY). The Exchange believes that the new Tier 2 will offer members an opportunity to earn a Customer rebate because the volume threshold is lower with new Tier 2 than with current Tier 1.

The Exchange's proposal to lower the Tier 1 percentage threshold from 0.00% −0.75% to 0.00%–0.45% is equitable and not unfairly discriminatory because it will be applied to all market participants in a uniform matter. Any market participant is eligible to receive the rebate provided they transact a qualifying amount of electronic Customer volume.

The Exchange's proposal to adopt a Tier 2 rebate of above 0.45%–1.00% is reasonable because, as stated above, members that today do not earn a Customer Rebate in current Tier 1 may be able to qualify for the new Tier 2 rebate. Some members that currently qualify for the current Tier 2 (0.75%–1.60%) rebate would receive a lower Category A rebate as the new Tier 2 rebate pays a Category A rebate of $0.11 per contract and the current Tier 2 Category A rebate is $0.12 per contract. The Category B rebate is $0.17 per contract in both the current and proposed Tier 2. However, the volume requirement for the new Tier 2 rebate (0.45%–1.00%) is lower than the current Tier 2 rebate (0.75%–1.60%). The Exchange believes that despite the lower Category A rebate, the new Tier 2 will continue to encourage members to transact Customer orders on Phlx. Certain members that currently qualify for the current Tier 2 rebate will need to transact above 1.00% of national customer volume in multiply listed equity and ETF options (excluding SPY) to continue to receive the higher Category A rebate of $0.12 per contract. In addition Specialists and Market Makers that currently qualify for the $0.02 Rebate will need to transact the increased volume of at least 1.00% of national customer volume in multiply listed equity and ETF options (excluding SPY) to qualify for the $0.02 Rebate. The Exchange believes that members will be encouraged to transact a greater number of Customer contracts to receive higher rebates, despite the reduced Category A rebate with the new Tier 2.

The Exchange's proposal to adopt a new Tier 2 rebate of above 0.45%–1.00% is equitable and not unfairly discriminatory because it will be applied to all market participants in a uniform matter. Any market participant is eligible to receive the rebate provided they transact a qualifying amount of electronic Customer volume.

The Exchange's proposal to increase the current Tier 3 rebate from above 0.75%–1.60% to above 1.00%–1.60% is reasonable because it should incentivize members to direct a greater number of Customer orders to the Exchange to qualify for the newly named Tier 3 rebate. As explained above, certain members that currently qualify for the current Tier 2 rebate will need to transact above 1.00% of national customer volume in multiply listed equity and ETF options (excluding SPY) to continue to receive the higher Category A rebate of $0.12 per contract.[15] The Exchange believes that members will be encouraged to transact a greater number of Customer contracts to receive the higher Category A rebate in newly named Tier 3. In addition Specialists and Market Makers that currently qualify for the $0.02 Rebate will need to transact the increased volume of at least 1.00% of national customer volume in multiply listed equity and ETF options (excluding SPY) to qualify for the $0.02 Rebate. This should also incentivize Specialists and Market Makers to transact a greater number of Customer orders on the Exchange. Phlx offers members certain Customer rebates to encourage Phlx member organizations to direct Customer order flow to the Exchange, and the $0.02 Rebate provides an additional incentive for Customer order flow. Customer liquidity benefits all market participants by providing more trading opportunities, which attract Specialists and Market Makers. An increase in the activity of these market participants in turn facilitates tighter spreads, which may cause an additional corresponding increase in order flow from other market participants.

The Exchange's proposal to increase the current Tier 3 rebate from above 0.75%–1.60% to above 1.00%–1.60% is equitable and not unfairly discriminatory because it will be applied to all market participants in a uniform matter. All members are eligible to receive the rebate provided they submit a qualifying number of electronic Customer volume.

The Exchange's proposal to renumber the Customer Rebate Tiers to accommodate the new Tier 2 is reasonable, equitable and not unfairly discriminatory to clarify the Pricing Schedule.

The Exchange's proposal to add the words ''member or member organization'' before ''affiliate'' is reasonable, equitable and not unfairly discriminatory because the addition of these words further clarifies the intent of the $0.02 Rebate to apply to affiliates that are members or member organizations of the Exchange. The proposed amendment is not substantive as this is the manner in which the Common Ownership is applied today.

The Exchange's proposal to replace Tier 3 with Tier 4 in order to receive the

[13] 15 U.S.C. 78f.

[14] 15 U.S.C. 78f(b)(4) and (5).

[15] The Category B rebate is $0.17 per contract with new Tier 2 and newly named Tier 3.

higher Category A rebate of $0.14 per contract or the higher Category B rebate of $0.17 per contract in the instance where member organizations qualify for Tier 3 or higher in the Customer Rebate Program, Customer PIXL Orders that execute against a PIXL Initiating Order or member organizations qualify for Tier 3 or higher in the Customer Rebate Program, Customer Complex PIXL Orders that execute against a Complex PIXL Initiating Order, respectively, is reasonable to encourage market participants to add a greater amount of Customer volume on Phlx. The Exchange believes that members will be encouraged to transact a greater amount of Customer volume to obtain the higher rebates.

The Exchange believes that replacing Tier 3 with Tier 4 in order to receive the higher Category A rebate of $0.14 per contract or the higher Category B rebate of $0.17 is equitable and not unfairly discriminatory because the Exchange will pay rebates to all market participants in a uniform manner provided they meet the requirements to obtain the higher rebate.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose an undue burden on competition not necessary or appropriate in furtherance of the purposes of the Act. The Exchange believes that the Customer Rebate Program will continue to encourage Customer order flow to be directed to the Exchange. By incentivizing members to route Customer orders, the Exchange desires to attract liquidity to the Exchange, which in turn benefits all market participants. Customer liquidity benefits all market participants by providing more trading opportunities, which attract Specialists and Market Makers. An increase in the activity of these market participants in turn facilitates tighter spreads, which may cause an additional corresponding increase in order flow from other market participants. All market participants are eligible to qualify for a Customer Rebate.

The Exchange believes the proposed amendments would allow market participants to qualify for the new Tier 2 rebate and possibly higher rebates if they direct a qualifying number of Customer orders to the Exchange. The Exchange believes this pricing amendment does not impose a burden on competition but rather that the proposed rule change will continue to promote competition on the Exchange. A market participant requires less Customer volume with this proposal to earn a Customer rebate. The current Tier 2 rebate requires above 0.75% of national customer volume in multiply listed equity and ETF options (excluding SPY) while the new Tier 2 rebate requires above 0.45% of national customer volume in multiply listed equity and ETF options (excluding SPY). While some participants will be required to transact a greater number of Customer orders to continue to earn the newly named Tier 3 Category A rebate, the Exchange believes that members will be encouraged to transact a greater number of Customer contracts to receive the higher rebate, which will promote competition.

In addition Specialists and Market Makers that currently qualify for the $0.02 Rebate will need to transact the increased volume of at least 1.00% of national customer volume in multiply listed equity and ETF options (excluding SPY) to qualify for the $0.02 Rebate. This proposal should incentivize Specialists and Market Makers to transact a greater number of Customer orders on the Exchange to achieve the $0.02 Rebate and therefore would not create an undue burden on competition, but would instead encourage competition.

The Exchange believes that replacing Tier 3 with Tier 4 in order to receive the higher Category A rebate of $0.14 per contract or the higher Category B rebate of $0.17 does not impose an undue burden on competition because the Exchange will pay the higher rebate to all market participants that qualify for the rebate and the rebate is intended to promote competition by encouraging market participants to transact a greater number of Customer orders.

The remainder of the proposed amendments are clarifying and would not impose an undue burden on competition.

The Exchange operates in a highly competitive market, comprised of twelve options exchanges, in which market participants can easily and readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or rebates to be inadequate. Accordingly, the fees that are assessed and the rebates paid by the Exchange described in the above proposal are influenced by these robust market forces and therefore must remain competitive with fees charged and rebates paid by other venues and therefore must continue to be reasonable and equitably allocated to those members that opt to direct orders to the Exchange rather than competing venues.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[16] 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–Phlx–2014–03 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–Phlx–2014–03. 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

[16] 15 U.S.C. 78s(b)(3)(A)(ii).

Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for Web site viewing and printing in the Commission's Public Reference Room, 100 F Street NE., Washington, DC 20549 on official business days between the hours of 10:00 a.m. and 3:00 p.m. Copies of such filing also will be available for inspection and copying at the principal office of the Exchange. All comments received will be posted without change; the Commission does not edit personal identifying information from submissions. You should submit only information that you wish to make available publicly. All submissions should refer to File Number SR–Phlx–2014–03, and should be submitted on or before February 4, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–00465 Filed 1–13–14; 8:45 am]

BILLING CODE 8011–01–P

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71254; File No. SR–NASDAQ–2014–004]

Self-Regulatory Organizations; Notice of Filing of a Proposed Rule Change by the NASDAQ Stock Market LLC Proposes To Amend Exchange Rule 4754 Governing the NASDAQ Closing Cross (''Cross'')

January 8, 2014.

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 January 7, 2014, The NASDAQ Stock Market LLC (''NASDAQ'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, 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 the Substance of the Proposed Rule Change

Nasdaq is filing with the Commission a proposed rule change to amend Exchange Rule 4754 governing the NASDAQ Closing Cross (''Cross'') to accommodate changes in market structure triggered by Phase 2 of the Plan to Address Extraordinary Market Volatility submitted to the Commission pursuant to Rule 608 of Regulation NMS (''LULD Plan''). Specifically, NASDAQ proposes to modify the operation of the Cross in circumstances where a pause triggered under the LULD Plan would be triggered after 3:50 p.m. EST and could, absent the proposed modification, disrupt the operation of the Cross.

The text of the proposed rule change is available from Nasdaq's Web site at *http://nasdaq.cchwallstreet.com/Filings/,* at Nasdaq's principal office, on the Commission's Web site at *http://www.sec.gov,* 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, Nasdaq 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. Nasdaq 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

Background. Since May 6, 2010, the national securities exchanges and FINRA have implemented market-wide measures designed to protect investors from market volatility. The measures adopted include pilot plans for stock-by-stock trading pauses,[3] changes to the erroneous execution rules,[4] stricter equities market maker quoting requirements,[5] and changes to the equities market-wide circuit breaker rules.[6] In addition, on May 31, 2012, the Commission approved the LULD Plan, as amended, as a one-year pilot, which began on April 8, 2013.[7]

The LULD Plan is designed to prevent trades in individual NMS Stocks from occurring outside of specified Price Bands calculated and disseminated by the Network Processors.[8] When the National Best Bid (Offer) (''NBB'' or ''NBO'') is below (above) the Lower (Upper) Price Band, the Processors disseminate the National Best Bid (Offer) with an appropriate flag identifying it as non-executable. When the NBB (NBO) is equal to the Upper (Lower) Price Band, the Processors distribute the NBB (NBO) with an appropriate flag identifying it as a Limit State Quotation.[9] Although trading centers must maintain written policies and procedures that are reasonably designed to prevent the display of offers outside of the Price Band, the Processors will display such bids and offers with a ''non-executable'' flag. Such bids and offers are excluded from the NBB and NBO.[10]

Trading in an NMS Stock immediately enters a Limit State if the NBO (NBB) equals but does not cross the Lower (Upper) Price Band.[11] Trading exits the Limit State if, within 15 seconds of entering the Limit State, all Limit State Quotations are executed or canceled in their entirety. If the affected NMS Stock does not exit the Limit State within 15 seconds, the Primary Listing Exchange declares a market-wide, five-minute Trading Pause pursuant to Section VII of the LULD Plan.[12] In addition, the Plan defines a Straddle State as when the NBB (NBO) is below (above) the Lower (Upper) Price Band and the NMS Stock is not in a Limit State. If an NMS Stock is in a Straddle State and trading in that stock deviates from normal trading characteristics, the Primary Listing Exchange may declare a Trading Pause for that NMS Stock.

Currently, the Trading Pauses described above operate from 9:30 a.m. EST to 3:45 p.m. EST. Because no Trading Pause can be triggered after 3:45

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See, e.g.,* NASDAQ Rule 4120.

[4] *See, e.g.,* NASDAQ Rule 11890.

[5] *See, e.g.,* NASDAQ Rule 4613(a).

[6] *See* Securities Exchange Act Release No. 67090 (May 31, 2012), 77 FR 33531 (June 6, 2012) (SR–BATS–2011–038; SR–BYX–2011–025; SR–BX–2011–068; SR–CBOE–2011–087; SR–C2–2011–024; SR–CHX–2011–30; SR–EDGA–2011–31; SR–EDGX–2011–30; SR–FINRA–2011–054; SR–ISE–2011–61; SR–NASDAQ–2011–131; SR–NSX–2011–11; SR–NYSE–2011–48; SR–NYSEAmex–2011–73; SR–NYSEArca–2011–68; SR–Phlx–2011–129).

[7] *See* Securities Exchange Act Release No. 67091 (May 31, 2012), 77 FR 33498 (June 6, 2012) (File No. 4–631) (Order Approving, on a Pilot Basis, the National Market System Plan To Address Extraordinary Market Volatility). Unless otherwise specified, capitalized terms used in this rule filing are based on the defined terms of the Plan.

[8] *See* Section (V)(A) of the LULD Plan.

[9] *See* Section VI(A) of the Plan.

[10] *See* Section VI(A)(3) of the Plan.

[11] *See* Section VI(B)(1) of the Plan.

[12] The primary listing market would declare a trading pause in an NMS Stock; upon notification by the primary listing market, the Processor would disseminate this information to the public. No trades in that NMS Stock could occur during the trading pause, but all bids and offers may be displayed. *See* Section VII(A) of the Plan.

p.m. EST, the Trading Pause does not impact continuous market trading during the minutes leading up to NASDAQ's Closing Cross.

Full implementation of Phase 2 of the LULD Plan (Amendment 6) will take effect on February 24, 2014, and upon such date the Plan's operative time will be extended from 3:45 p.m. until 4:00 p.m., or the last 15 minutes of regular trading. As a result, Trading Pauses may occur immediately prior to the close of trading at 4:00 p.m. When that occurs, continuous book trading may be halted at the time of the Cross. At present, continuous market trading is essential to an effective Cross because the Cross mechanism uses continuous book trading to establish reference prices for the Cross which limit volatility in the closing price. Therefore, to ensure that the Cross operates properly when a Trading Pause impacts continuous market trading at the close, NASDAQ proposes to establish an alternate mechanism to close a security that is subject to a Trading Pause within the last ten minutes of regular trading.

The Proposed LULD Closing Cross. The alternate method for closing a stock impacted by an LULD Trading Pause between 3:50 and 4:00 p.m. EST will be called the ''LULD Closing Cross'' and it will be a hybrid containing elements of the NASDAQ Closing Cross and the NASDAQ Halt Cross. The primary changes, described in more detail below, are (1) timing, (2) information dissemination (3) participation of certain order types, (4) execution processing, and (5) re-opening of trading following execution.

Timing. For securities halted due to an LULD Trading Pause triggered between 3:50 and 4:00 p.m., NASDAQ will conduct an LULD Closing Cross at 4:00 p.m. Whether the LULD Trading Pause is triggered at 3:50:01 or 3:59:59, the stock will open via the LULD Closing Cross described in greater detail below. For securities that are paused after 3:55:00 the LULD Trading Pause will, in effect, be shortened to ensure that the market continues to close at 4:00 p.m. except in the presence of extreme volatility as described below. NASDAQ believes that maintaining the 4:00 p.m. market closing time is the approach most likely to result in a fair and orderly market at the close of trading.[13]

If at 4:00 p.m. there is insufficient trading interest in the NASDAQ system to execute an LULD Closing Cross,[14] NASDAQ will not conduct an LULD Closing Cross in that security. In that case, NASDAQ shall instead use the last sale on NASDAQ as the NASDAQ Official Closing Price in that security for that trading day, as it does when there is insufficient trading interest to execute the standard Closing Cross on a daily basis.

Additionally, NASDAQ will delay execution of the LULD Closing Cross if the market experiences volatility during the Trading Pause just prior to the time of execution. Specifically, if the expected closing price changes more than five percent, or 50 cents whichever is greater, in the last 15 seconds of the LULD pause, or if there is a market order imbalance (*e.g.* there is a greater quantity of shares to buy priced as market orders than total eligible sell interest) preventing the calculation of a cross price, NASDAQ will delay the execution of the LULD Closing Cross. In that case, the LULD Closing Cross will be extended in one-minute increments until such time as sufficient trading interest does exist, the volatility condition is eliminated, and/or the market order imbalance has been eliminated. The above volatility checks will be governed under Rule 4120(c)(7)(C)(1) and 4120(c)(7)(C)(3). If this condition persists until 5:00 p.m., NASDAQ will not conduct an LULD Closing Cross in that security and shall instead use the last-sale on NASDAQ as the NASDAQ Official Closing Price in that security for that trading day. In that event, all orders will be cancelled back to the entering firms, and after hours trading will begin at 5:00 p.m.

NASDAQ believes that the proposed price check for movement of five percent or 50 cents, whichever is greater, in the last 15 seconds of an LULD Trading Pause is prudent in light of the volatility that stocks are, by definition, experiencing at the time of the LULD Trading Pause. A major goal of any closing cross, including the proposed LULD Closing Cross, is to establish a reliable, tradable, and liquid reflection of the market's value of a stock at the close of regular trading. This goal is defeated if the price of a stock is moving dramatically at the time of the cross. In addition, there is limited downside to extending the time for the execution by as little as one minute. On balance, NASDAQ concluded that the proposed price check will best protect investors.

NASDAQ also believes that 5:00 p.m. is a reasonable time to end such volatility extensions and cancel the closing cross. As volatility in a security continues towards 5:00 p.m., the likelihood of a smooth closing cross diminishes. While it is prudent to extend the time for executing the closing cross rather than risk a volatile close, this must be balanced by the need for closure. NASDAQ believes that the 5:00 p.m. cut-off time represents a reasonable balance.

Information Dissemination. This change in timing will impact not only the time of execution of the LULD Closing Cross, but also how NASDAQ disseminates the Net Order Imbalance Indicator (''NOII''). Today, NASDAQ disseminates the NOII every five seconds from 3:50 p.m. until the close of trading at 4:00 p.m., and it will continue to do so under this proposal. If the LULD Closing Cross is extended beyond 4:00 p.m. due to late volatility or a market order imbalance, NASDAQ will continue to disseminate the NOII every five seconds until the LULD Closing Cross actually occurs or until 5:00 p.m.

The NOII message during the pause preceding an LULD Closing Cross will be similar to those disseminated during a standard Closing Cross and other Halt crosses. Specifically, the Near Price, Far Price, and Reference Price contained in the NOII will all represent the price at which the LULD Closing Cross would execute should the cross conclude at that time. The NOII associated with the LULD Closing Cross will also include Imbalance Size and Side information, which represents the shares not currently paired at the reference price. This will facilitate the entry of additional offsetting interest in the closing process.

Participation of Order Types. Currently, two sets of orders can participate in the Closing Cross: (1) Orders resting on NASDAQ's continuous book at the time of the Cross, and (2) any ''Special Closing Order'' entered and not cancelled prior to the close. Those special closing orders, as set forth in NASDAQ Rule 4754, are Market on Close (''MOC''), Limit on Close, (''LOC''), and Imbalance Only (''IO'') orders.

Under this proposal, the LULD Closing Cross would include Special Closing Orders, newly entered orders, and all orders resting on the continuous book.

[13] The LULD Closing Cross will not apply for any security halted by an LULD Trading Pause triggered prior to 3:50 p.m. Specifically, if an LULD Trading Pause is triggered at 3:49:59 and ends at 3:54:59, the stock will open via the standard NASDAQ Halt Cross as specified in the rules toady and then close via the standard NASDAQ Closing Cross at 4:00 p.m.

[14] Insufficient trading interest is defined as the lack of any bid interest priced to be marketable against any available offer interest. For example, if the most aggressively priced bid interest is priced at $1.00 and the most aggressively priced offer interest is priced at $5.00, there is insufficient trading interest to execute an LULD Closing Cross.

With respect to Special Closing Orders, members would not be permitted to enter new MOC or LOC orders; MOC and LOC orders may only be entered until 3:50 p.m. EST. Members that had previously entered MOC, LOC, and IO Orders generally would not be permitted to modify or cancel such orders prior to the execution of the LULD Closing Cross. As is the case today under Rule 4754, MOC and LOC orders can be cancelled between 3:50:00 p.m. and 3:55:00 p.m. ''only by requesting Nasdaq to correct a legitimate error (*e.g.,* side, size, symbol, price or duplication of an order).'' In addition MOC and LOC orders ''cannot be cancelled after 3:55:00 p.m. for any reason.'' Under the proposal, members will be permitted to enter and modify (only to increase the number of shares represented), but not cancel new IO orders up to the time of execution of the LULD Closing Cross.

NASDAQ considered permitting members to cancel or modify previously entered MOC and LOC Orders, but decided not to for several reasons. First and foremost, members that participate in NASDAQ's Closing Cross rely on the fixed status of MOC and LOC Orders to anchor the crosses; the benefits of stability apply with equal force to the LULD Closing Cross. Second, there is a benefit to maintaining the same behavior of specific order types to the greatest extent possible; changing the behavior of order types could create member confusion. Third, members that enter MOC and LOC orders are and will continue to be fully aware of the risk of price movements at the close, including the risk of an LULD Trading Pause. Members can avoid that risk by changing their behavior and entering other order types if they deem the risk to be too large. All told, NASDAQ concluded that the better course is to prevent the cancellation or modification of MOC and LOC Orders to the same extent as today.

With respect to continuous book orders resting on the book at the time of the LULD pause, all order times in force (''TIF's'') eligible to participate in the closing cross today will continue to do so in the proposed LULD Closing Cross. Those orders include the following Time In Force markings: Market Hours Good-till-Cancelled (''MGTC''), Market Hours Day (''MDAY''), System Hours Expire Time (''SHEX''), System Hours Day (''SDAY''), System Hours Good-till-Cancelled (''SGTC''), or Good-til-Market Close ''GTMC''). TIFs are different from order types which are instructions that tell the NASDAQ system how to execute an order as opposed to when to execute it. Each NASDAQ order type can be associated with multiple potential TIFs but each order can have one and only one actual TIF assigned to it by the entering firm. NASDAQ is focusing on the TIF rather than the order type of the orders to determine which are eligible to participate in the LULD Closing Cross.

NASDAQ also proposes to permit the entry, modification, and cancellation of additional orders (whether market or limit orders) during the LULD Trading Pause up to the time of execution of the LULD Closing Cross. Specifically, during an LULD Trading Pause that is triggered or extended after 3:50 p.m., members will be permitted to enter, modify, and cancel new market or limit orders up to the time of execution of the LULD Closing Cross. New orders of any order type or any time in force described in NASDAQ Rule 4751 will be eligible to participate in the LULD Closing Cross. Any new order entered between 3:50 and 4:00 p.m. that is not executed in the LULD Closing Cross shall be processed after the LULD Closing Cross is executed according to the entering firm's instructions on that order. NASDAQ believes that permitting the entry of such new orders will enhance the liquidity and price discovery of the resulting LULD Closing Cross.

Execution Processing. The closing price will be determined by taking the closing book (MOC and LOC orders only), the remaining eligible orders on the book prior to the LULD halt, and any new interest entered after the LULD halt. Priority in the cross will be price/time, with Imbalance Only orders more aggressive than the closing price re-priced to the closing price but retaining their original time priority. The execution algorithm for the LULD Closing Cross shall be the same as currently used for the Cross. Specifically,

(A) The Nasdaq Closing Cross will occur at the price that maximizes the number of shares of Eligible Interest in the Nasdaq Market Center to be executed;

(B) If more than one price exists under subparagraph (A), the Nasdaq Closing Cross shall occur at the price that minimizes any Imbalance;

(C) If more than one price exists under subparagraph (B), the Nasdaq Closing Cross shall occur at the entered price at which shares will remain unexecuted in the cross.

Once the algorithm determines the proper closing price, the LULD Closing Cross will execute all orders at the determined price in strict price/time priority, rather than the complex priority currently set forth in NASDAQ Rule 4754(b)(3). Excess interest at the closing price will be available for execution against available Imbalance Only orders on the opposite side of the market. Aggressive IO orders opposite the side of the imbalance that were entered prior to other orders at exactly the crossing price will be re-priced to the crossing price and have priority over those orders.[15] The LULD Closing Cross price will be the Nasdaq Official Closing Price for stocks that participate in the LULD Closing Cross.

Re-Opening Trading. After hours trading will begin immediately following execution of the LULD Closing Cross. At that time, all resting orders or newly entered orders not executed in the LULD Closing Cross will be either cancelled or available for execution in after hours trading based on the entering firm's instruction on the order.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with Section 6(b) of the Act[16] in general, and furthers the objectives of Section 6(b)(5),[17] in particular, in that it is designed to promote just and equitable principles of trade, remove impediments to and perfect the mechanisms of a free and open market and a national market system and, in general, to protect investors and the public interest. The proposal is consistent with this provision in that it will ensure that the Exchange continues to comply with the LULD Plan, and simultaneously provide for an effective pricing mechanism for the critical period of the market close. The proposed LULD Closing Cross is designed to balance the need for transparency and liquidity with the need to move quickly from a Trading Pause to a closing price. NASDAQ believes that it has accomplished these goals to the maximum extent possible.

NASDAQ believes that the proposal is consistent with Section 6(b)(5) in that it will protect investors by responding effectively to an LULD Trading Pause near the close of trading. First, the proposal is only triggered in the event an LULD Trading Pause occurs in the final ten minutes of trading, thereby minimizing the time when the LULD Closing Cross will occur. Second, the proposal is designed to preserve to the extent possible current order entry and trading behaviors, thereby reducing the potential for member and investor

[15] This treatment of IO Orders differs slightly from the current closing cross where aggressive IO Orders may be re-priced to either the best bid or offer in order to interact only with MOC and LOC interest.

[16] 15 U.S.C. 78f (b).

[17] 15 U.S.C. 78f(b)(5).

confusion. Third, the proposal is well-tailored to provide transparency and predictability by clearly defining when the LULD Closing Cross will occur, what orders will be included, what information will be disseminated, how the execution algorithm will operate, and when after hours trading will begin.

The Exchange also believes that the proposal protects investors by fully and fairly considering the risks of modifying the standard Closing Cross, and weighing those against the risks created by an LULD Trading Pause that occurs near the close of trading, and attempted to mitigate those risks to the greatest extent possible. The decision to prevent the cancellation or modification of previously entered MOC and LOC orders is reasonable and prudent, preserving the benefits of stability and predictability as well as preserving the opportunity for members to avoid entering such orders if they choose. NASDAQ will monitor to determine whether this decision undermines the Closing Cross, and modify it via another rule filing if that occurs.

Finally, the Exchange believes that, consistent with Section 6(b)(5), imposing price checks for volatility near the close is prudent, and that delaying the LULD Closing Cross in one-minute increments when such volatility occurs will protect the public and investors. By definition, stocks that experience an LULD Trading Pause near the close may be subject to volatility that could undermine the validity of the closing price. Given the importance to the industry and investors of a liquid and reliable closing price, the price check and potential delays are a reasonable counter-balance to the risk of such volatility.

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. To the contrary, the proposal is specifically designed to comply with the LULD Plan and, thereby, to ensure cooperation between and among all national securities exchanges and FINRA to promote uniform and effective regulation of the national market system. NASDAQ believes that multiple national securities exchanges will file proposed changes to their closing processes to comply with Phase 2 of the LULD Plan. In actuality, the proposal is pro-competitive because it promotes fair and orderly markets and investor protection, which in turn will buttress investor confidence and attract more investors into U.S. equities markets.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission shall: (a) By order approve or disapprove such proposed rule change, or (b) institute proceedings to determine whether the proposed rule change should be 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–NASDAQ–2014–004 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–NASDAQ–2014–004. 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 available publicly. All submissions should refer to File Number SR–NASDAQ–2014–004, and should be submitted on or before February 4, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[18]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–00462 Filed 1–13–14; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71259; File No. SR–Topaz–2014–01]

Self-Regulatory Organizations; Topaz Exchange, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend the Schedule of Fees

January 8, 2014.

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 January 2, 2014, the Topaz Exchange, LLC (d/b/a ISE Gemini) (the ''Exchange'' or ''Topaz'') filed with the Securities and Exchange Commission (''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 the Substance of the Proposed Rule Change

Topaz is proposing to amend its Schedule of Fees to amend and clarify its API session fees for Electronic Access Members. The text of the proposed rule change is available on the

[18] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

Exchange's Internet Web site at *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 the 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 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 the Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend the Schedule of Fees to amend and clarify the Exchange's API session fees for Electronic Access Members (''EAMs'').[3] On December 16, 2013 the Exchange filed an immediately effective rule change that established various non-transaction fees, including fees for Market Makers and EAMs that connect to Topaz via an Application Programming Interface (''API'') or Financial Information eXchange (''FIX'') session.[4] In that filing the Exchange established a framework for EAMs to connect to both Topaz and the International Securities Exchange, LLC (''ISE'') through a single FIX session for a single fee.[5] While the Exchange also established fees for EAM and Market Maker API sessions, the Exchange did not propose to allow Members that connect to the Exchange via API to be able to also connect to the ISE through the same connectivity offering. For EAM API sessions only, the Exchange is now proposing a similar framework to the framework adopted for FIX sessions. In particular, the Exchange now proposes to allow EAMs to connect to both Topaz and the ISE through a single API session. For EAMs that are also members of the ISE and wish to connect to both exchanges, the Exchange will charge a monthly fee of $250 per session for the first five sessions and $100 per session for the sixth and additional sessions. This is consistent with the tiered pricing and level of fees on the ISE.[6] Similar to the current pricing for FIX sessions, the Exchange is proposing to charge a higher fee for the first five sessions for EAMs that connect to both Topaz and the ISE as these Members will be allowed to access both exchanges through a single API session. As previously proposed, EAMS [sic] that choose to connect only to Topaz via API will be continue to be charged a monthly API session fee of $100 per session, which is equal to the incremental fee for the sixth and additional sessions for EAMs that connect to both Topaz and the ISE. The Exchange is not proposing to alter how it charges for Market Maker API sessions as Topaz has opted for a simpler framework for Market Maker API fees than is currently in place on the ISE.[7]

2. *Statutory Basis*

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[8] in general, and furthers the objectives of Section 6(b)(4) of the Act,[9] in particular, in that it provides for an equitable allocation of reasonable fees and other charges among Exchange Members and other persons using its facilities. The Exchange believes that the proposed modifications to its EAM API session fees are reasonable as they will result in lower overall fees being charged to Topaz members that are also members of the ISE. The Exchange believes that the proposed API session fees are equitable in that they apply equally to all EAMs that wish to connect to both Topaz and the ISE via API. The Exchange notes that, while EAMs that connect to both exchanges will be charged a higher rate than Members that only connect to Topaz, this rate is lower than the combined rate that would be applicable if EAMs were forced to pay separate fees to connect to each market. Moreover, the Exchange believes that it is fair and equitable to charge a higher fee to EAMs that wish to connect to both Topaz and the ISE as such Members will benefit from access to both exchanges. Furthermore, the Exchange does not believe that it is unfairly discriminatory to allow EAMs to connect to both Topaz and the ISE through a single API session while not affording the same treatment to Market Makers. The Exchange notes that its Market Maker API fees are structured to be simpler, and lower than, the corresponding fees of the ISE.[10] The Exchange believes that its rates for Market Maker API sessions are favorable to Topaz Market Makers as currently structured.

B. Self-Regulatory Organization's Statement on Burden on Competition

In accordance with Section 6(b)(8) of the Act,[11] the Exchange does not believe that the proposed rule change will impose any burden on intramarket or intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. To the contrary, the Exchange believes that the proposed rule change is pro-competitive as it effectively reduces the fees for EAMs that connect to both Topaz and the ISE via API. 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 to remain competitive with other exchanges. For 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.

[3] The Exchange uses an open API which Members program to in order to develop applications that send trading commands and/or queries to, and receive broadcasts and/or transactions from, the trading system. The EAM API receives orders from Members, tracks activity in the underlying markets, when applicable, executes trades in the matching engine, and broadcasts trade details to the participating Members. Each login allows the user to enter orders and perform other miscellaneous functions.

[4] *See* Exchange Act Release No. 71149 (December 19, 2013), 78 FR 78447 (December 26, 2013) (Topaz-2013–16).

[5] The Exchange notes that Market Makers, *i.e.,* PMMs and CMMs, must connect to the Exchange via API as the FIX connection does not supporting quoting. Both Market Makers and EAMs have the option to connect to the Exchange via API.

[6] *See* ISE Schedule of Fees, Section VII, Trading Application Software, FIX Session/API Session Fees.

[7] For example, the ISE charges different fees depending on the functionality used by a Market Maker, such as quoting, order entry, or ''listening'' to system broadcasts, and provides for limits on the numbers of quotes per day that may be submitted without incurring an additional session fee.

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(4).

[10] On the ISE, fees for Market Maker API sessions range from $175 per month for listening only, to $750 per month for order entry and listening, and $1,000 per month for quoting, order entry and listening. Market Makers are also charged for an additional session if they submit more than 1,500,000 quotes per day. *See* ISE Schedule of Fees, VII. Trading Application Software, C. FIX Session/API Session Fees.

[11] 15 U.S.C. 78f(b)(8).

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,[12] and subparagraph (f)(2) of Rule 19b–4 thereunder,[13] because it establishes a due, fee, or other charge imposed by Topaz.

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 No. SR–Topaz–2014–01 on the subject line.

Paper Comments

- Send paper comments in triplicate to Elizabeth M. Murphy, Secretary, Securities and Exchange Commission, 100 F Street NE., Washington, DC 20549–1090.

All submissions should refer to File No. SR–Topaz-2014–01. 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 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 No. SR–Topaz-2014–01, and should be submitted on or before February 4, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–00508 Filed 1–13–14; 8:45 am]

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[12] 15 U.S.C. 78s(b)(3)(A)(ii).

[13] 17 CFR 240.19b–4(f)(2).

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71258; File No. SR–Phlx–2013–125]

Self-Regulatory Organizations; NASDAQ OMX PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating to Routing Fees

January 8, 2014.

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 31, 2013, NASDAQ OMX PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III 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 the Substance of the Proposed Rule Change

The Exchange proposes to amend Section V of the Pricing Schedule entitled ''Routing Fees.''

While the changes proposed herein are effective upon filing, the Exchange has designated that the amendments be operative on January 2, 2014.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaqomxphlx.cchwallstreet.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 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 purpose of this filing is to amend the Routing Fees in Section V of the Pricing Schedule in order to continue to incentivize members to direct Customer orders to the Exchange.

Today, the Exchange assesses a Non-Customer a $0.95 per contract Routing Fee to any options exchange. The Customer[3] Routing Fee for option orders routed to The NASDAQ Options Exchange LLC (''NOM'') is a $0.05 per contract Fixed Fee in addition to the actual transaction fee assessed. The Customer Routing Fee for option orders routed to NASDAQ OMX BX, Inc. (''BX Options'') is $0.00. The Customer Routing Fee for option orders routed to all other options exchanges[4] (excluding NOM and BX Options) is a fixed fee of $0.20 per contract (''Fixed Fee'') in addition to the actual transaction fee assessed. If the away market pays a

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The term ''Customer'' applies to any transaction that is identified by a member or member organization for clearing in the Customer range at The Options Clearing Corporation (''OCC'') which is not for the account of broker or dealer or for the account of a ''Professional'' (as that term is defined in Rule 1000(b)(14)).

[4] Including BATS Exchange, Inc. (''BATS''), BOX Options Exchange LLC (''BOX''), the Chicago Board Options Exchange, Incorporated (''CBOE''), C2 Options Exchange, Incorporated (''C2''), International Securities Exchange, LLC (''ISE''), the Miami International Securities Exchange, LLC (''MIAX''), NYSE Arca, Inc. (''NYSE Arca''), NYSE MKT LLC (''NYSE Amex'') and Topaz Exchange, LLC (''Gemini'').

rebate, the Routing Fee is $0.00 per contract. For all Routing Fees, the transaction fee will continue to be based on the away market's actual transaction fee or rebate for particular market participants and, in the case that there is no transaction fee or rebate assessed by the away market, the Fixed Fee.

With respect to the fixed costs, the Exchange incurs a fee when it utilizes Nasdaq Options Services LLC (''NOS''), a member of the Exchange and the Exchange's exclusive order router.[5] Each time NOS routes an order to an away market, NOS is charged a clearing fee[6] and, in the case of certain exchanges, a transaction fee is also charged in certain symbols, which fees are passed through to the Exchange. The Exchange currently recoups clearing and transaction charges incurred by the Exchange as well as certain other costs incurred by the Exchange when routing to away markets, such as administrative and technical costs associated with operating NOS, membership fees at away markets, Options Regulatory Fees (''ORFs'') and technical costs associated with routing options. The Exchange assesses the actual away market fee at the time that the order was entered into the Exchange's trading system. This transaction fee would be calculated on an order-by-order basis since different away markets charge different amounts.

Today, a member organization qualifying for a Tier 2, 3 or 4 rebate in the Customer Rebate Program in Section B of the Pricing Schedule is entitled to receive a credit equal to the applicable Fixed Fee plus $0.05 per contract, unless the away market transaction fee is $0.00 or the away market pays a rebate, in which case the member organization is entitled to receive a credit equal to the applicable Fixed Fee. The Exchange proposes to amend the Routing Fees to state that a member organization that qualifies (1) for a Tier 2, 3, 4 *or 5* rebate in the Customer Rebate Program in Section B of the Pricing Schedule; and (2) routes away more than 5,000 Customer contracts per day in a given month to an away market is entitled to receive a credit equal to the applicable Fixed Fee plus $0.05 per contract, unless the away market transaction fee is $0.00 or the away market pays a rebate, in which case the member organization is entitled to receive a credit equal to the applicable Fixed Fee.

The Exchange recently added a new tier to the Customer Rebate Program.[7] The Exchange desires to offer the credit to member organizations that qualify for a Tier 2, 3, 4 *or 5* rebate in the Customer Rebate Program going forward. The Exchange added a second requirement which requires the member organization to route away more than 5,000 Customer contracts per day in a given month to receive the credit because the Exchange believes that the 5,000 threshold will reward member organizations that route a certain amount of Customer orders to the Exchange by providing them a credit in the event that those contracts are not executed at Phlx.[8] The 5,000 threshold represents what the Exchange believes is a reasonable amount of Customer contracts to warrant the receipt of the credit toward fees. As a result of this added criteria, some member organizations that are currently receiving a credit may no longer receive a credit if they do not route away more than 5,000 Customer contracts per day in a given month. These member organizations would continue to qualify for a Customer rebate if they transacted the requisite amount of Customer orders on the Exchange as specified in the Customer Rebate Program. The credit only applies to orders routed away from the Exchange and would now only be offered to member organizations that qualify for a Tier 2, 3, 4 or 5 rebate in the Customer Rebate Program and have more than 5,000 Customer contracts routed to an away market per day in a given month.

2. Statutory Basis

The Exchange believes that its proposal to amend its Pricing Schedule is consistent with Section 6(b) of the Act[9] in general, and furthers the objectives of Section 6(b)(4) and (b)(5) of the Act[10] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which Phlx operates or controls, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange believes that the addition of the criteria that a member organization must route more than 5,000 Customer contracts per day in a given month to an away market, in addition to qualifying for Tiers 2, 3, 4 and now 5, is reasonable because the Exchange is intending to provide a credit to member organizations that qualify for a Customer rebate and route away a certain amount of volume. The addition of Tier 5 reflects a recent amendment to the Customer Rebate Program. Today, all member organizations that qualify for a Customer rebate tier which pays a rebate are eligible for the credit. The requirement that a member organization qualify for a Tier 2, 3, 4 or 5 Customer rebate should incentivize member organizations to continue to send Customer orders to Phlx by offering the credit in the event a certain amount of those orders are not filled on the Exchange and routed to an away market. By offering member organizations a credit toward the cost of routing to an away market with the additional volume requirements attached, the Exchange is seeking to encourage market participants to transact a greater number of Customer orders on Phlx which liquidity benefits all market participants. Customer liquidity benefits all market participants by providing more trading opportunities, which attracts Specialists and Market Makers. An increase in the activity of these market participants in turn facilitates tighter spreads, which may cause an additional corresponding increase in order flow from other market participants. In addition, the credit toward Customer Routing Fees is in addition to the Customer rebate received for the qualifying Customer Rebate Tier.

The Exchange is now adding a new criteria, that all member organizations that qualify for a Customer rebate tier which pays a rebate are eligible for a credit provided the member organization also routes away more than 5,000 Customer contracts per day in a given month to an away market. The 5,000 Customer contracts represents a significant amount of volume to warrant a credit to reduce fees for member organizations that were unable to execute their Customer orders on the Exchange. It is important to note that when orders are routed to an away market they are routed based on price first.[11] Further, market participants may

[5] In May 2009, the Exchange adopted Rule 1080(m)(iii)(A) to establish NOS, a member of the Exchange, as the Exchange's exclusive order router. *See* Securities Exchange Act Release No. 59995 (May 28, 2009), 74 FR 26750 (June 3, 2009) (SR–Phlx–2009–32). NOS is utilized by the Exchange's fully automated options trading system, PHLX XL®.

[6] The Options Clearing Corporation (''OCC'') assesses $0.01 per contract side.

[7] *See* SR–Phlx–2013–130 (not yet published).

[8] Certain Customer contracts which are executed on Phlx are entitled to the Customer Rebate Program rebates in Section B of the Pricing Schedule. Customer rebates are paid on Customer Rebate Tiers in Section B of the Pricing Schedule according to categories (A or B). The Customer Rebate Tiers are calculated by totaling Customer volume in Multiply Listed Options (including SPY) that are electronically-delivered and executed, except volume associated with electronic QCC Orders, as defined in Exchange Rule 1080(o) in a month.

[9] 15 U.S.C. 78f(b).

[10] 15 U.S.C. 78f(b)(4), (5).

[11] PHLX XL will route orders to away markets where the Exchange's disseminated bid or offer is

Continued

submit orders to the Exchange as ineligible for routing or ''DNR'' to avoid Routing Fees.[12] The Exchange believes it is reasonable to apply the credit only when a member organization has routed away a certain number of Customer orders, in this case 5,000 Customer orders per day, particularly since the member may choose not to have their orders routed. Despite the fact that the additional criteria may prevent some member organizations that receive the credit today from receiving it in the future, the Exchange believes that this added incentive is reasonable because it would impact those members that are routing away a certain amount of Customer orders and incurring higher Routing Fees. Member organizations will continue to direct their Customer orders to Phlx in order to obtain the applicable Customer rebate offered to qualifying orders through the Customer Rebate Program. Only in the instance that those orders are not filled, and the member organization has not indicated that the orders should be returned, will those orders be routed to an away market. At the time the order is entered, the member organization submitting the order does not know if the order will be filled on Phlx or routed away. The Exchange believes that it is reasonable to credit member organizations that qualify for a Tier 2, 3, 4 or 5 Customer rebate and that have more than 5,000 Customer contracts per day in a given month routed to an away market, because the credit will compensate those members for Routing Fees which are incurred when routing that quantity of Customer orders to an away market.

The Exchange believes that the addition of Tier 5 to the first qualifying criteria is equitable and not unfairly discriminatory because the Exchange intends to continue to offer the credit to member organizations that are sending a certain amount of Customer volume to the Exchange which qualifies for a Customer rebate. Any market participant that transacts Customer orders may qualify for a Customer rebate provided they transact a qualifying number of Customer contracts. Further, the Exchange believes that the addition of the second criteria that a member organization must route more than 5,000 Customer contracts per day in a given month to an away market is equitable and not unfairly discriminatory because the Exchange will apply the second criteria (more than 5,000 Customer contracts per day routed to an away market) to all market participants in a uniform manner.

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 not necessary or appropriate in furtherance of the purposes of the Act. The Customer Rebate Program in Section B of the Pricing Schedule seeks to encourage Customer order flow to be directed to the Exchange, which order flow benefits all market participants. All market participants are eligible to qualify for a Customer Rebate. Further, the Exchange will continue to offer the credit to all member organizations that qualify for certain Customer rebates (Tiers 2, 3, 4 or 5) and route away a certain amount of volume. The Exchange believes that offering member organizations that qualify for a Tier 2, 3, 4 or 5 Customer rebate, and that route more than 5,000 Customer contracts per day in a month to an away market, a credit does not impose an undue burden on competition, but rather promotes competition on the Exchange and encourages members to direct Customer orders to Phlx.

The Exchange does not believes that the added criteria that member organizations that route more than 5,000 Customer contracts to an away market receive the credit will impose a burden on competition because member organizations will continue to direct their Customer orders to Phlx in order to obtain the applicable Customer rebate offered to qualifying orders through the Customer Rebate Program. If those Customer orders are not filled and the member organization has not indicated that the orders should be returned, the Customer orders will be routed to an away market and may be applicable for the credit. The member organization that submits those Customer orders to the Exchange is unaware at that time the order is submitted if the order will be filled on Phlx or routed. For this reason, the Exchange does not believe that the added criteria will impose an undue burden on competition.

Market participants may submit orders to the Exchange as ineligible for routing or ''DNR'' to avoid Routing Fees.[13] It is important to note that when orders are routed to an away market they are routed based on price first.[14] Today, other options exchanges also assess similar fees to recoup costs incurred when routing orders to away markets.[15]

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[16] 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–Phlx–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–Phlx–2013–125. This file

inferior to the national best bid (best offer) (''NBBO'') price. *See* Rule 1080(m). The PHLX XL II system will contemporaneously route an order marked as an Intermarket Sweep Order (''ISO'') to each away market disseminating prices better than the Exchange's price, for the lesser of: (a) The disseminated size of such away markets, or (b) the order size and, if order size remains after such routing, trade at the Exchange's disseminated bid or offer up to its disseminated size. If contracts still remain unexecuted after routing, they are posted on the book. Once on the book, should the order subsequently be locked or crossed by another market center, the PHLX XL II system will not route the order to the locking or crossing market center, with some exceptions noted in Rule 1080(m).

[12] *See* Rule 1066(h) (Certain Types of Orders Defined) and 1080(b)(i)(A) (PHLX XL and PHLX XL II).

[13] *See* note 12.

[14] *See* note 11.

[15] *See* Chicago Board of Options Exchange, Incorporated's Fee Schedule. *See* NYSE Amex's Fee Schedule.

[16] 15 U.S.C. 78s(b)(3)(A)(ii).

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 available publicly. All submissions should refer to File Number SR–Phlx–2013–125, and should be submitted on or before February 4, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–00466 Filed 1–13–14; 8:45 am]

BILLING CODE 8011–01–P

[17] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–71256; File No. SR–Phlx–2013–124]

Self-Regulatory Organizations; NASDAQ OMX PHLX LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change Relating To Multiply Listed Options Fees

January 8, 2014.

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 30, 2013, NASDAQ OMX PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III 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.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange in amending the Exchange's Pricing Schedule proposes to: (i) Amend certain Options Transactions Charges with respect to Section II related to Multiply Listed Options Fees;[3] (ii) eliminate the Electronic Firm Fee Discount in Section II; and (iii) eliminate outdated rule text in Section II related to an expired rebate.

While the changes proposed herein are effective upon filing, the Exchange has designated that the amendments be operative on January 2, 2014.

The text of the proposed rule change is available on the Exchange's Web site at *http://nasdaqomxphlx.cchwallstreet.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 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 various sections of its Pricing Schedule. Specifically, the Exchange proposes to amend various Options Transaction Charges in Section II in both Penny and Non-Penny Pilot Options. The Exchange proposes to eliminate the Electronic Firm Fee Discount.[4] The Exchange proposes to eliminate outdated rule text in Section II to clarify the Pricing Schedule applicable to Qualified Contingent Cross (''QCC'') orders.

Section II—Multiply Listed Options Fees

Options Transaction Charges

The Exchange currently offers Professionals,[5] Broker-Dealers[6] and Firms[7] a reduced Options Transaction Charge with respect to electronic Complex Orders,[8] in either Penny or Non-Penny Pilot Options of $0.30 per contract. The Exchange is proposing to eliminate the reduced fee with respect to Broker-Dealer and Firm Options Transaction Charges in Penny and Non-Penny Pilot Options. Professionals will continue to be offered the reduced fee with respect to electronic Complex Orders. Today, Broker-Dealers are being assessed $0.30 per contract for electronic Complex Orders as compared to $0.45 per contract for Penny Pilot Options and $0.60 per contract for Non-Penny Pilot Options, which applies to electronic Simple Orders. All Broker-Dealer electronic orders, Complex and Simple Orders, would be assessed $0.45 per contract for Penny Pilot Options and $0.60 per contract for Non-Penny Pilot Options as of January 2, 2014. Today, Firms are being assessed $0.30 per contract for electronic Complex Orders as compared to $0.45 per contract for Penny Pilot Options and $0.60 per contract for Non-Penny Pilot Options, which applies to electronic Simple Orders. All Firm electronic orders, Complex and Simple Orders, would be assessed $0.45 per contract for Penny Pilot Options and $0.60 per contract for Non-Penny Options as of January 2,

[3] The pricing in Section II includes options overlying equities, ETFs, ETNs and indexes which are Multiply Listed.

[4] The Exchange assesses Firms a reduced Options Transaction Charge in Penny and Non-Penny Options provided a Firm has volume greater than a certain amount of contracts in a month.

[5] The term ''Professional'' means any person or entity that (i) is not a broker or dealer in securities, and (ii) places more than 390 orders in listed options per day on average during a calendar month for its own beneficial account(s). *See* Rule 1000(b)(14).

[6] The term ''Broker-Dealer'' applies to any transaction which is not subject to any of the other transaction fees applicable within a particular category.

[7] The term ''Firm'' applies to any transaction that is identified by a member or member organization for clearing in the Firm range at The Options Clearing Corporation.

[8] A Complex Order is any order involving the simultaneous purchase and/or sale of two or more different options series in the same underlying security, priced at a net debit or credit based on the relative prices of the individual components, for the same account, for the purpose of executing a particular investment strategy. Furthermore, a Complex Order can also be a stock-option order, which is an order to buy or sell a stated number of units of an underlying stock or exchange-traded fund (''ETF'') coupled with the purchase or sale of options contract(s). *See* Exchange Rule 1080, Commentary .08(a)(i).

2014. The Exchange desired to incentivize Professionals, Broker-Dealers and Firms to submit electronic Complex Orders to the Exchange at the time the reduced fee became effective. The Exchange believes that Broker-Dealers and Firms were not incentivized to transact electronic Complex Orders. The Exchange believes that eliminating the reduced fee for Broker-Dealers and Firms will not impact trading activity on the Exchange as these market participants were not taking advantage of the reduced fee.

Section II—Multiply Listed Options Fees

Electronic Firm Fee Discount

The Exchange currently offers Firms the opportunity to reduce Options Transaction Charges in Penny Pilot and Non-Penny Pilot Options to $0.20 per contract for a given month provided that a Firm has volume greater than 350,000 electronically-delivered contracts in a month (''Electronic Firm Fee Discount'').[9] The Exchange proposes to eliminate this Electronic Firm Fee Discount. The Exchange believes that eliminating the discount for Firms will not impact trading activity on the Exchange as these market participants are not taking advantage of the Electronic Firm Fee Discount.

Section II—Multiply Listed Options Fees

QCC Bonus

The Exchange previously filed an immediately effective rule change to offer an additional rebate applicable to both electronic QCC Orders (''eQCC'') [10] and Floor QCC Orders [11] (collectively ''QCC Orders''). The Exchange currently offers an additional rebate of $35,000 if the member organization transacts 1,750,000 of qualifying QCC contracts (''QCC Bonus'').[12] The QCC Bonus is only available during the month of December 2013. The Exchange proposes to delete the rule text applicable to the QCC Bonus as of January 2, 2014 as that bonus is no longer applicable.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the provisions of Section 6 of the Act,[13] in general, and with Section 6(b)(4) and 6(b)(5) of the Act,[14] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility or system which the Exchange operates or controls, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

Section II—Multiply Listed Options Fees

Options Transaction Charges

The Exchange's proposal to eliminate the current electronic Complex Order reduced fee with respect to Broker-Dealer and Firm Options Transaction Charges in Penny and Non-Penny Pilot Options is reasonable because these market participants are not taking advantage of the current reduced fee by transacting electronic Complex Orders. The Exchange believes that eliminating such a reduced fee for Broker-Dealers and Firms will not result in any change in the amount of electronic Complex Orders transacted on the Exchange by these market participants. The Exchange's proposal would not impact electronic Simple Orders, which do not receive reduced rates today. By eliminating the reduced fee for electronic Complex Orders, Broker-Dealers and Firms would be assessed $0.45 per contract for Penny Pilot Options and $0.60 per contract for Non-Penny Pilot Options for both electronic Complex and Simple Orders. Professionals would continue to receive the electronic Complex Order discount. The reduced fee assessed to Professionals is comparable with electronic Professional fees at other options exchanges.[15]

The Exchange's proposal to eliminate the current electronic Complex Order reduced fee with respect to Broker-Dealer and Firm Options Transaction Charges in Penny and Non-Penny Pilot Options is equitable and not unfairly discriminatory for the reasons which follow. Today, Broker-Dealer and Firm electronic Simple Orders are not reduced for electronic Complex Orders [sic]. Broker-Dealers and Firms are assessed $0.45 per contract for electronic Penny Pilot Options Simple Orders and $0.60 per contract for electronic Non-Penny Pilot Options Simple Orders. The Exchange's proposal to eliminate the reduced fee for Broker-Dealer and Firm electronic Complex Orders would remove the current differentiation as between Broker-Dealer and Firm electronic Complex versus Simple Orders and would assess those electronic transactions the same Options Transaction Charges in both Penny and Non-Penny Pilot Options. By eliminating the reduced fee for Broker-Dealers and Firms, these market participants will pay a higher fee as compared to a Professional for electronic Complex Orders. A Professional only pays a reduced fee for electronic Non-Penny Pilot Complex Orders as the reduced fee for electronic Penny Pilot Options in Complex Orders is the same as that for Penny Pilot Options in Simple Orders.

With respect to Professionals, these market participants would continue to receive the reduced fee of $0.30 per contract with respect to electronic Complex Orders. Today, Professionals are assessed a $0.30 per contract Options Transaction Charge for Penny Pilot Options and a $0.60 per contract Options Transaction Charge for Non-Penny Pilot Options with respect to Simple Orders. A Professional receiving a reduced fee of $0.30 per contract for electronic Complex Orders is assessed the same Options Transaction Charge as with electronic Simple Orders. Today, a Professional pays $0.30 per contract for electronic Non-Penny Pilot Options

[9] The Electronic Firm Fee Discount applies per member organization when such members are trading in their own proprietary account. The Exchange initially adopted this discount in 2012 to incentivize Firms to transact electronic orders, by providing Firms with an opportunity to pay lower fees in Section II of the Pricing Schedule by offering a reduction of Firm electronic Options Transaction Charges in Penny Pilot and non-Penny Pilot Options, provided the Firm had qualifying volume. *See* Securities Exchange Act Release No. 66985 (May 14, 2012), 77 FR 29726 (May 18, 2012) (SR–Phlx–2012–61).

[10] A QCC Order is comprised of an order to buy or sell at least 1000 contracts that is identified as being part of a qualified contingent trade, as that term is defined in Rule 1080(o)(3), coupled with a contra-side order to buy or sell an equal number of contracts. The QCC Order must be executed at a price at or between the National Best Bid and Offer and be rejected if a Customer order is resting on the Exchange book at the same price. A QCC Order shall only be submitted electronically from off the floor to the PHLX XL II System. *See* Rule 1080(o). *See also* Securities Exchange Act Release No. 64249 (April 7, 2011), 76 FR 20773 (April 13, 2011) (SR–Phlx–2011–47) (a rule change to establish a QCC Order to facilitate the execution of stock/option Qualified Contingent Trades (''QCTs'') that satisfy the requirements of the trade through exemption in connection with Rule 611(d) of the Regulation NMS).

[11] A Floor QCC Order must: (i) Be for at least 1,000 contracts, (ii) meet the six requirements of Rule 1080(o)(3) which are modeled on the QCT Exemption, (iii) be executed at a price at or between the National Best Bid and Offer (''NBBO''); and (iv) be rejected if a Customer order is resting on the Exchange book at the same price. In order to satisfy the 1,000-contract requirement, a Floor QCC Order must be for 1,000 contracts and could not be, for example, two 500-contract orders or two 500-contract legs. *See* Rule 1064(e). *See also* Securities Exchange Act Release No. 64688 (June 16, 2011), 76 FR 36606 (June 22, 2011) (SR–Phlx–2011–56).

[12] The QCC Bonus is in addition to the maximum QCC Rebate of $375,000 and does not count toward the maximum QCC Rebate of $375,000.

[13] 15 U.S.C. 78f.

[14] 15 U.S.C. 78f(b)(4) and (5).

[15] CBOE assesses a Professional and Voluntary Professional a $0.30 per contract electronic fee in Penny and Non-Penny Classes. *See* CBOE's Fees Schedule. NYSE Amex assesses a tiered electronic Professional Customer rate starting at $.32 per contract for electronic orders which take liquidity from 0 to 16,999 contracts. *See* NYSE AMEX Options Fee Schedule.

transactions in electronic Complex Orders as compared to $0.60 per contract for electronic Non-Penny Pilot Options transactions in electronic Simple Orders. The Exchange believes that it is equitable and not unfairly discriminatory to assess Professionals a reduced fee for electronic Complex Orders in Non-Penny Pilot Options because Professionals engage in trading activity similar to that conducted by Specialists or Market Makers. For example, Professionals continue to join bids and offers on the Exchange and thus compete for incoming order flow. For these reasons, the Exchange assesses Professionals Penny and Non-Penny Pilot electronic Options Transaction Charges at a rate which is greater than fees assessed to a Specialist and Market Maker and less than electronic fees assessed to a Firm and Broker-Dealer. Specialists and Market Makers are assessed lower electronic fees as compared to Professionals, because Specialists and Market Makers have burdensome quoting obligations [16] to the market which do not apply to Professionals, Customers, Firms and Broker-Dealers. Customers are not assessed Options Transactions Charges in either Penny Pilot or Non-Penny Pilot Options because Customer order flow brings liquidity to the market, which in turn benefits all market participants. Customer liquidity benefits all market participants by providing more trading opportunities, which attract Specialists and Market Makers. An increase in the activity of these market participants in turn facilitates tighter spreads, which may cause an additional corresponding increase in order flow from other market participants. Today, with respect to Simple Orders, Broker-Dealers and Firms pay higher fees as compared to a Professional for electronic transactions and this is not changing.[17]

The Exchange believes that continuing to assess Professionals a higher electronic Options Transaction Charges in both Penny Pilot and Non-Penny Pilot Options of $0.30 and $0.60 per contract, respectively, as compared to a floor Options Transaction Charge in both Penny Pilot and Non-Penny Pilot Options of $0.25 per contract is reasonable, equitable and not unfairly discriminatory because these fees recognize the distinction between the floor order entry model and the electronic model and the proposed fees respond to competition along the same lines.[18] Floor participants incur costs associated with accessing the floor, *i.e.* need for a floor broker, and other costs which are not born by electronic members. Today, the Exchange assesses different fees for electronic as compared to floor transactions for Firms, Broker-Dealers, Specialists and Market Makers in Section II of the Pricing Schedule.

Section II—Multiply Listed Options Fees

Electronic Firm Fee Discount

The Exchange's proposal to eliminate the Electronic Firm Fee Discount which is currently offered to Firms to reduce Options Transaction Charges in Penny Pilot and Non-Penny Pilot Options is reasonable because market participants were not taking advantage of the Electronic Firm Fee Discount.

The Exchange's proposal to eliminate the Electronic Firm Fee Discount which is currently offered to Firms to reduce Options Transaction Charges in Penny Pilot and Non-Penny Pilot Options is equitable and not unfairly discriminatory because the Exchange will not offer such a discount to any market participant.

Section II—Multiply Listed Options Fees

QCC Bonus

The Exchange's proposal to remove rule text related to the QCC Bonus is reasonable because removing the outdated rule text will add clarity to the Pricing Schedule.

The Exchange's proposal to remove rule text related to the QCC Bonus is equitable and not unfairly discriminatory because the QCC Bonus will no longer be in effect as of January 2, 2014 and therefore not available to any market participant.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose an undue burden on competition not necessary or appropriate in furtherance of the purposes of the Act. Eliminating the electronic Complex Order reduced fee with respect to Broker-Dealers and Firms for Options Transaction Charges in Penny and Non-Penny Pilot Options and not eliminating the reduced fee for Professionals, reflects the trading activity of these market participants. Professionals engage in trading activity similar to that conducted by Specialists or Market Makers such as joining bids and offers on the Exchange and competing for incoming order flow. This distinction is consistent with the current differentials that exist between these market participants with respect to the current Options Transaction Charges which are assessed to these participants.[19] Further, Specialists and Market Makers would be assessed lower electronic fees as compared to Professionals, because Specialists and Market Makers have burdensome quoting obligations [20] to the market which do not apply to Professionals, Customers, Firms and Broker-Dealers. Customers are not assessed Options Transactions Charges in either Penny Pilot or Non-Penny Pilot Options because Customer order flow brings liquidity to the market, which in turn benefits all market participants.

Eliminating the Electronic Firm Fee Discount does not create an undue burden on competition. Today, this discount is currently available only to Firms. This discount would not be offered to any market participant as of January 2, 2014.

The QCC Bonus would be unavailable to all market participants and therefore would not create an undue burden on competition. Also, removing unnecessary rule text from the Pricing Schedule adds clarity to the rule text.

The Exchange operates in a highly competitive market, comprised of twelve options exchanges, in which market participants can easily and readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or rebates to be inadequate. Accordingly, the fees that are assessed and the rebates paid by the Exchange described in the above proposal are influenced by these robust market forces. Therefore these fees and rebates must remain competitive with fees charged and rebates paid by other venues and must continue to be reasonable and equitably allocated to those members that opt to direct orders to the Exchange rather than competing venues.

[16] *See* Exchange Rule 1014 entitled ''Obligations and Restrictions Applicable to Specialists and Registered Options Traders.''

[17] Firms and Broker-Dealers are assessed a Penny Pilot Options Transaction Charge of $0.45 per contract. Firms and Broker-Dealers are assessed a Non-Penny Pilot Options Transaction Charge of $0.60 per contract.

[18] A transaction resulting from an order that was electronically delivered utilizes Phlx XL II. *See* Exchange Rules 1014 and 1080. Electronically delivered orders do not include orders transacted on the Exchange floor. A transaction resulting from an order that is non-electronically-delivered is represented on the trading floor by a floor broker. *See* Exchange Rule 1063. All orders will be either electronically or non-electronically delivered.

[19] Professionals are assessed a Penny Pilot Options Transaction Charge of $0.30 per contract and a Non-Penny Pilot Options Transaction Charge of $0.60 per contract. Firms and Broker-Dealers are assessed a Penny Pilot Options Transaction Charge of $0.45 per contract. Firms and Broker-Dealers are assessed a Non-Penny Pilot Options Transaction Charge of $0.60 per contract.

[20] *See* Exchange Rule 1014 entitled ''Obligations and Restrictions Applicable to Specialists and Registered Options Traders.''

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[21] 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–Phlx–2013–124 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–Phlx–2013–124. 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–Phlx–2013–124 and should be submitted on or before February 4, 2014.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[22]

Kevin M. O'Neill,

Deputy Secretary.

[FR Doc. 2014–00464 Filed 1–13–14; 8:45 am]

BILLING CODE 8011–01–P

[21] 15 U.S.C. 78s(b)(3)(A)(ii).

[22] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Opportunity for Public Comment on Surplus Property Release at Columbia Metropolitan Airport, Columbia, South Carolina

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: Under the provisions of Title 49, U.S.C. 47151(d), notice is being given that the Federal Aviation Administration (FAA) is considering a request from the Richland-Lexington Airport District to waive the requirement that a 6.63-acre parcel of surplus property, located at the Columbia Metropolitan Airport be used for aeronautical purposes. Currently, ownership of the property provides for protection of FAR Part 77 surfaces and compatible land use which would continue to be protected with deed restrictions required in the transfer of land ownership.

DATES: Comments must be received on or before February 13, 2014.

ADDRESSES: Documents are available for review by prior appointment at the following location: Atlanta Airports District Office, Attn: Rob Rau, South Carolina Planner, 1701 Columbia Ave., Suite 2–260, College Park, Georgia 30337–2747, Telephone: (404) 305–7004.

Comments on this notice may be mailed or delivered in triplicate to the FAA at the following address: Atlanta Airports District Office, Attn: Rob Rau, South Carolina Planner, 1701 Columbia Ave., Suite 2–260, College Park, Georgia 30337–2747.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Dan Mann, A.A.E., Executive Director, Richland-Lexington Airport District at the following address: Columbia Metropolitan Airport, 125 A Summer Lake Drive, West Columbia, South Carolina 29170.

FOR FURTHER INFORMATION CONTACT: Rob Rau, South Carolina Planner, Atlanta Airports District Office, 1701 Columbia Ave., Suite 2–260, College Park, Georgia 30337–2747, (404) 305–7004. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA is reviewing a request by the Richland-Lexington Airport District to release 6.63 acres of surplus property at the Columbia Metropolitan Airport. This property was originally conveyed to the County of Lexington on April 7, 1947 under the powers and authority contained in the provisions of the Surplus Property Act of 1944 and subsequently transferred to the Richland-Lextington Airport District on July 12, 1962. Currently, the surplus property is being used by the Lexington School District Two.

Any person may inspect the request in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT**. In addition, any person may, upon request, inspect the request, notice and other documents germane to the request in person at the Columbia Metropolitan Airport.

Issued in Atlanta, Georgia, on January 7, 2014.

Larry F. Clark,

Assistant Manager, Atlanta Airports District Office, Southern Region.

[FR Doc. 2014–00441 Filed 1–13–14; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Supplemental Environmental Impact Statement, Jefferson County, West Virginia

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent to prepare a supplemental environmental impact statement.

SUMMARY: In accordance with the National Environmental Policy Act of 1969, as amended (NEPA), the US Department of Transportation, Federal Highway Administration (FHWA), intends to prepare a Supplemental Draft Environmental Impact Statement (SDEIS) and Supplemental Draft Section 4(f) Evaluation for proposed improvements to US Route 340 in Jefferson County, West Virginia.

DATES: To ensure that a full range of issues related to the proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments and suggestions concerning the proposed action and the SDEIS should be submitted to FHWA or West Virginia Department of Transportation, Division of Highways (WVDOH) at the address below or through the WVDOH's Web site at *www.transportation.wv.gov* within 30 days to ensure timely consideration.

FOR FURTHER INFORMATION CONTACT: Jason Workman, Director, Office of Program Development, Federal Highway Administration, 700 Washington Street, E., Charleston, WV 25301; telephone: (304) 347–5928; email: *jason.workman@dot.gov* or Ben Hark, Environmental Section Head, Engineering Division, WVDOH, State Capitol Complex, Building 5, 1900 Kanawha Boulevard, East, Charleston, WV 26305; telephone: (304) 558–2885; email: *ben.l.hark@wv.gov.*

SUPPLEMENTARY INFORMATION:

1. Description of the Proposed Action—The FHWA, in cooperation with the WVDOH, will prepare a SDEIS for the US 340 Improvement Project in Jefferson County, West Virginia. The proposed limits extend from the existing four-lane section of US 340 southwest of the Virginia/West Virginia state line to the existing four lane section of the Charles Town Bypass (US 340) south of Charles Town, West Virginia, approximately two miles north of the community of Rippon. The total length of the proposed project is approximately four miles.

2. Alternatives—Alternatives under consideration in the SDEIS will include: (1) Taking no action, and (2) constructing a four-lane, partially controlled access highway on new location. Various alignment alternatives will be evaluated to address land use changes that have occurred since the DEIS was prepared. Effects of these new build alternatives on the human and natural environment will be analyzed and documented, based on the results of new preliminary engineering studies and public and agency comments.

3. Scoping and Review Process—A notice of intent announcing the preparation of an environmental impact statement was published in the **Federal Register** on February 9, 1996. A Draft Environmental Impact Statement (DEIS) and Draft Section 4(f) Evaluation was approved by FHWA for the proposed project in November 2001 (Federal Project NH–0340(030). A SDEIS is now needed because of the length of time that has elapsed since the DEIS was approved and because of changes in land usage in the project area during that time.

As part of the earlier study, a formal scoping process was carried out. The results of that process will be reviewed and updated through coordination with the appropriate jurisdictional agencies. In addition, a Purpose and Need report was prepared for the proposed project. The purpose of the proposed project is to address safety deficiencies along the two-lane section of US 340 and to improve system linkage between the existing four-lane segments of US 340 north and south of the two-lane project segment. The 2001 DEIS documented that a highway improvement on new alignment was the most effective way of achieving the purposes of the proposed action. Several new alignment build alternates were developed and compared to the no-build alternative during the development of the DEIS.

4. Significant Issues—Based on preliminary information, the issues to be analyzed in the SDEIS are likely to include, but are not limited to, the effects to above ground and buried Historic Properties; effects on threatened and endangered species, surface water and groundwater resources, including aquatic habitat, water quality and wetlands; effects on the immediate and adjacent property owners and nearby communities; effects on socioeconomics and land use; transportation impacts; and cumulative and secondary effects.

5. Additional Review and Consultation—The SDEIS will comply with other Federal and State requirements including, but not limited to, the *Moving Ahead for Progress in the 21st Century* (*MAP–21*); Section 404 of the *Clean Water Act* (*CWA*) State water quality certification under Section 401 of the *CWA;* protection of water quality under the *West Virginia/National Pollutant Discharge Elimination System;* protection of air quality under the *West Virginia Air Pollution Control Act;* protection of endangered and threatened species under Section 7 of the *Endangered Species Act* (*ESA*); and protection of cultural resources under Section 106 of the *National Historic Preservation Act* (*NHPA*).

6. Availability of the SDEIS—A SDEIS will be available for public review and comment. Individuals interested in obtaining a copy of the SDEIS for review should contact the FHWA or WVDOH. A workshop public hearing will be held during the SDEIS review period. Public notice will be given of the times and places for the hearing. Comments will also be accepted through the WVDOH Web site at the URL provided above.

Authority: 23 U.S.C. 315; 49 CFR 1.48.

(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 this program.)

Issued on: January 6, 2014.

Thomas J. Smith,

Division Administrator, Federal Highway Administration, Charleston, West Virginia.

[FR Doc. 2014–00455 Filed 1–13–14; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2013–0110]

Notice of Receipt of Petition for Decision That Nonconforming 2006–2013 Honda NT700V (Deauville) Motorcycles Are Eligible for Importation

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Notice of receipt of petition for decision that nonconforming 2006–2013 Honda NT700V (Deauville) motorcycles are eligible for importation.

SUMMARY: This document announces receipt by the National Highway Traffic Safety Administration (NHTSA) of a petition for a decision that 2006–2013 Honda NT700V (Deauville) motorcycles that were not originally manufactured to comply with all applicable Federal Motor Vehicle Safety Standards (FMVSS) are eligible for importation into the United States because they have safety features that comply with, or are capable of being altered to comply with, all such standards.

DATES: The closing date for comments on the petition is February 13, 2014.

ADDRESSES: Comments should refer to the docket and notice numbers above

and be submitted by any of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility: U.S. Department of Transportation, 1200 New Jersey Avenue SE., West Building Ground Floor, Room W12–140, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.
- *Fax:* 202–493–2251.

Instructions: Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that your comments were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Please see the Privacy Act heading below.

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 (65 FR 19477–78) or you may visit *http://DocketInfo.dot.gov.*

How To Read Comments Submitted to the Docket: You may read the comments received by Docket Management at the address and times given above. You may also view the documents from the Internet at *http://www.regulations.gov.* Follow the online instructions for accessing the dockets. The docket ID number and title of this notice are shown at the heading of this document notice. Please note that even after the comment closing date, we will continue to file relevant information in the Docket as it becomes available. Further, some people may submit late comments. Accordingly, we recommend that you periodically search the Docket for new material.

FOR FURTHER INFORMATION CONTACT: Coleman Sachs, Office of Vehicle Safety Compliance, NHTSA (202–366–3151).

SUPPLEMENTARY INFORMATION:

Background

Under 49 U.S.C. 30141(a)(1)(B), a motor vehicle that was not originally manufactured to conform to all applicable FMVSS, and has no substantially similar U.S.-certified counterpart, shall be refused admission into the United States unless NHTSA has decided that the motor vehicle has safety features that comply with, or are capable of being altered to comply with, all applicable FMVSS based on destructive test data or such other evidence as NHTSA decides to be adequate.

Petitions for eligibility decisions may be submitted by either manufacturers or importers who have registered with NHTSA pursuant to 49 CFR part 592. As specified in 49 CFR 593.7, NHTSA publishes notice in the **Federal Register** of each petition that it receives, and affords interested persons an opportunity to comment on the petition. At the close of the comment period, NHTSA decides, on the basis of the petition and any comments that it has received, whether the vehicle is eligible for importation. The agency then publishes this decision in the **Federal Register**.

US Specs of Havre de Grace, Maryland (Registered Importer 03–321) has petitioned NHTSA to decide whether nonconforming 2006–2013 Honda NT700V (Deauville) motorcycles are eligible for importation into the United States. US Specs contends that these vehicles are eligible for importation under 49 U.S.C. 30141(a)(1)(B) because they have safety features that comply with, or are capable of being altered to comply with, all applicable FMVSS.

In its petition, US Specs described the nonconforming 2006–2013 Honda NT700V (Deauville) as the same model as the U.S.-certified 2010–2011 Honda NT700V. Because the NT700V (Deauville) model was introduced in countries other than the U.S. as a new model before the introduction of the U.S-certified version in 2010, the petitioner acknowledged that it could not base its petition on the substantial similarity of the 2006–2013 Honda NT700V (Deauville) to the U.S.-certified 2010 Honda NT700V motorcycles due to the petitioning requirements of 49 U.S.C. 30141(a)(1)(A), as set forth in 49 CFR part 593. Instead, the petitioner chose to establish import eligibility on the basis that the vehicles have safety features that comply with, or are capable of being modified to comply with, the FMVSS based on destructive test data or such other evidence that NHTSA decides to be adequate as set forth in 49 U.S.C part 30141(a)(1)(B). The petitioner contends that the 2006–2013 Honda NT700V, which the agency believes is also marketed as the Honda Deauville in other markets, utilizes the same components as the U.S.-certified 2010–2011 Honda NT700V motorcycles in virtually all of the systems subject to the applicable FMVSS.

Specifically, the petitioner claims that 2006–2013 Honda NT700V (Deauville) motorcycles have safety features that comply with Standard Nos. 106 *Brake Hoses,* 116 *Motor Vehicle Brake Fluid,* 119 *New Pneumatic Tires for Vehicles Other than Passenger Cars,* 122 *Motorcycle Brake Systems,* and 205 *Glazing Materials.*

The petitioner further contends that the vehicles are capable of being altered to comply with the following standards, in the manner indicated:

Standard No. 108 *Lamps, Reflective Devices and Associated Equipment:* Inspection of all vehicles and replacement of the following with U.S.-certified components on vehicles not already so equipped: (a) Headlamp; (b) front and rear side-mounted reflex reflectors; (c) front, side, and rear-mounted reflex reflector; (d) tail lamp assembly (including stoplamp, taillamp, turn signals, and license plate lamp); and (e) front turn signal lamps.

Standard No. 111 *Rearview Mirrors:* Inspection of all vehicles and installation of compliant rearview mirrors on vehicles not already so equipped.

Standard No. 120 *Tire Selection and Rims for Vehicles other than Passenger Cars:* Installation of a tire information placard.

Standard No. 123 *Motorcycle Controls and Displays:* (a) Modification or replacement of the speedometer so that it reads in miles per hour if not already so equipped; and (b) installation of an ignition switch label if not already so equipped.

Standard No. 205 *Glazing Materials:* Inspection of windscreen (if so equipped) for compliance and removal of any non-compliant components.

All comments received before the close of business on the closing date indicated above will be considered, and will be available for examination in the docket at the above addresses both before and after that date. To the extent possible, comments filed after the closing date will also be considered. Notice of final action on the petition will be published in the **Federal Register** pursuant to the authority indicated below.

Authority: 49 U.S.C. 30141(a)(1)(A) and (b)(1); 49 CFR 593.8; delegations of authority at 49 CFR 1.50 and 501.8.

Issued on: January 9, 2014.

Claude H. Harris,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2014–00567 Filed 1–13–14; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2013–0102; Notice 1]

Morgan 3 Wheeler Limited, Receipt of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Receipt of petition.

SUMMARY: Morgan 3 Wheeler Limited (Morgan) [1] has determined that certain model year (MY) 2012 and 2013 Morgan model M3W three-wheeled motorcycles, do not fully comply with paragraph S6 of Federal Motor Vehicle Safety Standard (FMVSS) No. 205, *Glazing Materials.* Morgan has filed an appropriate report dated August 6, 2013, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.*

DATES: The closing date for comments on the petition is February 13, 2014.

ADDRESSES: Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited at the beginning of this notice and be submitted by any of the following methods:

- *Mail:* Send comments by mail addressed to: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590.
- *Hand Deliver:* Deliver comments by hand to: U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE., Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except Federal Holidays.
- *Electronically:* Submit comments electronically by: Logging onto the Federal Docket Management System (FDMS) Web site at *http://www.regulations.gov/.* Follow the online instructions for submitting comments. Comments may also be faxed to (202) 493–2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that your comments were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Documents submitted to a docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the Internet at *http://www.regulations.gov* by following the online instructions for accessing the dockets. DOT's complete Privacy Act Statement is available for review in the **Federal Register** published on April 11, 2000, (65 FR 19477–78).

The petition, supporting materials, and all comments received before the close of business on the closing date indicated below will be filed and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the extent possible. When the petition is granted or denied, notice of the decision will be published in the **Federal Register** pursuant to the authority indicated below.

SUPPLEMENTARY INFORMATION:

I. Morgan's petition: Pursuant to 49 U.S.C. 30118(d) and 30120(h) (see implementing rule at 49 CFR part 556), Morgan submitted a petition for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential to motor vehicle safety.

This notice of receipt of Morgan's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or other exercise of judgment concerning the merits of the petition.

II. Vehicles involved: Affected are approximately 139 MY 2012 and 2013 Morgan model M3W three-wheeled motorcycles manufactured during the period August 1, 2012 to August 14, 2013.

III. Noncompliance: Morgan explains that the noncompliance is that the wind deflectors on the vehicles do not have the markings required by FMVSS No. 205.

IV. Rule Text: Paragraph S6 of FMVSS No. 205 requires in pertinent part:

S6.1 A prime glazing material manufacturer must certify, in accordance with 49 U.S.C. 30115, each piece of glazing material to which this standard applies that is designed—

(a) As a component of any specific motor vehicle or camper; or

(b) To be cut into components for use in motor vehicles or items of motor vehicle equipment.

S6.2 A prime glazing manufacturer certifies its glazing by adding to the marks required by section 7 of ANSI/SAE Z26.1–1996, in letters and numerals of the same size, the symbol ''DOT'' and a manufacturer's code mark that NHTSA assigns to the manufacturer. NHTSA will assign a code mark to a manufacturer after the manufacturer submits a written request to the Office of Vehicle Safety Compliance, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, DC 20590. The request must include the company name, address, and a statement from the manufacturer certifying its status as a prime glazing manufacturer as defined in S4.

S6.3 A manufacturer or distributor who cuts a section of glazing material to which this standard applies, for use in a motor vehicle or camper, must—

(a) Mark that material in accordance with section 7 of ANSI/SAE Z26.1–1996; and

(b) Certify that its product complies with this standard in accordance with 49 U.S.C. 30115.

V. Summary of Morgan's Analyses: Morgan stated its belief that the subject noncompliance is inconsequential to motor vehicle safety for the following reasons:

a. The wind deflector fitted in the M3W uses glazing that conforms to item 6 ANSI 226.1–1996-windshields for motorcycles. It is so small (its dimensions are 1O″ x 5″) that it is not requisite for driving visibility.

b. Morgan owners will go to Morgan dealers for replacement of the wind deflector.

c. The noncompliance is not likely to increase the safety risk to individual occupants who experience the type of injurious event against which the standard was designed to protect.

d. There have been no reports of any safety issues. Both in the US and the rest of the world, Morgan knows of no injuries caused by the noncompliance.

e. The subject noncompliance here is inconsequential in view of the nature of the vehicle in question because Morgan possesses attributes enumerated in several previous NHTSA inconsequential noncompliance determinations that it believes can be applied to a decision on its petition. See Morgan's petition for a complete discussion of its reasoning.

Morgan additionally stated that it shall as regards ongoing production; mark the wind deflector to comply with the FMVSS No. 205 requirements.

In summation, Morgan believes that the described noncompliance of the subject vehicles is inconsequential to motor vehicle safety, and that its petition, to exempt from providing

[1] Morgan 3 Wheeler Limited is an English corporation that manufactures motor vehicles.

recall notification of noncompliance as required by 49 U.S.C. 30118 and remedying the recall noncompliance as required by 49 U.S.C. 30120 should be granted.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, any decision on this petition only applies to the vehicles that Morgan no longer controlled at the time it determined that the noncompliance existed. However, a decision on this petition cannot relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, introduction or delivery for introduction into interstate commerce of the noncompliant motor vehicles under their control after Morgan notified them that the subject noncompliance existed.

Authority: (49 U.S.C. 30118, 30120: Delegations of authority at 49 CFR 1.95 and 501.8)

Issued on: January 9, 2014.

Claude H. Harris,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2014–00568 Filed 1–13–14; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Departmental Offices; Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork burdens, invites the general public and other Federal agencies to comment on an information collection that is due for extension approval by the Office of Management and Budget. The Office of International Affairs within the Department of the Treasury is soliciting comments concerning the collection of data for the Annual Report of Foreign-Residents' Holdings of U.S. Securities, including Selected Money Market Instruments. The next such collection, which is a benchmark survey, is to be conducted as of June 30, 2014.

DATES: Written comments should be received on or before March 17, 2014 to be assured of consideration.

ADDRESSES: Direct all written comments to Dwight Wolkow, International Portfolio Investment Data Systems, Department of the Treasury, Room 5422, 1500 Pennsylvania Avenue NW., Washington DC 20220. In view of possible delays in mail delivery, please also notify Mr. Wolkow by email (*dwight.wolkow@treasury.gov*), FAX (202–622–2009) or telephone (202–622–1276).

FOR FURTHER INFORMATION CONTACT: Copies of the proposed forms and instructions are unchanged from the previous survey that was conducted as of June 30, 2013 (Form SHLA(2013)), except that the ''who must report'' section of the instructions is designed for a benchmark survey. Forms and instruction are available on the Treasury's TIC Web page for ''Forms SHL/SHLA & SHC/SHCA'' (Part I.A), at: *http://www.treasury.gov/resource-center/data-chart-center/tic/Pages/forms-sh.aspx.* Requests for additional information should be directed to Mr. Wolkow.

SUPPLEMENTARY INFORMATION:

Title: Treasury Department Form SHLA/SHL, Foreign-Residents' Holdings of U.S. Securities, including Selected Money Market Instruments.

OMB Number: 1505–0123

Abstract: These forms are used to conduct annual surveys of holdings by foreign-residents of U.S. securities for portfolio investment purposes. These data are used by the U.S. Government in the formulation of international and financial policies and for the computation of the U.S. balance of payments accounts and the U.S. international investment position. These data will also be used to provide information to the public and to meet international reporting commitments.

The benchmark survey (Form SHL) is conducted once every five years, and requires reporting by all significant U.S.-resident custodians and U.S.-resident security issuers. In non-benchmark years an annual survey (Form SHLA) is conducted, and requires reports primarily from the very largest U.S.-resident custodians and issuers. The data requested will be the same in Form SHL and, during the four succeeding years, in Form SHLA. The determination of who must report in the annual surveys (SHLA) will be based upon the securities data submitted during the previous benchmark survey. The data collected under the annual surveys (SHLA) will be used in conjunction with the results of the previous benchmark survey to compute economy-wide estimates for the non-benchmark years.

Current Actions: No changes in the forms or instructions will be made from the previous survey that was conducted as of June 30, 2013, except that the ''who must report'' section of the instructions is designed for a benchmark survey.

Type of Review: Extension of a currently approved collection.

Affected Public: Business/Financial Institutions.

Forms: TDF SHLA, Schedule 1 and Schedule 2 (1505–0123); TDF SHL, Schedule 1 and Schedule 2 (1505–0123).

Estimated Number of Respondents: An annual average (over five years) of 191, but this varies widely from about 540 in benchmark years (once every five years) to about 104 in each of the other years (four out of every five years).

Estimated Average Time per Respondent: an annual average (over five years) of about 168 hours, but this will vary widely from respondent to respondent. (a) In the year of a benchmark survey, which is conducted once every five years, it is estimated that exempt respondents will require an average of 17 hours; for custodians of securities, the estimate is a total of 321 hours on average, but this figure will vary widely for individual custodians; and for issuers of securities that have data to report and are not custodians, the estimate is 61 hours on average. (b) In a non-benchmark year, which occurs four years out of every five years, for the largest custodians of securities, the estimate is a total of 486 hours on average; and for the largest issuers of securities that have data to report and are not custodians, the estimate is 110 hours on average.

Estimated Total Annual Burden Hours: An annual average (over five years) of 32,060 hours.

Frequency of Response: Annual.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval. All comments will become a matter of public record. The public is invited to submit written comments concerning: (a) Whether the Survey is necessary for the proper performance of the functions of the Office, including whether the information collected has practical uses; (b) the accuracy of the above burden estimates; (c) ways to enhance the quality, usefulness and clarity of the information to be collected; (d) ways to minimize the reporting and/or recordkeeping burdens on respondents, including the use of information technologies to automate the collection of the data; and (e) estimates of capital or start-up costs of operation,

maintenance and purchases of services to provide information.

Dwight Wolkow,

Administrator, International Portfolio Investment Data Systems.

[FR Doc. 2014–00509 Filed 1–13–14; 8:45 am]

BILLING CODE 4810–25–P

DEPARTMENT OF THE TREASURY

Community Development Financial Institutions Fund

Proposed Collection; Comment Request

AGENCY: Community Development Financial Institutions Fund, Treasury.

ACTION: Notice and request for comments.

SUMMARY: The U.S. Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, 44 U.S.C. 3506(c)(2)(A). Currently, the Community Development Financial Institutions Fund (CDFI Fund), Department of the Treasury, is soliciting comments concerning the New Markets Tax Credit Program (NMTC Program)—Allocation Application (hereafter, the Application), in anticipation of extension of the program beyond CY 2013.

DATES: Written comments must be received on or before March 17, 2014 to be assured of consideration.

ADDRESSES: Direct all comments to Robert Ibanez, NMTC Program Manager, CDFI Fund, U.S. Department of the Treasury, 1500 Pennsylvania Avenue NW, Washington, DC 20220, by email to nmtc@cdfi.treas.gov, or by facsimile to (202) 508–0084. Please note this is not a toll free number.

FOR FURTHER INFORMATION CONTACT: The Application may be obtained from the NMTC Program page of the CDFI Fund's Web site at *http://www.cdfifund.gov/what_we_do/programs_id.asp?programID=5#*. Requests for additional information should be directed to Robert Ibanez, NMTC Program Manager, Community Development Financial Institutions Fund, U.S. Department of the Treasury, 1500 Pennsylvania Avenue NW, Washington, DC 20220, by email to nmtc@cdfi.treas.gov, or by facsimile to (202) 508–0084. Please note this is not a toll free number.

SUPPLEMENTARY INFORMATION:

Title: New Markets Tax Credit (NMTC) Program—Allocation Application.

OMB Number: 1559–0016

Abstract: Title I, subtitle C, section 121 of the Community Renewal Tax Relief Act of 2000 (the Act) amended the Internal Revenue Code (IRC) by adding IRC § 45D and created the NMTC Program. The Department of the Treasury, through the CDFI Fund, Internal Revenue Service, and Office of Tax Policy, administers the NMTC Program. In order to claim the NMTC, taxpayers make Qualified Equity Investments (QEIs) in Community Development Entities (CDEs) and substantially all of the QEI proceeds must, in turn, be used by the CDE to provide investments in businesses and real estate developments in low-income communities and other purposes authorized under the statute.

The tax credit provided to the investor totals 39 percent of the amount of the investment and is claimed over a seven-year period. In each of the first three years, the investor receives a credit equal to five percent of the total amount paid for the stock or capital interest at the time of purchase. For the final four years, the value of the credit is six percent annually. Investors may not redeem their investments in CDEs prior to the conclusion of the seven-year period without forfeiting any credit amounts they have received.

The CDFI Fund is responsible for certifying organizations as CDEs, and administering the competitive allocation of tax credit authority to CDEs, which it does through annual allocation rounds. As part of the award selection process, CDEs will be required to prepare and submit an Application, which will include five key sections—Business Strategy; Community Outcomes; Management Capacity; Capitalization Strategy; and Information Regarding Prior Awards. The CDFI Fund will conduct the substantive review of each application in two parts (Phase 1 and Phase 2), as defined in a Notice of Allocation Availability for each round. In Phase 1, the application will be evaluated by reviewers to generate scores for the Business Strategy and Community Outcomes sections plus statutory priority points. The scores will be used to determine a rank-order list of the most highly-qualified CDEs. In Phase 2, the CDFI Fund will evaluate the entire application of each highly-qualified, highly-ranked CDE.

Current Actions: Extension (without change)

Type of review: Regular

Affected public: CDEs seeking NMTC Program allocation authority.

Estimated Number of Respondents: 310

Estimated Annual Time per Respondent: 263

Estimated Total Annual Burden Hours: 81,530 hours

Requests for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval. All comments will become a matter of public record and may be published on the Fund Web site at *http://www.cdfifund.gov.* Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services required to provide information.

Authority: 26 U.S.C. 45D; 26 CFR 1.45D–1.

Dated: January 9, 2014.

Bob Ibanez,

NMTC Program Manager, Community Development Financial Institutions Fund.

[FR Doc. 2014–00510 Filed 1–13–14; 8:45 am]

BILLING CODE 4810–70–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

FEDERAL RESERVE SYSTEM

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Submission for OMB Review; Joint Comment Request

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury; Board of Governors of the Federal Reserve System (Board); and Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice of information collection to be submitted to OMB for review and approval under the Paperwork Reduction Act of 1995.

SUMMARY: In accordance with the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the OCC, the Board, and the FDIC (the ''agencies'') may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. On February 21, 2013, the agencies, under the auspices of the Federal Financial Institutions Examination Council (FFIEC), requested public comment for 60 days on a proposal to extend, with revision, the Consolidated Reports of Condition and Income (Call Report), which are currently approved collections of information. After considering the comments received on the proposal, the FFIEC and the agencies announced their final decisions regarding certain proposed revisions on May 23, 2013, which took effect June 30, 2013. The agencies also announced they were continuing to evaluate the other Call Report changes proposed in February 2013 in light of the comments received and would not implement these changes as of June 30, 2013 (and, in one case, as of December 31, 2013), as had been proposed.

The FFIEC and the agencies have now completed their evaluation of these other proposed changes and plan to implement in March 2014 the proposed reporting requirements for depository institution trade names; a modified version of the reporting proposal pertaining to international remittance transfers; the proposed screening question about the reporting institution's offering of consumer deposit accounts; and, for institutions with $1 billion or more in total assets that offer such accounts, the proposed new data items on consumer deposit account balances. The FFIEC and the agencies would then implement the proposed breakdown of consumer deposit account service charges in March 2015, but only for institutions with $1 billion or more in total assets that offer consumer deposit accounts. The proposed instructions for these new items have been revised in response to comments received. In addition, the FFIEC and the agencies have decided not to proceed at this time with the proposed annual reporting by institutions with a parent holding company that is not a bank or savings and loan holding company of the amount of the parent holding company's consolidated total liabilities.

DATES: Comments must be submitted on or before February 13, 2014.

ADDRESSES: Interested parties are invited to submit written comments to any or all of the agencies on the proposed revisions to the Call Report for which the agencies are requesting approval from OMB. All comments, which should refer to the OMB control number(s), will be shared among the agencies.

OCC: Because paper mail in the Washington, DC, area and at the OCC is subject to delay, commenters are encouraged to submit comments by email if possible. Comments may be sent to: Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention: 1557–0081, 400 7th Street SW., Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219. In addition, comments may be sent by fax to (571) 465–4326 or by electronic mail to *regs.comments@occ.treas.gov.* You may personally inspect and photocopy comments at the OCC, 400 7th Street SW., Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

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

Board: You may submit comments, which should refer to ''Consolidated Reports of Condition and Income (FFIEC 031 and 041),'' by any of the following methods:

- *Agency Web site: http://www.federalreserve.gov.* Follow the instructions for submitting comments at: *http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm.*
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: regs.comments@federalreserve.gov.* Include reporting form number in the subject line of the message.
- *FAX:* (202) 452–3819 or (202) 452–3102.
- *Mail:* Robert deV. Frierson, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW., Washington, DC 20551.

All public comments are available from the Board's Web site at *www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm* as submitted, unless modified for technical reasons. Accordingly, your comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper in Room MP–500 of the Board's Martin Building (20th and C Streets NW.) between 9:00 a.m. and 5:00 p.m. on weekdays.

FDIC: You may submit comments, which should refer to ''Consolidated Reports of Condition and Income, 3064–0052,'' by any of the following methods:

- *Agency Web site: http://www.fdic.gov/regulations/laws/federal/propose.html.* Follow the instructions for submitting comments on the FDIC Web site.
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: comments@FDIC.gov.* Include ''Consolidated Reports of Condition and Income, 3064–0052'' in the subject line of the message.
- *Mail:* Gary A. Kuiper, Counsel, Attn: Comments, Room NYA–5046, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.
- *Hand Delivery:* Comments may be hand delivered to the guard station at the rear of the 550 17th Street Building (located on F Street) on business days between 7:00 a.m. and 5:00 p.m.

Public Inspection: All comments received will be posted without change to *http://www.fdic.gov/regulations/laws/federal/propose.html* including any personal information provided. Comments may be inspected at the FDIC Public Information Center, Room E–1002, 3501 Fairfax Drive, Arlington, VA 22226, between 9:00 a.m. and 5:00 p.m. on business days.

Additionally, commenters may send a copy of their comments to the OMB desk officer for the agencies by mail to the Office of Information and Regulatory Affairs, U.S. Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW., Washington, DC 20503; by fax to (202) 395–6974; or by email to *oira submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: For further information about the revisions discussed in this notice, please contact any of the agency clearance officers whose names appear below. In addition, copies of the Call Report forms and instructions for these revisions can be obtained at the FFIEC's Web site (*http://www.ffiec.gov/ffiec_report_forms.htm*).

OCC: Mary H. Gottlieb and Johnny Vilela, OCC Clearance Officers, (202)

649–6301 and (202) 649–7265, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Washington, DC 20219.

Board: Cynthia Ayouch, Federal Reserve Board Clearance Officer, (202) 452–3829, Division of Research and Statistics, Board of Governors of the Federal Reserve System, 20th and C Streets NW., Washington, DC 20551. Telecommunications Device for the Deaf (TDD) users may call (202) 263–4869.

FDIC: Gary A. Kuiper, Counsel, (202) 898–3877, Legal Division, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.

SUPPLEMENTARY INFORMATION: The agencies are proposing to revise and extend for three years the Call Report, which is currently an approved collection of information for each agency.[1]

Report Title: Consolidated Reports of Condition and Income (Call Report).

Form Number: FFIEC 031 (for banks and savings associations with domestic and foreign offices) and FFIEC 041 (for banks and savings associations with domestic offices only).

Frequency of Response: Quarterly.

Affected Public: Business or other for-profit.

OCC

OMB Number: 1557–0081.

Estimated Number of Respondents: 1,807 national banks and federal savings associations.

Estimated Time per Response: 57.03 burden hours per quarter to file.

Estimated Total Annual Burden: 412,213 burden hours to file.

Board

OMB Number: 7100–0036.

Estimated Number of Respondents: 841 state member banks.

Estimated Time per Response: 58.09 burden hours per quarter to file.

Estimated Total Annual Burden: 195,415 burden hours to file.

FDIC

OMB Number: 3064–0052.

Estimated Number of Respondents: 4,325 insured state nonmember banks and state savings associations.

Estimated Time per Response: 42.75 burden hours per quarter to file.

Estimated Total Annual Burden: 739,575 burden hours to file.

The estimated time per response for the quarterly filings of the Call Report is an average that varies by agency because of differences in the composition of the institutions under each agency's supervision (e.g., size distribution of institutions, types of activities in which they are engaged, and existence of foreign offices). The average reporting burden for the filing of the Call Report as it is proposed to be revised is estimated to range from 18 to 750 hours per quarter, depending on an individual institution's circumstances.

Type of Review: Revision and extension of currently approved collections.

General Description of Reports

These information collections are mandatory: 12 U.S.C. 161 (for national banks), 12 U.S.C. 324 (for state member banks), 12 U.S.C. 1817 (for insured state nonmember commercial and savings banks), and 12 U.S.C. 1464 (for federal and state savings associations). At present, except for selected data items, these information collections are not given confidential treatment.

Abstract

Institutions submit Call Report data to the agencies each quarter for the agencies' use in monitoring the condition, performance, and risk profile of individual institutions and the industry as a whole. Call Report data provide the most current statistical data available for evaluating institutions' corporate applications, identifying areas of focus for on-site and off-site examinations, and monetary and other public policy purposes. The agencies use Call Report data in evaluating interstate merger and acquisition applications to determine, as required by law, whether the resulting institution would control more than ten percent of the total amount of deposits of insured depository institutions in the United States. Call Report data also are used to calculate institutions' deposit insurance and Financing Corporation assessments and national banks' and federal savings associations' semiannual assessment fees.

Current Actions

I. Background

On February 21, 2013, the agencies, under the auspices of the FFIEC, requested comment on a number of proposed revisions to the Call Report (78 FR 12141) for implementation as of the June 30, 2013, report date, except for one new data item proposed to be added to the Call Report effective December 31, 2013. These revisions were proposed with the intent to provide data needed for reasons of safety and soundness or other public purposes by the members of the FFIEC that use Call Report data to carry out their missions and responsibilities, including the agencies, the Bureau of Consumer Financial Protection (Bureau), and state supervisors of banks and savings associations.

The Call Report changes proposed in the agencies' February 2013 **Federal Register** notice, further details for which may be found in Sections II.A through II.F of that notice,[2] included:

- A question that would be added to Schedule RC–E, Deposit Liabilities, asking whether the reporting institution offers separate deposit products (other than time deposits) to consumers compared to businesses, and
- For those institutions with $1 billion or more in total assets that offer separate products, new data items on the quarter-end amount of certain types of consumer transaction accounts and nontransaction savings deposit accounts that would be reported in Schedule RC–E, and
- For all institutions that offer separate products, a new breakdown on the year-to-date amounts of certain types of service charges on consumer deposit accounts reported as noninterest income in Schedule RI, Income Statement;
- A request for information on international remittance transfers in Schedule RC–M, Memoranda, including:
- Questions about types of international remittance transfers offered, the settlement systems used to process the transfers, and whether the number of remittance transfers provided exceeds or is expected to exceed the Bureau's safe harbor threshold (more than 100 transfers); and
- New data items to be reported by institutions not qualifying for the safe harbor on the number and dollar value of international remittance transfers;
- New data items in Schedule RC–M for reporting all trade names that differ from an institution's legal title that the institution uses to identify physical branches and public-facing Internet Web site addresses;
- Additional data to be reported in Schedule RC–O, Other Data for Deposit Insurance and FICO Assessments, by large institutions and highly complex institutions (generally, institutions with $10 billion or more in total assets) to support the FDIC's large bank pricing method for insurance assessments,

[1] The estimated time per response and the estimated total annual burden for the Call Report for each agency, as shown in this notice, reflect the effect of the proposed revisions that are the subject of this notice on the estimated time per response and the estimated total annual burden for the Call Report after taking into account the effect of certain proposed regulatory capital reporting changes to Call Report Schedule RC–R, which are the subject of a separate notice published elsewhere in today's **Federal Register**.

[2] *See* 78 FR 12141–12154, Feb. 21, 2013.

including a new table of consumer loans by loan type and probability of default band, new data items providing information on loans secured by real estate at institutions with foreign offices, revisions of existing data items on real estate loan commitments and U.S. government-guaranteed real estate loans to include those in foreign offices, and other revisions to the information collected on assets guaranteed by the U.S. government;

• A new data item in Schedule RC–M applicable only to institutions whose parent depository institution holding company is not a bank or savings and loan holding company in which the institution would report the total consolidated liabilities of its parent depository institution holding company annually as of December 31 to support the Board's administration of the financial sector concentration limit established by the Dodd-Frank Act [3]; and

• A revision of the scope of the existing item in Schedule RI–A, Changes in Bank Equity Capital, for ''Other transactions with parent holding company'' to include such transactions with all stockholders.

The comment period for the Call Report changes proposed in the agencies' February 2013 **Federal Register** notice closed on April 22, 2013. The agencies collectively received comments from 33 entities: 20 Banking organizations, seven bankers' associations, four consumer advocacy organizations, one life insurers' association, and one government agency. Many of the comments received opposed one or more of the proposed changes, although some supported one or more of these changes.

After considering the comments received on their February 2013 **Federal Register** notice, the agencies announced in the **Federal Register** on May 23, 2013 (78 FR 30922) that they were proceeding at that time only with two of the proposed Call Report revisions: (1) The scope revision affecting the reporting of certain changes in bank equity capital on Schedule RI–A; and (2) a modified version of the reporting changes for large and highly complex institutions for deposit insurance assessment purposes. The effective date of these reporting changes, which were approved by OMB, was June 30, 2013, as had been proposed.

As for the other new data items that had been proposed to be added to the Call Report effective June 30, 2013 (and one new item proposed to be collected annually beginning December 31, 2013), the agencies stated in their May 2013 **Federal Register** notice that they and the FFIEC were continuing to evaluate these remaining proposed Call Report changes in light of the comments received. The agencies further stated that implementation of the proposed new Call Report items would take effect no earlier than December 31, 2013, or March 31, 2014, depending on the revision.[4]

II. Summary of Decisions About Remaining Call Report Changes From February 2013 Proposal

The FFIEC and the agencies have now completed their evaluation of the remaining February 2013 reporting proposals. In addition to reviewing the comments previously submitted, the FFIEC and the agencies gathered additional feedback from meetings with bankers' associations, reporting institutions, and depository institution data processors. The FFIEC's and the agencies' decisions regarding the remaining proposed changes to the Call Report, including the comments received regarding each proposed change and the agencies' responses thereto, are described in Sections III through VII of this notice. These decisions, which would involve quarterly reporting unless otherwise indicated, are summarized as follows:

• Effective March 31, 2014, institutions would begin to report:

○ Information about international remittance transfers (including certain questions about remittance transfer activity and, for institutions not qualifying for the Bureau's safe harbor, certain data on the estimated number and dollar value of remittance transfers) on an initial basis and semiannually thereafter as of each June 30 and December 31 [5];

○ Trade names (other than an institution's legal title) used to identify physical branches and the Uniform Resource Locators of all public-facing Internet Web sites (other than the institution's primary Internet Web site) that are used to accept or solicit deposits from the public; and

○ Their response to a yes-no screening question asking whether the reporting institution offers one or more consumer transaction or nontransaction savings deposit account products and, for institutions with $1 billion or more in total assets that offer one or more of such consumer deposit account products, the total balances of these consumer deposit account products.

• Effective March 31, 2015, institutions with $1 billion or more in total assets that offer one or more consumer deposit account products would begin to report a breakdown of their total year-to-date income from service charges on deposit accounts that would include the income from three categories of service charges on these consumer deposit accounts.

In addition, the FFIEC and the agencies have decided not to implement at this time the proposed annual item for the total consolidated liabilities of an institution's parent depository institution holding company that is not a bank or savings and loan holding company.

For the March 31, 2014, and March 31, 2015, report dates, as applicable, institutions may provide reasonable estimates for any new or revised Call Report item initially required to be reported as of that date for which the requested information is not readily available. The specific wording of the captions for the new Call Report data items discussed in this proposal and the numbering of these data items should be regarded as preliminary.

III. Consumer Deposit Account Balances

Schedule RC–E currently requires institutions to report separately transaction account and nontransaction account balances held in domestic offices according to broad categories of depositors. Over 90 percent of the reported balances are attributed to the category of depositors that includes ''individuals, partnerships, and corporations.'' [6] Deposits that are held by individual consumers are not distinguished from deposits held by partnerships or corporations.

Surveys indicate that over 90 percent of U.S. households maintain at least one deposit account.[7] However, there is currently no reliable source from which to calculate the amount of funds held in consumer accounts.

[3] The Dodd-Frank Wall Street Reform and Consumer Protection Act, Public Law 111–203.

[4] *See* 78 FR 30924–30925, May 23, 2013.

[5] One question would be posed annually as of June 30 rather than semiannually after it is posed initially as of March 31, 2014.

[6] Percentage is based on analysis of third quarter 2012 Call Report data.

[7] *See* FDIC, *2011 FDIC National Survey of Unbanked and Underbanked Households,* at 4 (2012); Brian K. Bucks, Arthur B. Kennickell, Traci L. Mach, and Kevin B. Moore, *Changes in U.S. Family Finances from 2004 to 2007: Evidence from the Survey of Consumer Finances,* 95 Federal Reserve Bulletin A1, A20 (Feb. 2009), *available at http://www.federalreserve.gov/pubs/bulletin/2009/pdf/scf09.pdf; see also* Kevin Foster, Erik Meijer, Scott Schuh, and Michael Zabek, *The 2009 Survey of Consumer Payment Choice,* Federal Reserve Bank of Boston: Public Policy Discussion Papers, No. 11–1, at 47 (2011), *available at http://www.bos.frb.org/economic/ppdp/2011/ppdp1101.pdf.*

In their February 2013 **Federal Register** notice, the agencies proposed to modify Schedule RC–E, Deposit Liabilities, to collect and distinguish certain deposit data by type of depositor for institutions with $1 billion or more in total assets. The agencies explained that more detailed Call Report data would enhance the agencies' and Bureau's abilities to monitor consumer use of deposit accounts as transactional, savings, and investment vehicles; assess institutional liquidity risk; and assess institutional funding stability.

To identify the institutions that would be subject to these proposed new reporting requirements, the agencies proposed a screening question in Schedule RC–E concerning whether an institution offers consumer deposit accounts, *i.e.,* accounts intended for use by individuals for personal, household, or family purposes. Under this proposal, if an institution has $1 billion or more in total assets and responds affirmatively to the screening question, the institution would be subject to the proposed new Schedule RC–E consumer deposit account reporting requirements; otherwise, it would not be subject to the proposed new Schedule RC–E reporting requirements.[8] Regardless of how an institution with less than $1 billion in total assets responds to the screening question, it would be exempt from the proposed Schedule RC–E consumer deposit account balance reporting requirements.

In the February 2013 notice, the agencies explained that they had similarly proposed in 2010 the disaggregation of consumer- or individually owned deposits from those owned by businesses and organizations, *i.e.,* partnerships and corporations. That proposal, however, would have required banks to distinguish consumer deposit balances by the account owner taxpayer identification number (TIN). The TIN methodology was ultimately deemed too burdensome, and the agencies withdrew the proposal from consideration.[9] The agencies' February 2013 proposal was based on an alternative approach that the agencies believed to be less burdensome for depository institutions.

The FFIEC and the agencies further explained that they currently believe that most institutions maintain distinct transaction and nontransaction savings deposit products specifically intended for consumer use and that these institutional distinctions would enable institutions to utilize the same totals maintained on their deposit systems of record and in their internal general ledger accounts to provide the proposed new consumer deposit account balance data. The FFIEC and the agencies also explained that they understand that most institutions define time deposit products by tenure and rate and do not typically maintain time deposit accounts exclusively targeted to consumers. Thus, the proposal pertained only to non-time deposits in domestic offices.

The FFIEC and the agencies believe that most depository institutions with distinct transaction and nontransaction savings deposit product offerings have instances in which proprietorships and microbusinesses utilize consumer deposit products; however, the agencies believe that these balances would not diminish the value of the insight gained into the structure of institutions' deposits.

At the same time, the FFIEC and the agencies anticipated that certain institutions cater almost exclusively to non-consumer depositors, and as such, may not maintain segment-specific products. The agencies thus proposed to identify these institutions by requiring all institutions to respond to the following screening question (which would be designated as Memorandum item 5 of Schedule RC–E): ''Does your institution offer consumer deposit accounts, *i.e.,* transaction account or nontransaction savings account deposit products intended for individuals for personal, household, or family use?'' Institutions with total assets of $1 billion or more answering ''yes'' to this screening question would be subject to the proposed new Schedule RC–E consumer deposit account reporting requirements. Institutions with total assets of less than $1 billion or answering ''no'' to the question would be exempt from these new reporting requirements and would continue to report deposit totals in Schedule RC–E as they currently do.

The $1 billion threshold was proposed to limit the incremental cost and burden of reporting consumer deposit account balances to institutions whose total assets place them above the size level commonly used to distinguish community institutions from other institutions. Although the proposed threshold would exempt a substantial percentage of institutions from reporting their consumer deposit account balances, data on such balances from institutions with $1 billion or more in total assets will still yield broad marketplace insight. The agencies proposed to revise Schedule RC–E (part I) further by adding a new Memorandum item 6 to follow the new Memorandum item 5 screening question described above. Specifically, new Memorandum item 6, ''Components of total transaction account deposits of individuals, partnerships, and corporations,'' would be completed by institutions with total assets of $1 billion or more that responded ''yes'' to the screening question posed in new Memorandum item 5. Proposed new Memorandum item 6 would include the following three-way breakdown of these transaction accounts, the sum of which would need to equal Schedule RC–E, (part I), item 1, column A:

- In Memorandum item 6.a, ''Deposits in noninterest-bearing transaction accounts intended for individuals for personal, household, or family use,'' institutions would report the amount of deposits reported in Schedule RC–E, (part I), item 1, column A, held in noninterest-bearing transaction accounts (in domestic offices) intended for individuals for personal, household, or family use. The item would exclude certified and official checks as well as pooled funds and commercial products with sub-account structures, such as escrow accounts, that are held for individuals but not eligible for consumer transacting, saving, or investing.
- In Memorandum item 6.b, ''Deposits in interest-bearing transaction accounts intended for individuals for personal, household, or family use,'' institutions would report the amount of deposits reported in Schedule RC–E, (part I), item 1, column A, held in interest-bearing transaction accounts (in domestic offices) intended for individuals for personal, household, or family use. The item would exclude pooled funds and commercial products with sub-account structures, such as escrow accounts, that are held for individuals but not eligible for consumer transacting, saving, or investing.
- In Memorandum item 6.c, ''Deposits in all other transaction accounts of individuals, partnerships, and corporations,'' institutions would report the amount of all other transaction account deposits included in Schedule RC–E, (part I), item 1, column A, that were not reported in Memorandum items 6.a and 6.b. If an institution offers one or more transaction account deposit products intended for individuals for personal, household, or family use, but has other transaction account deposit products intended for a broad range of depositors

[8] In general, the determination as to whether an institution has $1 billion or more in total assets is measured as of June 30 of the previous calendar year. See pages 3 and 4 of the General Instructions section of the Call Report instructions for guidance on shifts in reporting status.

[9] *Agency Information Collection Activities,* 76 FR 5253, 5261 (Jan. 28, 2011).

(which may include individuals who would use the product for personal, household, or family use), the institution would report the entire amount of these latter transaction account deposit products in Memorandum item 6.c. For example, if an institution that responded ''yes'' to the screening question posed in new Memorandum item 5 has a single negotiable order of withdrawal (NOW) account deposit product that it offers to all depositors eligible to hold such accounts, including individuals, sole proprietorships, certain nonprofit organizations, and certain government units, the institution would report the entire amount of its NOW accounts in Memorandum item 6.c. The institution would not need to identify the NOW accounts held by individuals for personal, household, or family use and report the amount of these accounts in Memorandum item 6.b.

The agencies also proposed to revise Schedule RC–E (part I) by adding new Memorandum item 7, ''Components of total nontransaction account deposits of individuals, partnerships, and corporations,'' which would be completed by institutions with total assets of $1 billion or more that responded ''yes'' to the screening question posed in new Memorandum item 5. Proposed new Memorandum item 7 would include breakdowns of the nontransaction savings deposit accounts of individuals, partnerships, and corporations (in domestic offices) included in Schedule RC–E, (part I), item 1, column C, as described below. Nontransaction savings deposit accounts consist of money market deposit accounts (MMDAs) and other savings deposits. Specifically, proposed Memorandum item 7.a would include breakouts of ''Money market deposit accounts (MMDAs) of individuals, partnerships, and corporations.'' Proposed Memorandum item 7.b would include breakouts of ''Other savings deposit accounts of individuals, partnerships, and corporations.'' Proposed Memorandum item 7 would exclude all time deposits of individuals, partnerships, and corporations reported in Schedule RC–E, item 1, column C.

- In Memorandum item 7.a.(1), ''Deposits in MMDAs intended for individuals for personal, household, or family use,'' institutions would report the amount of deposits reported in Schedule RC–E, (part I), item 1, column C, held in MMDAs intended for individuals for personal, household, or family use. The item would exclude MMDAs in the form of pooled funds and commercial products with sub-account structures, such as escrow accounts, that are held for individuals but not eligible for consumer transacting, saving, or investing.
- In Memorandum item 7.a.(2), ''Deposits in all other MMDAs of individuals, partnerships, and corporations,'' institutions would report the amount of all other MMDA deposits included in Schedule RC–E, (part I), item 1, column C, that were not reported in Memorandum item 7.a.(1).
- In Memorandum item 7.b.(1), ''Deposits in other savings deposit accounts intended for individuals for personal, household, or family use,'' institutions would report the amount of deposits reported in Schedule RC–E, (part I), item 1, column C, held in other savings deposit accounts intended for individuals for personal, household, or family use. The item would exclude other savings deposit accounts in the form of pooled funds and commercial products with sub-account structures, such as escrow accounts, that are held for individuals but not eligible for consumer transacting, saving, or investing.
- In Memorandum item 7.b.(2), ''Deposits in all other savings deposit accounts of individuals, partnerships, and corporations,'' institutions would report the amount of all other savings deposits included in Schedule RC–E, (part I), item 1, column C, that were not reported in Memorandum item 7.b.(1).

As with proposed new Memorandum item 6 on the components of total transaction accounts of individuals, partnerships, and corporations, if an institution offers one or more nontransaction savings account deposit products intended for individuals for personal, household, or family use but also has other nontransaction savings account deposit products intended for a broad range of depositors (which may include individuals who would use the product for personal, household, or family use), the institution would report the entire amount of this latter category of nontransaction savings account deposit products in Memorandum item 7.a.(2) or 7.b.(2), as appropriate. The sum of proposed Memorandum items 7.a.(1), 7.a.(2), 7.b.(1), and 7.b.(2), plus the amount of all time deposits of individuals, partnerships, and corporations, would equal Schedule RC–E, (part I), item 1, column C.

The agencies received comments from two banks, three consumer groups, one government agency, and five bankers' associations on the proposal to distinguish and report on transaction account and nontransaction savings account deposit balances held in products intended for individuals for personal, household, or family use. Three of the bankers' associations submitted comments through a single joint letter. The two banks that commented are both well under the proposed $1 billion asset threshold and thus, while they would be subject to the new screening question requirement, these two banks would not be subject to the proposed requirements to report separately deposit account balances. Generally, three of the bankers' associations objected to the proposal and asked that the agencies not move forward with implementation. The two other bankers' associations and the two banks sought modifications to the proposal. The government agency and the consumer groups all expressed support for the proposal.

The bankers' associations stated general objections to the proposal based on its focus and the role of the Bureau. The five bankers' associations commented that the Call Report is to be used to collect data related to institutional safety and soundness only, and not, as they viewed this proposal, for compliance purposes. Three bankers' associations elaborated by commenting that they support the collection of data related to bank condition, structure, and risk profile. Furthermore, the three bankers' associations questioned what they perceived as the Bureau's participation in ''the proposed safety and soundness data collection.'' These three bankers' associations also commented that data collection of this nature should not be limited to banks and that comparable data should also be collected from credit unions.

The five bankers' associations and two banks also commented on technical aspects of this proposal. Two of the bankers' associations acknowledged that the current proposal represented an improvement over prior proposals submitted by the agencies to disaggregate reporting of deposits held by individuals from those of partnerships and corporations. However, one bankers' association commented generally that bank deposits cannot be readily categorized as proposed. The four other bankers' associations commented that unclear definitions and wording in the proposal could result in different interpretations and varying measurement and reporting methodologies across the industry. More specifically, four of the bankers' associations asked for clarification as to whether the proposal sought separate reporting of deposit balances in products intended solely for consumer use or balances in products intended for personal, household, or family use. The same four bankers' associations also commented that many customers that

use products targeted to consumers are actually sole proprietors, microbusiness owners, and others with non-consumer purposes and that these customers' accounts are hard to distinguish from those used entirely for consumer purposes. The four bankers' associations further commented that ''many retail account customers migrate to [become] business customers and *vice versa''* and thus are difficult to classify. One bank commented that while it offers both business and consumer accounts, it does not distinguish these two types of accounts within its general ledger. Another bank that stated that it offers both personal and business accounts asked whether it would need to report balances held in these products separately if the products share the same account terms.

Some commenters also expressed concern about the burden and timing of the proposal. One of the bankers' associations commented that this proposal adds to institutions' overall regulatory burden and expressed particular concern that ''many community banks with over $1 billion in assets would be adversely impacted by this proposal.'' This bankers' association consequently proposed that only banks with $10 billion or more in assets be subjected to the new requirements. Four of the bankers' associations commented that the proposal would not allow sufficient time for banks to implement changes necessary to meet the new reporting requirements. Three bankers' associations proposed that the agencies not move forward with implementation without consulting further with their respective community bank advisory councils and others in the industry, while another bankers' association and one bank proposed delaying implementation until March 2014 or later next year. The bankers' association that proposed delaying implementation until March 2014 also proposed that the agencies do so with clarification regarding what constitutes a consumer product and how banks should treat balances held in consumer accounts by sole proprietors.

The government agency and three consumer groups, in contrast, all supported the proposed changes. One consumer group commented that the proposed change would provide important insight into how consumers access and use deposit products and how institutions serve consumers. Two consumer groups commented that the data would aid regulators in monitoring and ensuring safety and soundness. One consumer group proposed that the agencies eliminate the $1 billion threshold and collect the proposed data from all banks.

After considering the comments received, the agencies propose to implement the changes to Schedule RC–E—including adding the proposed screening question (Memorandum item 5), retaining the $1 billion asset reporting requirement threshold, and adding new Memorandum items 6 and 7—largely as proposed. However, the agencies are now proposing to delay implementation of these new requirements until March 31, 2014. In addition, as described below the agencies would make clarifying edits to the draft Call Report instructions for these proposed new items to address comments raised.

The agencies believe that as currently proposed, the separation and collection of consumer deposit balance data is both appropriate for and consistent with the purpose and history of the Call Report. The agencies and the FFIEC continue to believe that the data that would be collected through the new Schedule RC–E Memorandum items would provide significant ongoing insight into the over 90 percent of reported transaction and nontransaction savings account balances attributed to the category of depositors that includes ''individuals, partnerships, and corporations.'' [10] Further, as acknowledged in legislation,[11] it is appropriate that these and other Call Report data may serve purposes other than safety and soundness. The agencies and the FFIEC have long recognized that the Call Report can include data for safety and soundness and ''other public purposes,'' and have interpreted ''public purposes'' to mean public policy purposes. *See* 66 FR 13368, 13370 (Mar. 5, 2001); 63 FR 9900, 9904 (Feb. 26, 1998). For example, in adding items regarding reverse mortgages to the Call Report, the agencies recognized that the products were associated with ''[a] number of consumer protection related risks,'' as well as safety and soundness risks, and stated that the agencies needed to collect information ''to monitor and mitigate those risks.'' 74 FR 68314, 68318–19 (Dec. 23, 2009).

For the same reason, the agencies and the FFIEC disagree with the bankers' associations' suggestion that the Bureau lacks authority to participate in what they term ''the proposed safety and soundness data collection.'' The agencies' exercise of their respective authorities to collect information is appropriately informed by input from the Director of the Bureau or other FFIEC principals. Moreover, the Federal Financial Institutions Examination Council Act of 1978, as amended by the Dodd-Frank Act, expressly designates the Director of the Bureau as a member of FFIEC, alongside the heads of the agencies and the National Credit Union Administration (NCUA) and the Chairman of the State Liaison Committee. *See* 12 U.S.C. 3303(a). The same statute also authorizes the FFIEC, collectively, to develop uniform reporting systems. 12 U.S.C. 3305(c). Similarly, the Dodd-Frank Act requires the Bureau to ''coordinate its supervisory activities with the supervisory activities conducted by the prudential regulators and State bank regulatory authorities, including consultation regarding their respective . . . requirements regarding reports to be submitted'' by large financial institutions. 12 U.S.C. 5515(b)(2).

As for the commenters' suggestion that comparable data should be collected from credit unions, the agencies note that the Call Report of the FFIEC and the agencies does not extend to entities other than reporting institutions supervised by the Board, the FDIC, and the OCC.[12]

While the FFIEC and the agencies believe that, for most institutions, the information to be collected is readily ascertained from existing information systems and records, the FFIEC and the agencies also appreciate that some institutions may require time to make changes to reporting systems to meet the new requirements. As a result, the agencies are now proposing to postpone implementation of these requirements from June 30, 2013, as proposed in the February 2013 notice, until March 31, 2014.

Furthermore, the agencies would clarify the new Schedule RC–E, Memorandum item 5, screening question and the associated reporting draft instructions so that they are worded consistently and refer to transaction account or nontransaction savings account ''deposit products intended primarily for individuals for personal, household, or family use.'' The insertion of the word ''primarily'' reflects the agencies' appreciation that sole proprietors and others may occasionally use these products for purposes other than household or

[10] Percentage is based on analysis of third quarter 2012 Call Report data.

[11] *See* Section 307(c) of the Riegle Community Development and Regulatory Improvement Act of 1994, Public Law 103–325, and Section 1211(c) of the American Homeownership and Economic Opportunity Act of 2000, Public Law 106–569.

[12] 12 U.S.C. 161 (for national banks), 12 U.S.C. 324 (for state member banks), 12 U.S.C. 1817 (for insured state nonmember commercial and savings banks), and 12 U.S.C. 1464 (for federal and state savings associations).

family use. The revised draft instructions would further explain that ''intended'' may also be read as ''marketed'' or ''presented to the public.'' As noted above and in the February 2013 **Federal Register** notice, the agencies believe that most depository institutions with distinct product offerings will have sole proprietorship and microbusiness customers that utilize consumer deposit products; however, the amount of these balances is believed to be only a fraction of total industry consumer product balances and thus would not diminish the value of the substantial insight gained into the structure of most institutions' deposits. In this regard, the instructional clarifications would explain that once a customer has opened a consumer deposit product account with an institution, the institution is not required thereafter to review the customer's status or usage of the account to determine whether the account is being used for personal, household, or family purposes. Thus, when reporting the amount of consumer deposit account balances in the proposed new Schedule RC–E Memorandum items, an institution is not required to identify those individual accounts within the population of a particular consumer deposit product that are not being used for personal, household, or family purposes and remove the balances of these accounts from the total amount of deposit balances held in that consumer deposit product.

The agencies also would clarify in the revised draft instructions that these new reporting requirements would apply regardless of whether an institution that offers transaction account and nontransaction savings account deposit products intended primarily for personal, household, and family use have the same terms as other deposit products intended for non-consumer use.

IV. Consumer Deposit Service Charges

Call Report Schedule RI, item 5.b, ''Service charges on deposit accounts (in domestic offices),'' currently requires reporting institutions to report all revenues from service charges on deposits in a single aggregate figure. Service charges on deposits can include dozens of types of fees that institutions levy on consumers, small businesses, large corporations, and other types of deposit customers. Service charges on deposits totaled more than $34 billion for calendar year 2012 and represent a substantial portion of industry operating income.[13] Dependence upon service charges on deposit accounts is generally higher for smaller institutions (those with less than $1 billion in assets, in particular) and may account for 30 percent or more of such institutions' noninterest revenues.[14]

However, there is currently no comprehensive data source from which examiners and policymakers can estimate or evaluate the composition of these fees and how they impact either consumers or the earnings stability of depository institutions. The agencies thus proposed that institutions that offer consumer deposit accounts itemize three key categories of service charges on such deposit accounts: overdraft-related service charges on consumer accounts, monthly maintenance charges on consumer accounts, and consumer ATM fees.

In proposing these new requirements, the FFIEC and the agencies stated their belief that the vast majority of institutions track individual categories of deposit account service charges as distinct revenue line items within their general ledger or other management information systems, which would facilitate the reporting of service charge information in the Call Report. However, the agencies also recognized that internal accounting and recordkeeping practices may vary across institutions and that disaggregating all types of fees could be burdensome for smaller institutions. Because the agencies believe that overdraft-related, monthly maintenance, and ATM fees are of most immediate concern to supervisors and policymakers, the proposal called for the separation of these consumer deposit service charges only.

The agencies proposed to utilize responses to the proposed Schedule RC–E consumer deposit account screening question described in the preceding section to govern deposit service charge reporting requirements. Specifically, institutions that reported ''yes'' to the question posed in proposed Schedule RC–E, Memorandum item 5, ''Does your institution offer consumer deposit accounts, *i.e.,* transaction account or nontransaction savings account deposit products intended for individuals for personal, household, or family use?,'' would be subject to the proposed new reporting requirements of Schedule RI, Memorandum item 15, while those that responded ''no'' would not. The agencies did not propose an exemption from the proposed new Schedule RI reporting requirements for institutions with total assets less than $1 billion that answer ''yes'' to the Schedule RC–E screening question.

More specifically, the agencies proposed to add a new Memorandum item 15, ''Components of service charges on deposit accounts (in domestic offices)'' to Schedule RI, which would include the following specific and mutually exclusive items (the sum of which would need to equal Schedule RI, item 5.b):

- Memorandum item 15.a, ''Consumer overdraft-related service charges on deposit accounts.'' For deposit accounts intended for individuals for personal, household, and family use, this item would include service charges and fees related to the processing of payments and debits against insufficient funds, including ''nonsufficient funds (NSF) check charges,'' that the institution assesses with respect to items that it either pays or returns unpaid, and all subsequent charges levied against overdrawn accounts, such as extended or sustained overdraft fees charged when accounts maintain a negative balance for a specified period of time, but not including those equivalent to interest and reported elsewhere in Schedule RI (''Interest and fee income on loans (in domestic offices)'').
- Memorandum item 15.b, ''Consumer account monthly maintenance charges.'' For deposit accounts intended for individuals for personal, household, and family use, this item would include service charges for account holders' maintenance of their deposit accounts with the institution (often labeled ''monthly maintenance charges''), including charges resulting from the account owners' failure to maintain specified minimum deposit balances or meet other requirements (e.g., requirements related to transacting and to purchasing of other services), as well as fees for transactional activity in excess of specified limits for an account and recurring fees not subject to waiver.
- Memorandum item 15.c, ''Consumer customer ATM fees.'' For deposit accounts maintained at the institution and intended for individuals for personal, household, and family use, this item would include service charges for transactions, including deposits to or withdrawals from deposit accounts, conducted through the use of ATMs or remote service units (RSUs) owned, operated, or branded by the institution or other institutions. The item would not include service charges levied against deposit accounts maintained at other institutions for transactions

[13] Per analysis of 2011 and 2012 Call Report data.

[14] Per analysis of 2011 Call Report data; the ratio for all banks was 13.8 percent in 2011.

conducted through the use of ATMs or RSUs owned, operated, or branded by the reporting institution.[15]

• Memorandum item 15.d, ''All other service charges on deposit accounts.'' This item would include all other service charges on deposit accounts (in domestic offices) not reported in Schedule RI, Memorandum items 15.a, 15.b, and 15.c. Memorandum item 15.d would include service charges and fees on an institution's deposit products intended for use by a broad range of depositors (which may include individuals), rather than being intended for individuals for personal, household, and family use. Thus, for such deposit products, an institution would not need to identify the fees charged to accounts held by individuals for personal, household, or family use and report these fees in one of the three categories of consumer deposit fees.

The agencies received comments on the proposed changes to Schedule RI from 17 banks, three consumer groups, one government agency, and five bankers' associations. All of the banks that submitted comments have less than $2 billion in total assets, and 14 of the 17 banks have less than $1 billion in total assets. Three of the bankers' associations submitted comments through a single joint letter. Generally, and as with the proposal regarding consumer deposit account balances, three of the bankers' associations objected to the proposal and asked that the agencies not move forward with implementation of the new Schedule RI requirements. The two other bankers' associations and several of the banks sought modifications to the proposal. The government agency and the consumer groups all expressed support for the proposal.

As they did in response to the agencies' consumer deposit account balances proposal, the bankers' associations stated general objections to the proposal based on its focus and the role of the Bureau and commented that the Call Report, in their opinion, is to be used to collect data related to institutional safety and soundness only. Three bankers' associations questioned what they perceived as the Bureau's participation in a safety and soundness data collection and commented that data collection of this nature should not be limited to banks.

Four of the bankers' associations additionally commented that the proposed fee data may not be sufficient to inform Bureau policy decisions unless the data are netted against expenses related to deposit generation. One bankers' association commented that proprietary business information, such as granular fee information, should not be made public. Another bankers' association commented that the current reporting structure, combined with the itemized fee schedules that banks disclose today to consumers at account opening yields sufficient insight for the agencies' purposes.

The bankers' associations and banks also commented on the technical aspects of this proposal, and many of them commented specifically on challenges related to reporting fees by depositor type. Again, as it did in response to the agencies' consumer deposit account balances proposal, one bankers' association commented generally that bank deposits cannot be readily categorized as proposed. Similarly, the four other bankers' associations expressed concerns regarding the definitions used to distinguish consumer from non-consumer accounts and implied that difficulties in identifying consumer deposit accounts would complicate separation of consumer deposit account service charges.

Eleven banks stated that they cannot currently distinguish fees related to consumers from those related to non-consumers. Two of these eleven banks stated that this difficulty pertains uniquely to ATM fees, and two bankers' associations similarly commented that banks typically do not distinguish between consumer and business ATM fees. Three of the eleven aforementioned banks stated that while they cannot separate fees by depositor type, they do have the ability to separate fee revenues by type of fee. Another bank commented that its general ledger system has only one aggregated deposit fee line item for all fee and depository types. The other banks stated that they could not currently implement the requirements as proposed but offered no details regarding which aspects of the proposal exceeded their current capabilities. One bankers' association commented that reporting of ATM fees could double-count those currently reported in Schedule RI, item 5.1, ''Other noninterest income.''

Two banks and four bankers' associations commented that mid-year implementation of year-to-date or retroactive reporting was particularly troublesome and could result in reporting institutions using different estimation methodologies (to the extent permitted). One bank and one bankers' association proposed changing the requirement so that institutions would need only report prospective or current quarter revenues.

One of the bankers' associations commented that the proposed additions to Schedule RI would add to institutions' overall regulatory burden and proposed that only banks with $10 billion or more in assets be subjected to the new requirements. Four banks and four bankers' associations commented that the proposal would not allow sufficient time for banks to implement changes necessary to meet the new reporting requirements. Two bankers' associations and one bank proposed delaying implementation until March 2014 or later in 2014, while three bankers' associations proposed that the agencies not move forward with implementation without consulting further with their respective advisory committees and others in the industry. A bankers' association that proposed delaying implementation until March 2014 also proposed that the agencies eliminate the requirement to separate ATM fees by depositor type and implement with a clarification regarding what constitutes a consumer product and how banks should treat fees associated with consumer accounts maintained by sole proprietors.

The government agency and three consumer groups, in contrast, all supported the proposed changes to Schedule RI. The agency said the new data would aid estimation of consumer consumption. Two consumer groups commented that the data would aid regulators in monitoring and ensuring safety and soundness, and all three consumer groups commented that the data was important for consumer protection, including identifying and alleviating ''abusive'' practices. Two consumer groups proposed that the agencies collect these data from all banks.

After considering the comments on their proposal, the agencies are proposing to proceed with implementing changes to Schedule RI to require institutions to distinguish overdraft-related, periodic maintenance, and ATM fees from other service charges on deposit accounts as originally proposed in the February 2013 notice. However, the agencies would defer the effective date of these changes until March 2015, exempt institutions with less than $1 billion in total assets from these new requirements,[16] and clarify the draft Call

[15] Such service charges are reported in Schedule RI, item 5.l, ''Other noninterest income,'' not in Schedule RI, item 5.b, ''Service charges on deposit accounts (in domestic offices).''

[16] As with the proposed consumer deposit balances reporting requirement, the determination as to whether an institution has $1 billion or more

Continued

Report instructions for these proposed new items to address some of the comments raised.

As is true with respect to the modification to report consumer deposit account balances, the FFIEC and the agencies believe that as adopted, the collection of disaggregated deposit service charge data is both appropriate for and consistent with the purpose and history of the Call Report. In addition, as noted earlier, the agencies believe that it is both appropriate and consistent with prior practice to collect data that serves public purposes other than or in addition to safety and soundness. Also as discussed above, the Call Report of the FFIEC and the agencies does not extend to entities other than reporting institutions supervised by the Board, the FDIC, and the OCC.

The data collected through this change to the Call Report would help the agencies and the Bureau better monitor the types of transactional costs borne by consumers. Data specific to consumer overdraft-related fees is particularly pertinent for supervisors and policymakers in part because of concerns about the harm such fees may impose on some depositors. Furthermore, as explained in the discussion of the modification to the Call Report regarding consumer deposit account balances, the FFIEC and the agencies disagree with the bankers' associations' suggestion that the Bureau's participation in the FFIEC makes this addition to the Call Report improper.

The FFIEC and the agencies also disagree with the suggestion that the proposed fee data may not be sufficient to inform policy unless the data were netted against expenses related to deposit generation. Schedule RI, item 5.b, currently requires reporting of revenues only. Institutions currently report expenses separately; the new fee reporting requirement would not affect the reporting of expenses.

The agencies confirmed with the deposit platform managers for three major core processing service providers that the systems used by many institutions today are already capable of supporting the tracking and reporting of deposit fees by fee-type and are already capable or could be made capable of supporting the tracking and reporting of deposit fees by depositor-type. Still, the FFIEC and the agencies appreciate that some institutions may require time to make changes to reporting systems to meet the proposed new reporting requirements and appreciate the challenges that would be imposed if a new year-to-date reporting requirement were to be implemented midyear. As a result, the agencies are proposing to postpone implementation of these reporting requirements from June 30, 2013, as proposed in their February 2013 **Federal Register** notice, until March 31, 2015.

The agencies are also now proposing to exempt institutions with total assets less than $1 billion from these reporting requirements at this time. This $1 billion threshold is proposed to limit the incremental cost and burden of reporting consumer deposit account service charge income to institutions whose total assets place them above the size level commonly used to distinguish community institutions from other institutions. Although the proposed threshold would exempt a substantial percentage of institutions from reporting disaggregated deposit fee data, fee data from institutions with $1 billion or more in total assets will still yield broad marketplace insight and assist examiners in assessments of the earnings stability of these institutions.

The draft Call Report instructions for these proposed new items would be revised to respond to questions generated by the proposal. Specifically, the revised draft instructions would clarify that this new requirement would neither affect nor overlap with the current instructions for Schedule RI, item 5.l, ''Other noninterest income.'' Institutions currently report debit card interchange income and ATM fees collected from persons accessing deposit accounts held by other institutions in item 5.l and would continue to do so. As noted in the original proposal, only those ATM fees assessed by the reporting institution against its consumer deposit account customers and currently reported in Schedule RI, item 5.b, would be reported in new Memorandum item 15.c. The draft instructions for Memorandum item 15.c would be amended to clarify that reporting institutions should include fees they levy on transactions conducted by institution-maintained deposit accounts through ATMs owned by third-party non-bank ATM operators as well.

The agencies also acknowledge that some institutions charge a fixed monthly or other periodic fee on deposit accounts that cannot be waived by meeting a balance or other requirement. The agencies further acknowledge that some institutions may charge recurring account maintenance fees on a quarterly or other basis. Consequently, the agencies would modify Memorandum item 15.b to encompass all periodic maintenance fees, including monthly maintenance fees. As also noted in the original proposal, these fees should be reported in new Memorandum item 15.b.

In addition, the instructional clarifications described in the preceding section of this notice on consumer deposit account balances explaining that an institution is not required to review the post-opening status or usage of an account after a customer has opened a consumer deposit product account with the institution also would apply to proposed new Memorandum item 15. Accordingly, when reporting consumer deposit service charges, an institution is not required to identify those individual accounts within the population of a particular consumer deposit product that are not being used for personal, household, or family purposes and remove any service charges levied against these accounts from the total amounts of overdraft-related, periodic maintenance, and customer ATM fees charged to customer accounts within that consumer deposit product.

Finally, the FFIEC and the agencies do not believe that the data that would be collected as part of the new Memorandum item 15 in Schedule RI need be kept confidential. The agencies believe that, as currently proposed, Memorandum item 15 is consistent with the type and level of detail captured by a number of other existing Call Report Schedule RI items. The agencies further believe that the combination of the current reporting structure and the itemized fee schedules that institutions disclose today does not yield the same information and insight as would be achieved via this new reporting requirement as the former two items do not provide any sense of volume by type of fee.

V. Remittance Transfers

The agencies proposed to add a new item 16 to Schedule RC–M, Memoranda, to collect data regarding certain international transfers of funds. The new item would include multiple choice questions directed to all institutions regarding their participation in the remittance transfer market and seek additional information from those institutions that provided more than 100 remittance transfers in the prior calendar year or expect to provide more than 100 remittance transfers in the current calendar year. The additional information would cover payment systems, the number and dollar value of

in total assets generally is measured as of June 30 of the previous calendar year. See pages 3 and 4 of the General Instructions section of the Call Report instructions for guidance on shifts in reporting status.

transfers sent, and the use of a certain regulatory exception.

The agencies' proposal was related to section 1073 of the Dodd-Frank Act, which amended the Electronic Fund Transfer Act (EFTA) to create a consumer protection regime for remittance transfers, *i.e.,* certain electronic transfers of funds requested by consumer senders to designated recipients abroad that are sent by remittance transfer providers. To implement the Dodd-Frank Act's remittance transfer requirements, the Bureau issued rules that were set to take effect on February 7, 2013, but were then amended and took effect on October 28, 2013. *See* 78 FR 49365 (Aug. 14, 2013); 78 FR 30662 (May 22, 2013); 77 FR 50244 (Aug. 20, 2012); 77 FR 40459 (July 10, 2012); 77 FR 6194 (Feb. 7, 2012) (collectively, ''remittance transfer rule'').

The remittance transfer rule applies only to entities that offer remittance transfers in the normal course of their business and that are thus deemed ''remittance transfer providers.'' The remittance transfer rule includes a safe harbor under which a person, including an insured depository institution, that provided 100 or fewer remittance transfers in the previous calendar year and provides 100 or fewer remittance transfers in the current calendar year is deemed not to provide remittance transfers in the normal course of its business and thus is not subject to the Dodd-Frank Act requirements. *See generally* 12 CFR 1005.30(e) (defining ''remittance transfer''); 12 CFR 1005.30(f) (defining ''remittance transfer provider''). Furthermore, section 1073 of the Dodd-Frank Act provides insured banks, savings associations, and credit unions a temporary exception under which they may provide estimates for certain disclosures in some instances. The exception expires five years after the enactment of the Dodd-Frank Act, *i.e.,* on July 21, 2015. If the Bureau determines that expiration of this ''temporary exception'' would negatively affect the ability of insured institutions to send remittances to foreign countries, the Bureau may extend the exception to not longer than 10 years after enactment of the Dodd-Frank Act. *See* 15 U.S.C. 1693o–1(a)(4)(B); *see also* 77 FR 6194, 6243 (Feb. 7, 2012).

In the February 2013 **Federal Register** notice proposing revisions to the Call Report, the agencies explained that the available data regarding the transactions and institutions covered by section 1073 of the Dodd-Frank Act are very limited. The agencies stated that the lack of comprehensive reliable data regarding remittance transfers by institutions could restrict the agencies' and the Bureau's abilities to provide supervisory oversight and to monitor important industry trends. For example, the agencies acknowledged that some industry participants and industry associations had suggested that the Dodd-Frank Act's remittance transfer requirements, as implemented through the remittance transfer rule at that time, might cause some institutions to change or stop providing remittance transfer services. Changes to remittance transfer services could affect individual institutions' compliance requirements and have an impact on the nature and scope of services available to consumers who want to send money abroad. However, the FFIEC and the agencies do not know of any comprehensive data source that will provide information on whether or not these changes take place.

The agencies stated that the new item regarding remittance transfers could facilitate monitoring of market entry and exit, which would improve understanding of the consumer payments landscape generally, and facilitate evaluation of the remittance transfer rule's impact. The agencies also explained that data regarding the services offered and systems used by individual institutions could enable the FFIEC and the agencies to refine supervisory procedures and policies. Finally, the agencies stated that the proposed new item would help inform any later policy decisions regarding remittance transfers and activities regarding remittance transfers that are mandated by section 1073 of the Dodd-Frank Act.

The agencies proposed that new item 16 be introduced to Schedule RC–M in the second quarter of 2013 but also stated that they would consider a later implementation date in light of a Bureau proposal to change the effective date of the remittance transfer rule. The proposal was pending at the time of the agencies' February 2013 notice and has since been finalized. *See* 78 FR 30662 (May 22, 2013); 77 FR 77188 (Dec. 31, 2012).

The agencies received six comments on proposed item 16: two from sets of bankers' associations, one from a financial holding company, and three from consumer groups. Three bankers' associations submitted a combined comment letter; these same three bankers' associations also submitted a second combined letter with two other bankers' associations. The five bankers' associations stated that they generally support the collection of data that would provide information regarding the impact of the remittance transfer rule but suggested that some or all of proposed item 16 is better suited to a separate data collection. They also proposed modifications to, and requested delay of, the proposed new item. Three bankers' associations objected to the purpose of proposed item 16 and asked the agencies to withdraw the proposal and engage in further outreach, including with community bank advisory councils. The financial holding company also sought delay of the new item, commented that the proposed new item sought too much detail, and expressed concern about the time and resources that would be required to change systems to report the requested data. The consumer groups generally supported proposed item 16 and suggested an additional subitem. The discussion below first addresses the general comments received about proposed item 16. The discussion then addresses comments specific to proposed subitems.

Proposed Schedule RC–M, Item 16, Generally

The five bankers' associations agreed with the agencies' assessment of the lack of available data regarding remittance transfers and stated support for the collection of data regarding the impact of the remittance transfer rule. However, the associations recommended that such data be collected through a separate mandatory survey (or set of surveys). The associations argued that a separate collection is appropriate because the Call Report does not apply to all providers of remittance transfers, such as non-depository money transmitters or branches of foreign institutions, and because institutions might not be able to attest to the proposed volume, dollar value, and temporary exception data for some time due to the need to build new reporting systems and test the relevant data. The associations also argued that quarterly collection was not necessary to identify market trends and that less frequent collection would suffice.

Separately, the three bankers' associations similarly commented that the agencies should withdraw the proposed item because the Call Report does not apply to all companies that provide remittance transfers, and thus cannot provide a complete picture of market trends. The three associations also expressed concern that the proposed item 16 would disproportionately affect banks, and could lead to both an incomplete picture of the market and inadequate policies for banks. As with the proposed collections regarding deposit balances and fees, the three associations

questioned what they perceived as the Bureau's participation in a safety and soundness data collection. Further, these associations characterized proposed item 16 as a departure from standard Call Report practice. The associations questioned the agencies' authority to propose item 16 due to its focus on consumer utilization of payment systems and because item 16 might serve policy purposes other than the safety and soundness of the respondent institutions. They also stated that non-financial data was not appropriate for the Call Report, due to the requirement for attestation to Call Report submissions. They stated that the departments that generally validate non-financial data may be different from those that validate financial data.

In the combined letter from three bankers' associations, one association also stated a general concern that it might be preferable to keep confidential reporting of finely disaggregated data. However, while the same association expressed in more detail its concerns about the collection of deposit fee data, the association did not describe any concern particular to the proposed collection regarding remittance transfers. Relatedly, in suggesting mandatory surveys separate from the Call Report, the five bankers' associations stated that they assumed that data in response to such surveys would be kept confidential, but did not explain why such data should be kept confidential or suggest that data fields included in the Call Report should be confidential.

In contrast, the three consumer groups generally supported the proposed data collection. One group stated that the proposed collection would assist regulators in their duties to identify and address problems and encouraged data collection from banks of all sizes. Another consumer group stated the proposed data would inform supervision related to the remittance transfer rule, aid evaluation of the impact of the rule, and help ensure security of transfers.

After considering the comments received, the agencies propose to add to Schedule RC–M a new item 16 regarding international remittance transfers, but in response to the comments received and as described in more detail below, propose to narrow the scope of the data collection, reduce its frequency to semiannual after the initial collection (and annual, for one subitem), and permit estimation of the requested figures. The new item would be effective as of the March 31, 2014, report date and would be collected semiannually thereafter as of each June 30 and December 31. As discussed in more detail below, the FFIEC and the agencies continue to believe that information regarding remittance transfers is important to inform activities related to the new remittance transfer rule, for which all of the agencies, as well as the Bureau, have related authority (15 U.S.C. 1693o). The data could also inform the implementation of other Dodd-Frank Act remittances-related mandates, which place requirements on the agencies (as well as other entities). *See* Dodd-Frank Act sections 1073(b), (c).[17] Furthermore, the FFIEC and the agencies believe that it is particularly important to support the Bureau's efforts to monitor the market regarding remittance transfers due to the lack of existing data and because of the difficulty of predicting the impact of the remittance transfer rule in a market that has previously been subject to little federal regulation and oversight. *See generally* Dodd-Frank Act sections 1021(c)(3) and 1022(c)(1) (regarding Bureau's market monitoring function).

The FFIEC and the agencies also believe that this collection is both appropriate for and consistent with the purpose of the Call Report. A separate, but also mandatory, survey of banks and savings associations could be more burdensome for institutions than additions to the Call Report, with which institutions are already familiar. Further, for the same reasons described above, the FFIEC and the agencies disagree with commenters' suggestion that the Bureau's participation in FFIEC makes any Call Report collection improper. Also for the reasons described above, it is appropriate for the Call Report to be used to collect consumer protection-related data. Finally, as noted earlier, the Call Report of the FFIEC and the agencies does not extend to entities other than reporting institutions supervised by the Board, the FDIC, and the OCC.

The FFIEC and the agencies do not share commenters' concern that collecting remittance transfer data would unfairly burden reporting institutions or could lead to policies that are inadequate. To the contrary, they believe that additional data regarding banks and savings associations can only lead to policymaking that is better informed, given the dearth of currently available information. Despite the importance of the temporary exception and other elements of the remittance transfer rule to banks and savings associations, far less is known about these institutions' remittance transfer businesses than is known about other providers of remittance transfers, many of which already report data similar to the information that proposed item 16 would produce.[18]

The FFIEC and the agencies note that in the non-depository segment of the market, the Financial Crimes Enforcement Network and many states publish online lists of non-depository registrants or licensees engaged in money transmission.[19] A number of state regulators also require non-depository money transmitters to submit reports that include information on the number and/or dollar value of money transfers or transmissions provided.[20] Additionally, the FDIC has surveyed consumers regarding their use of non-depository companies to make certain international transfers.[21]

Credit unions also report information related to remittance transfers. Prior to June 2013, the NCUA's Credit Union Profile Form had required credit unions to indicate whether or not they offered

[17] Dodd-Frank Act section 1073(b) mandates the Board to work with the Federal Reserve Banks and the Department of the Treasury to expand the use of the automated clearinghouse system and other payment mechanisms for remittance transfers. It also requires the Board to send a related report to Congress biennially for ten years. Section 1073(c) directs the federal banking agencies and the NCUA to provide guidelines to financial institutions regarding, among other things, the offering of low-cost remittance transfers. That section also directs the federal banking agencies, the NCUA, and the Bureau to help in the execution of a financial empowerment strategy as it relates to remittances.

[18] The Bureau has relied on sources of data regarding entities other than banks and savings associations that may be regulated by the new remittance transfer rule. In its rulemakings to implement section 1073 of the Dodd-Frank Act, the Bureau cited NCUA data to estimate the number of credit unions that offer remittance transfers, and cited state regulator data in its discussion of how many entities might qualify for the 100-transaction safe harbor. *See* 77 FR 50244, 50252, 50279–80 (Aug. 20, 2012).

[19] *See, e.g.,* Financial Crimes Enforcement Network, *MSB Registrant Search Web page, http://www.fincen.gov/financial_institutions/msb/msbstateselector.html.*

[20] *See, e.g.,* N.Y. Comp. Codes R. & Regs 3 § 406.10; State of Cal. Dep't of Business Oversight, *Call Report* (July 2013), *available at http://www.dbo.ca.gov/forms/tma/callreport.asp;* State of Fla. Office of Fin. Regulation, OFR–560–04, *Money Services Business Quarterly Report Form, available at http://www.flofr.com/staticpages/moneytransmitters.htm;* Ill. Dep't of Fin. & Prof'l Regulation, *Transmitters of Money Act (TOMA), Statistical Data Form* (updated Nov. 2012), *available at http://www.idfpr.com/DFI/CCD/ccd_renewal_forms.asp;* Tex. Dep't of Banking, *Money Transmission License Renewal Application 2013–2014, available at http://www.banking.state.tx.us/forms/forms.htm# msb.* Although the collected data may not match the regulatory definition of remittance transfers, combined with other information regarding state-regulated entities, it may be used to estimate the number of remittance transfers that entities send.

[21] *See generally* FDIC, *2011 FDIC National Survey of Unbanked and Underbanked* at 9 (2012).

international wires, low-cost wire transfers, or low value cross-border person-to-person transfers, which the NCUA had defined as international remittances. That form also sought information on the systems that credit unions used to process electronic payments generally, as well as the processes that members could use to initiate wire transfers.[22] In June 2013, credit unions began reporting on the NCUA's 5300 Call Report form the number of remittance transfers originated during the year to date.[23] In September 2013, the NCUA's Credit Union Profile Form was revised to add additional questions relevant to remittance transfers. As revised, the form continues to seek information about the systems used to process electronic payments and whether or not credit unions offer international wire transfers. The form also asks about the processes that members can use to initiate electronic payments generally and seeks new information about whether credit unions offer international automated clearing house (ACH) transfers, as well as whether credit unions offer particular types of remittance transfer services.[24]

The agencies recognize the concerns expressed by some commenters about institutions' ability to attest to accurate figures soon after the effective date of the remittance transfer rule. The agencies have delayed the proposed implementation of the new item to March 31, 2014, which is more than five months after the remittance transfer rule took effect. Furthermore, as discussed in more detail below, the agencies would permit reporting institutions to estimate all figures sought by item 16. This allowance for estimates should alleviate concerns regarding attestation, as the Call Report only requires attestation that the reports ''have been prepared in conformance with the instructions'' and are ''true and correct.'' In other words, institutions do not attest to the exact accuracy of figures in cases in which the instructions permit estimation.

The agencies further note that the reliance on operational data should not be a general bar to Call Report attestation. The questions seeking operational data are consistent with the existing Call Report form, which already includes items that would likely require institutions to draw on operational data. These items include Schedule RI, Memoranda item 5, regarding the number of full-time equivalent employees, Schedule RC–E, Memoranda items 1.c through 1.f, regarding the amount of brokered deposits and other deposits obtained through deposit listing services, and Schedule RC–L, items 11.a and 11.b, regarding year-to-date merchant credit card sales volume.

In response to the general comments received, the FFIEC and the agencies believe it is appropriate to continue to propose item 16.b as annual and generally to reduce the reporting frequency of the three other subitems in proposed item 16 (items 16.a, 16.c, and 16.d) from quarterly to semiannual. Items 16.a, 16.b, 16.c, and 16.d would all be collected as of March 31, 2014, on an initial basis. Items 16.a, 16.c, and 16.d would be collected semiannually thereafter as of each June 30 and December 31. Item 16.b would be collected annually thereafter as of each June 30. The FFIEC and the agencies recognize that there may be incremental effort associated with more frequent reporting, and agree with the bankers' associations' assessment that reporting institutions are unlikely to experience dramatic changes in their remittance transfer offerings from quarter to quarter.

To the extent that one bankers' association expressed a general concern regarding the public nature of the proposed new data items, the agencies do not believe the concern applies to item 16 in Schedule RC–M in the modified form in which the FFIEC and the agencies now propose to implement it. The FFIEC and the agencies believe that the data that would be collected by the new item 16 are sufficiently aggregated to not present any confidentiality concerns.

Subitems in Proposed Schedule RC–M, Item 16

In addition to commenting on proposed item 16, generally, the five bankers' associations, the financial holding company, and one consumer group commented on specific subitems within proposed item 16. Each subitem is discussed in turn below.

The agencies proposed item 16.a to include a one-time question and an ongoing quarterly question, both of which asked about the types of international transfer services the reporting institution offered to consumers. The proposed questions were structured in a multiple choice format, and the agencies sought comment on, among other things, the options listed. The five bankers' associations suggested that proposed questions only seek information regarding transfers that satisfy the regulatory definition of ''remittance transfer.'' The five associations also sought clarification of one of the multiple choice options, services that the agencies described as ''other proprietary services offered by the reporting institution.'' Furthermore, the associations suggested eliminating the proposed ''other'' category and replacing it with specific options, such as for online bill pay or prepaid card services, for clarity. The financial holding company suggested that the proposed detail would be burdensome, complex, and unnecessary.

The agencies propose to add to the Call Report the one-time question and the ongoing question largely as proposed previously. However, the ongoing question in item 16.a would be collected as of March 31, 2014, on an initial basis and semiannually thereafter as of each June 30 and December 31, rather than quarterly, as earlier proposed. The one-time and ongoing questions also would reflect several modifications and clarifications that respond to the comments received.

First, item 16.a would be narrowed to exclude transfers that are outside the scope of the remittance transfer rule. The revised draft instructions would direct institutions to focus on the regulatory definition of remittance transfer, as if it had been in effect during 2012, and to report only on whether they did offer or currently offer transfers to consumers that fall into two categories: (a) Those that are ''remittance transfers'' as defined by subpart B of Regulation E, or (b) those that would qualify as ''remittance transfers'' under subpart B of Regulation E but that are excluded from that definition only because the provider is not providing those transfers in the normal course of its business. *See generally* 12 CFR 1005.30(e) (defining ''remittance transfer''); 12 CFR 1005.30(f) (defining ''remittance transfer provider''). The draft instructions also would clarify that institutions should not consider transfers sent as a correspondent bank for other providers.

Second, the agencies would modify the options listed in the proposed one-time and ongoing questions in item 16.a. As modified, the options would include four of the categories proposed earlier: International wire transfers, international ACH transactions, other proprietary services operated by the reporting institution, and other proprietary services operated by another

[22] NCUA, *Credit Union Profile Form and Instructions: Second Quarter 2012* at 15, 18 (2012), *available at http://www.ncua.gov/DataApps/Documents/PF201206.pdf.*

[23] NCUA, *Changes to the NCUA 5300 Call Report Effective June 2013* at 1 (2013), *available at http://www.ncua.gov/DataApps/Documents/CRC201306.pdf.*

[24] NCUA, *Changes to the NCUA Form 4501A—Credit Union Profile Effective September 30, 2013,* available at *http://www.ncua.gov/DataApps/Documents/PC201309.pdf.*

party. The revised caption and draft instructions for item 16.a would reflect several clarifying changes, including that for international wire and international ACH transactions, institutions should only reflect services that they offer as a provider. Similarly, the revised caption and draft instructions for item 16.a would clarify that ''other proprietary services operated by the reporting institution'' are those services other than ACH and wire services for which the reporting institution is the remittance transfer provider (rather than, for example, an agent of another provider). The revised caption and draft instructions for this item would clarify that ''Other proprietary services operated by another party,'' in contrast, are those for which an entity other than the reporting institution is the provider. The reporting institution may be an agent, or similar type of business partner, that offers the services to the consumer. The proposed ''other'' option would be eliminated from item 16.a. The agencies believe that the prepaid card and online bill pay services that the five bankers' associations described can be considered ''other proprietary services.''

The agencies are proposing to add the new item 16.a, with these modifications, because they and the FFIEC continue to believe that both the one-time and the ongoing question in that subitem are critical to assess important public policy questions regarding participation in and potential exit from the remittance transfer market. In 2013, the Bureau published amendments to the remittance transfer rule that it stated could reduce the chance of entities exiting the market or reducing their services. *See* 78 FR 30662, 30696–98 (May 22, 2013). Still, the FFIEC and the agencies believe that the impact of the remittance transfer rule on market participation is uncertain; improved data could inform ongoing activities as well as monitoring by the Bureau.

At the same time, the FFIEC and the agencies appreciate commenters' concerns about the burden of reporting new data. They believe that the multiple choice structure of item 16.a minimizes the burden that would be associated with the one-time and ongoing questions. The agencies expect that their adoption of commenters' suggestion to narrow the scope of item 16.a would further simplify reporting. The FFIEC and the agencies anticipate that to ensure compliance with the remittance transfer rule, reporting institutions will likely seek to identify what types of remittance transfers they offer for reasons other than the Call Report.

Proposed item 16.b is an annual screening question as to whether reporting institutions expect to qualify for the 100-transfer safe harbor in the remittance transfer rule. A consumer group suggested that the subitem, or proposed item 16 generally, is important to inform regulators whether or not specific institutions are subject to the remittance transfer rule. The agencies agree that the subitem can be useful for assessing the application of the 100-transfer safe-harbor, for supervision and other purposes. The FFIEC and the agencies propose to implement the subitem largely as proposed earlier, asking whether the reporting institution provided more than 100 remittance transfers in the prior calendar year or expects to provide more than 100 remittance transfers in the current calendar year. Item 16.b would first be added on the March 31, 2014, Call Report, and then would be collected annually as of June 30, 2014, and each June 30 thereafter. The revised draft instructions would clarify that if an institution could answer ''yes'' to either of the options described in item 16.b, it should answer ''yes'' to the entire question. Also, the draft instructions would clarify that a transfer should be counted (or included in estimates) as of the date of the transfer, and that the estimation method used should be reasonable and supportable. Additionally, the draft instructions would clarify that institutions are only to count transfers for which they are the provider to the consumer. They should not count transfers offered as a correspondent or agent of another provider. Finally, the instructions would also clarify that, as with subitem 16.a, institutions are to count as remittance transfers (a) those that are ''remittance transfers'' as defined by subpart B of Regulation E, and (b) those that would qualify as ''remittance transfers'' under subpart B of Regulation E but that are excluded from that definition only because the provider is not providing those transfers in the normal course of its business. This instruction would also be consistent with Regulation E's comment 30(f)–2.ii. That comment explains that for purposes of determining whether the 100-transfer safe harbor applies, entities are to include any transfers excluded from the definition of ''remittance transfer'' due simply to the safe harbor.

Items 16.c and 16.d, as earlier proposed, would seek additional data from the subset of reporting institutions that answer ''yes'' to the screening question regarding the 100-transfer threshold. Specifically, the two subitems would ask reporting institutions about their use of certain payment, messaging, or settlement systems for international wire and international ACH transactions, the two types of transfers that the FFIEC and the agencies believe currently account for the great majority of remittance transfers sent by reporting institutions. The agencies sought comment on, among other things, whether the listed categories were appropriate.

No commenter addressed the proposed categories listed in these subitems. However, the five bankers' associations stated that the question could be confusing as institutions may use several different mechanisms in carrying out international payments, and suggested that the questions use the term ''initiates'' as opposed to ''process'' for clarity. One consumer group commented that information on settlement systems is important to ensuring the security of international transfers.

In recognition of institutions' efforts to modify their systems regarding remittance transfers, and to minimize the number of new remittance-related items being added at this time, the agencies are withdrawing the proposed subitems regarding the use of payment, messaging, or settlement systems. The agencies may consider whether it is appropriate to add these questions at some later date.

However, the agencies propose to add a new item 16.c to ask institutions to identify among three of the options listed in item 16.a.(2), which method the institution estimates accounts for the largest number of the institution's remittance transfers. The same definitions and limitations that would apply to item 16.a, as revised, would apply to the new item 16.c. Only the three methods listed in item 16.a, as revised, for which the institution is the provider would be covered by the question in new item 16.c (international wire transfers (item 16.a.(2)(a)), international ACH transactions (item 16.a.(2)(b)), and other proprietary services operated by the institution (item 16.a.(2)(c))). Furthermore, only institutions that respond ''yes'' to the screening question in item 16.b would be required to respond to new item 16.c. The draft instructions would state that institutions should use reasonable and supportable estimation methodologies to respond to item 16.c. The draft instructions would also state that as with proposed item 16.b, a transfer should be counted (or reflected in estimates) on the date of the transfer. Consistent with proposed item 16.a, as revised, item 16.c would be collected as

of March 31, 2014, on an initial basis and semiannually thereafter as of each June 30 and December 31. As revised, the proposed subitem would generally seek data regarding the two quarters ending on the semiannual report date. However, because the remittance transfer rule only took effect on October 28, 2013, the March 31, 2014, Call Report would seek data regarding only the period from October 28, 2013, through December 31, 2013.

The agencies expect that this new question would reduce further the burden of responding to item 16. As explained in more detail below, this new question would replace the service-by-service volume data that would have been required under item 16.e as proposed earlier. The FFIEC and the agencies expect that the new question would produce relevant data, with less effort by reporting institutions.

The final proposed item, 16.e, would also be limited to the subset of reporting institutions that answer ''yes'' to the screening question. As earlier proposed, this subitem would seek quarterly information on the number and dollar value of remittance transfers provided, and the frequency with which a reporting institution used the temporary exception in the remittance transfer rule for insured institutions. The agencies proposed to collect the number, dollar value, and temporary exception information in categories, according to the types of transfers that the reporting institutions offered. Specifically, the agencies proposed that these categories correspond to the categories in the proposed item 16.a questions regarding the reporting institutions' market participation. The agencies sought comment on, among other things, the feasibility of estimating number and dollar value figures; the date by which institutions may be able to provide actual figures; and the benefits or costs of various estimation methodologies or alternative approaches, such as reporting of numbers of transfers within ranges. The agencies also sought comment on the scope of transactions to be included in any reporting of the number and dollar value of transfers, as well as the inclusion of various categories of transfers.

The five bankers' associations asked that reporting on the number and dollar value of transfers and the temporary exception be limited to transactions provided by the reporting institutions in their capacity as remittance transfer providers, rather than as agents or correspondents of other providers. The associations stated that such a limitation would make the proposed reporting more manageable. They expressed concern that institutions acting as correspondents or international gateway institutions might not be able to identify which transfers are remittance transfers. Similarly, they expressed concern about the difficulty of knowing whether the temporary exception is used in instances in which the reporting institution is not the provider. The associations also argued that providers, rather than institutions acting as their agents, are in the best position to report the number and dollar value of their transfers, and that requiring institutions acting as agents to report these figures could lead to double-counting.

The financial holding company also addressed proposed item 16.e, regarding the number and dollar value of transfers, as well as the use of the temporary exception. The company stated that information regarding the dollar value of transfers was unnecessary and that requiring the data to be reported by the type of service provided would be costly. The company stated that a single estimate of the number of remittance transfers sent would be sufficient to monitor compliance with the remittance transfer rule and inform any evaluation of the 100-transaction safe harbor in the remittance transfer rule. The company suggested that requiring additional data might lead regional and community banks to stop sending remittance transfers.

The agencies are revising and renumbering proposed item 16.e. They propose to implement it as item 16.d, seeking information regarding the number and dollar value of remittance transfers provided, as well as the use of the temporary exception. The subitem would be narrowed to seek only single totals regarding the number and dollar value of transfers, and the use of the temporary exception, rather than figures disaggregated by the type of transfer provided. Furthermore, the subitem would only seek data regarding transfers for which the reporting institution is the provider. In other words, it would not seek data regarding transactions for which a reporting institution is a correspondent bank or agent, and another entity is the provider. The draft instructions would be revised to state that, similar to the other elements of item 16, item 16.d would seek information only about transfers that (a) are ''remittance transfers'' as defined by subpart B of Regulation E, or (b) would qualify as ''remittance transfers'' under subpart B of Regulation E but that are excluded from that definition only because the provider is not providing those transfers in the normal course of its business. The draft instructions would also state that as with proposed item 16.b, a transfer should be counted (or reflected in estimates) on the date of the transfer.

Proposed item 16.d would also be revised to permit responding institutions to estimate reported amounts. The draft instructions would clarify that reporting institutions should use reasonable and supportable methods to provide such estimates. Finally, consistent with proposed items 16.a and 16.c, as revised, proposed item 16.d would be collected as of March 31, 2014, on an initial basis and semiannually thereafter as of each June 30 and December 31 and generally would seek data regarding the two quarters ending on the semiannual report date. However, because the remittance transfer rule only took effect on October 28, 2013, the March 31, 2014, Call Report would seek data regarding only the period from October 28, 2013, through December 31, 2013.

The FFIEC and the agencies are proposing to implement item 16.d, as revised, because they continue to believe that the data regarding the number and dollar value of remittance transfers and the use of the temporary exception would assist in their supervisory responsibilities for their institutions that conduct these transactions and serve important public purposes. Currently, there is no data from which the agencies or the Bureau can estimate, with any reasonable degree of confidence, the portion of the remittance transfer market covered by banks and savings associations, collectively or individually. Nor do they know about the participation of reporting institutions in various segments of the market, such as the segment of very large wire transfers and those of more modest sizes. The new information would significantly improve the ability of the agencies and the FFIEC to understand these basic characteristics of the market. Improved basic data can, in turn, help the agencies (as well as the Bureau) appropriately design ongoing activities regarding remittance transfers, including those mandated under section 1073 of the Dodd-Frank Act. As the agencies explained in the February 2013 **Federal Register** notice, data regarding the number of institutions' remittance transfers can also contribute to monitoring of the Bureau's 100-transfer safe harbor.[25]

[25] In response to industry commenters' suggestion that the Bureau commit to reevaluating the safe harbor threshold, the Bureau stated that it intended to monitor it over time. 77 FR 50244, 50252 (Aug. 20, 2012). Thus, the number of transfers used as the

Continued

The agencies also believe data regarding insured institutions' activities in the remittances market may inform any later analysis related to the remittance rule's temporary exception for these institutions.

In addition, the agencies are narrowing item 16.d to seek only total figures in response to the comments received and to limit the burden on reporting institutions. The agencies recognize that if remittance transfer reporting systems are still developing, a requirement to report disaggregated data may be burdensome. The agencies believe that the question in new item 16.c, regarding the principal method of international transfers, would ensure that the agencies have some information about the relative concentration or share of different types of remittance transfer services. At the same time, the indication of a principal method would require less of reporting institutions than the proposed disaggregation of volume figures.

The other changes to proposed item 16.d are motivated by similar concerns. The agencies propose to revise the subitem to seek only figures regarding transfers for which the reporting institution is the provider in order to reduce confusion among reporting institutions and for consistency among the various parts of new item 16 in Schedule RC–M. The agencies did not originally intend to seek data regarding transfers provided by reporting institutions acting as correspondents for other providers. As revised, the item would also not require reporting regarding transfers provided as an agent of another provider, such as a state-licensed money transmitter.

Similarly, the FFIEC and the agencies believe that it is appropriate to permit reporting institutions to estimate the figures provided in response to item 16.d in light of the newness of the remittance transfer rule and the possibility that institutions may be continuing to develop their reporting systems. This allowance for estimation is consistent with other elements of the Call Report (such as Schedule RC–E, Memorandum item 1.f, and Schedule RC–O, Memorandum item 2, which are described as seeking estimates, and Schedule RC–C, part II, for which the instructions describe circumstances in which estimates can be used). Even if there were no requirement to report information on remittance transfers in the Call Report, the FFIEC and the agencies expect that to implement the requirements of the remittance transfer rule itself, reporting institutions will generally develop methods to distinguish remittance transfers from their other international transactions, such as corporate wires. These methods may include describing remittance transfers as such in the payment messages used to send them, or designating remittance transfers as such in the software that an institution uses to process them, in order to ensure proper handling in accordance with the rule. As a result, the FFIEC and the agencies believe that by March 31, 2014, institutions will have available, or will be able to develop with limited effort, reasonable and supportable mechanisms to estimate the number and dollar value of remittance transfers provided. These estimation mechanisms may be varied. For example, reporting institutions whose software systems automatically count the number of remittance disclosures provided could run reports from those sources. Other reporting institutions might, for example, sample the transfers provided during a representative month. If an institution's use of the temporary exception is based on the destination country for a transfer, the institution could base its estimates regarding use of that exception on the frequency with which it sends consumer transfers to certain countries. Alternatively, if reporting institutions charge their customers identifiable and consistent fees for remittance transfers, they might identify remittance transfers by generating fee reports for accounts they estimate would send remittance transfers.

The agencies would not require estimation to two significant digits, as was earlier proposed, in order to provide reporting institutions additional flexibility. As a result, for example: Though the report form would provide a space for institutions to report the dollar volume of transfers provided in thousands of dollars, institutions that provide millions of dollars of remittance transfers would only need to estimate the volume in millions of dollars. The FFIEC and the agencies believe that as such, the estimation requirement would also be less burdensome on reporting institutions than the other alternative suggested in the February 2013 **Federal Register** notice: To report the number and dollar value of remittance transfers within ranges. Identifying an applicable range could require a reporting institution to know the actual number and dollar value of remittances provided with greater accuracy than would be required for estimation. Furthermore, the FFIEC and the agencies do not yet have enough information about the range of volumes provided by reporting institutions to gauge appropriate ranges. The FFIEC and the agencies will continue to monitor, over time, the development of mechanisms to count the number of remittance transfers, as well as the quality of the estimates reported, to understand whether more accurate figures may be possible and needed at some later date.

One consumer group suggested adding a new item regarding the number of remittance transfers that do not reach designated recipients. The group explained its concern that remittance transfer providers are in a better place than consumers to bear any loss associated with such transfers, and that the remittance transfer rule inappropriately requires consumers to bear these losses in certain circumstances.

The agencies are not adopting the suggested new item. The FFIEC and the agencies appreciate that the treatment of misdirected transfers is an important aspect of the Bureau's remittance transfer rule. *See generally* 78 FR 30662, 30682–87 (May 22, 2013). However, the FFIEC and the agencies do not believe that reporting institutions can necessarily know with certainty how often a remittance transfer does not, in fact, reach the designated recipient; at most the reporting institutions will know how often they receive claims of such misdirection and the results of their investigations with respect to such claims. Given this, the FFIEC and the agencies do not believe that it is appropriate to use the Call Report to collect data with respect to this issue at this time.

The agencies proposed to add new item 16 to Call Report Schedule RC–M in the second quarter of 2013. The bankers' associations and financial holding company suggested that some or all of proposed item 16 be delayed, due to the time needed to create reporting mechanisms and the uncertainty about the effective date of the remittance transfer rule, which was not set at the time when comments were submitted. The five bankers' associations suggested that any reporting regarding the number and dollar value of remittance transfers, as well as use of the temporary exception, be added to the Call Report at least three quarters after the effective date of the remittance transfer rule. The associations further suggested that comments regarding these aspects of the proposed data collection be accepted until two quarters after that effective

basis for responding to the question in new item 16.b would reflect the safe harbor threshold in effect on the report date and, accordingly, would be revised in response to any change the Bureau were to make to the safe harbor threshold.

date. Similarly, the three bankers' associations, writing before the new effective date for the remittance rule was announced by the Bureau, stated that because they expected final rules would be released close to June 30, 2013, institutions would be unable to comply with the proposed new requirements by June 30, 2013. The financial holding company suggested that proposed item 16 be delayed until late 2013.

As mentioned above, the agencies propose to add item 16 to Call Report Schedule RC–M on March 31, 2014. After the end of the period to comment on the agencies' February 2013 notice, the Bureau finalized pending amendments to the remittance transfer rule and designated October 28, 2013, as the rule's effective date. *See* 78 FR 30662 (May 22, 2013). The FFIEC and the agencies acknowledge that the initial reporting date of March 31, 2014, is less than the five associations' suggested three quarters after the remittance transfer rule's effective date. However, the FFIEC and the agencies do not believe it is appropriate to delay the implementation of item 16 any further. The agencies' obligations and authorities regarding remittance transfers have already begun. The FFIEC and the agencies anticipate that the changes reflected in proposed item 16, as described in this notice, would significantly reduce any difficulty associated with responding to the new questions such that initial reporting by institutions as of March 31, 2014, would be both reasonable and feasible.

VI. Depository Institution Trade Names

In the February 2013 **Federal Register** notice, the agencies proposed to supplement the reporting of the Uniform Resource Locator (URL) of each institution's primary Internet Web site address, which has been collected for more than ten years in item 8 of Call Report Schedule RC–M, Memoranda, by having the institution report any other trade names it uses. More specifically, the agencies proposed to add text fields to this Schedule RC–M item in which an institution that uses one or more trade names to identify branch offices and Internet Web sites would report all trade names (other than its legal title) used by these physical locations and the URLs for all public-facing Web site addresses affiliated with the institution.

This reporting proposal addressed the agencies' recognition that, although there may be valid business reasons for an FDIC-insured institution to operate under one or more trade names, this practice can confuse customers as to the insured status of the institution as well as the legal name of the insured institution that holds their deposits. Customers, for example, could inadvertently exceed the deposit insurance limits if they do business with two different branches or Web sites that are, in fact, not separately insured, but rather are affiliated with the same FDIC-insured depository institution and thus subject to a single deposit insurance limit. Furthermore, customers risk monetary losses if they deal with fraudulent Web sites using trade names that purport to be insured depository institutions because customers cannot confirm whether the Web sites are, in fact, affiliated with an insured institution via the FDIC's publicly available Institution Directory or BankFind systems.

The agencies' Interagency Statement on Branch Names, issued in 1998, describes measures an insured institution should take to guard against customer confusion about the identity of the institution or the extent of FDIC insurance coverage if the institution ''intends to use a different name for a branch or other facility'' or ''over a computer network such as the Internet.'' [26] However, this guidance did not require institutions to inform customers of their legal identity nor did it establish a formal notification requirement for the trade names an institution uses.

As the agency that insures deposits in banks and savings associations, the FDIC regularly receives inquiries from the public about whether a particular institution, as identified by the name on its physical facilities, in print or other traditional media advertisements, or on Internet Web sites, represents an insured depository institution. The FDIC has found that many institutions commonly have multiple Web sites and that Web sites operated by insured institutions often do not clearly state the institution's legal (chartered) name. Moreover, because insured institutions at present are not required to report the multiple trade names that they use, including Internet Web sites other than their primary Web site, the FDIC's publicly available databases that identify insured institutions do not include trade name data that links the trade names to a specific insured institution and its deposit insurance certificate number. As a consequence, the FDIC is unable to effectively serve as an information resource for depositors and the public concerning the insured status of a physical branch office that uses a trade name rather than the legal name of an insured institution or an Internet Web site address other than the institution's primary address. Although the FDIC researches trade names and collects trade name information in response to inquiries from the public, this information is incomplete, lags behind the creation of new trade names, and depends on inquiries from the public to identify previously unknown trade names.

In the absence of complete and current information on trade names used by depository institutions, the agencies proposed that an institution using one or more trade names to identify Internet Web sites and branch offices should report the URLs for all public-facing Web sites affiliated with the institution in new item 8.b of Schedule RC–M and all trade names (other than its legal title) used by these physical locations in new item 8.c.[27]

The agencies received comments from three bankers' associations on the proposed collection of institutions' trade names. In their joint comment letter, the associations ''urge[d] the Agencies to take this structural as opposed to financial data out of the Call Report.'' While acknowledging this request, the FDIC believes the Call Report currently represents the most comprehensive, efficient, and uniform manner in which to gather information from depository institutions on the trade names they use.[28] Creating a separate reporting process or mechanism for such structural data outside the Call Report under which, for example, trade name information should be reported when the use of a new name is initiated may not necessarily generate a comprehensive database of names and may tend to be overlooked or result in delayed submissions by institutions that infrequently initiate the use of a new name. The FDIC's Summary of Deposits (OMB No. 3064–0061) is an annual survey that contains structural data, but adding a trade name reporting requirement to this survey would result in less timely information than would be achieved through the use of the quarterly Call Report for the collection of trade names. Moreover, as previously mentioned, insured depository institutions already provide structural

[26] *http://www.fdic.gov/news/news/financial/1998/fil9846b.html.*

[27] Existing item 8 of Schedule RC–M, ''Primary Internet Web site address of the bank (home page), if any,'' would be renumbered as item 8.a.

[28] The OCC's regulation for bank operating subsidiaries, 12 CFR 5.34(e)(7)(ii)(B), requires a depository institution to submit annually a report including any trade names used by that operating subsidiary, which are then posted in a publicly accessible database at *www.helpwithmybank.gov*. The OCC's collection is unaffected by this proposal, as operating subsidiaries may or may not solicit deposits.

data in the Call Report because they have long reported their primary Internet Web site address in the Call Report.

The associations also noted that the proposed trade name ''information may benefit some customers but will also provide more detailed information to criminals (e.g. phishers).'' However, the collection of all of an insured depository institution's trade names, including names used on physical locations and in Internet Web site addresses, and the publication of this information by the FDIC should hinder criminal activity since depositors as well as the general public would be able to readily identify the legitimate names used by an insured depository institution.

For example, assume an FDIC-insured depository institution uses trade names in two separate Internet Web site addresses, both of which have been reported to the agencies in its Call Report. If a phisher established a Web site using a variation of one of the institution's two trade names and attempted to link this fraudulent and fictitious entity with the institution, a customer could confirm with the FDIC that the variation of the trade name is not legitimately associated with the institution. Therefore, assuming insured depository institutions that solicit deposits have reported the trade names they use on branch offices and in Internet Web site addresses, if a phisher uses a name that is not readily available by searching the FDIC's publicly available database, a depositor could more easily discern between legitimate and fraudulent offers.

The associations further observed that ''[p]roviding more detail about Web site addresses used by a depository institution as well as trade names used to identify physical branch offices may address concerns regarding the completeness of information available to the FDIC as well as the public.'' However, they then expressed concern that ''the quarterly collection of this information will be insufficient to eliminate the lag in identifying new information.'' The collection of Web site addresses and trade names used by insured depository institutions is intended to address concerns raised by depositors and customers regarding the status of entities purporting to be insured by the FDIC. Furthermore, collecting this information quarterly through the Call Report is an improvement over the current system where information regarding trade names and Internet Web site addresses is not collected at all or is done in an ad hoc manner. Nevertheless, absent a requirement for an insured depository institution to report immediately to its primary federal regulator or the FDIC any new trade name or Internet Web site address to be used in connection with soliciting deposits, the agencies acknowledge that will not eliminate the lag in public access to newly inaugurated trade names and Web site addresses.[29] Standardizing the collection of all names and Web sites used by insured depository institutions in the solicitation of deposits is consistent with one of the primary goals of the FDIC: providing accurate and complete information to depositors and the general public on the insured status of entities identifying themselves as FDIC-insured depository institutions. Thus, public availability of trade names and Internet Web site addresses should tend to benefit insured depository institutions because, for example, a potential depositor who visits a Web site of an entity that purports to be an FDIC-insured institution, but cannot readily confirm the legitimacy of the Web site address from the FDIC's publicly available Institution Directory or BankFind systems, may decide not to deposit funds at that institution.

Finally, the associations responded to the request the agencies made in the February 2013 **Federal Register** notice asking for comment on the clarity of the circumstances in which institutions would report Internet Web site addresses and trade names in proposed new items 8.b and 8.c of Schedule RC–M. They noted that some institutions have numerous subsidiaries and non-bank affiliates and questioned whether the trade names used by these entities' physical offices and Web sites should be reported in Schedule RC–M. From the agencies' perspective, the primary reason for the proposed trade name data collection is to ensure that accurate information is available to consumers who deposit funds at FDIC-insured depository institutions. Without this information available to the FDIC, when a depositor contacts the FDIC, the FDIC cannot confirm whether a particular trade name used for a branch office or an Internet Web site address is associated with a particular insured depository institution. Accordingly, the trade name information an insured depository institution reports in Schedule RC–M, item 8, should cover all names, other than the institution's legal name, of physical locations and the URLs for all public-facing Internet Web sites that the institution uses to accept or solicit deposits from the public. Thus, trade names used by physical offices of an institution and URLs of its own Internet Web sites that do not accept or solicit deposits from the public should not be reported in Schedule RC–M. The institution also should not report the physical office trade names or Internet Web site addresses of any non-bank affiliates or subsidiaries that do not accept or solicit deposits from the public on behalf of the institution.

After considering the comments received, the agencies plan to implement the proposed Schedule RC–M items on trade names and Internet Web site addresses effective March 31, 2014, but with revisions to the draft instructions to address the associations' comments about the clarity of the reporting requirements. In this regard, when reporting the URLs for an institution's public-facing Web sites used to accept or solicit deposits, only the highest level URLs should be reported. In addition, when an institution uses multiple top level domain names (e.g., .com, .net, and .biz), it should separately report URLs that are otherwise the same except for the top level domain name.

For example, an institution with a legal title of XYZ Bank currently reports in the Call Report that its primary Internet Web site address is *www.xyzbank.com.* The bank also solicits deposits using the Web site address ''*www.safeandsoundbank.com*'' and provides more specific deposit information at ''*www.safeandsoundbank.com/checking*'' and ''*www.safeandsoundbank.com/CDs.*'' Only the first of these three URLs would be reported in proposed item 8.b of Schedule RC–M. Continuing with this example, XYZ Bank also uses the Web site address ''*www.xyzbank.biz*'' in the solicitation of deposits and it would report this URL in proposed item 8.b.[30] Finally, XYZ Bank operates a Web site for which the address is ''*www.xyzautoloans.com.*'' This Web site does not accept or solicit deposits and its URL would not be reported in proposed item 8.b.

XYZ Bank operates one or more branch offices under the trade name of

[29] As an interim measure before filing its next Call Report, an institution could choose to notify the FDIC of a newly inaugurated trade name or Internet Web site address, which would assist the FDIC in responding to inquiries from depositors and the public.

[30] XYZ Bank does not use the Web site address ''*www.xyzbank.net.*'' If a phisher were to create a fictitious Web site to obtain funds from the public using this URL, the fraudulent URL would not be included in the FDIC's database, thereby indicating to depositors and the public that ''*www.xyzbank.net*'' may not be a legitimate deposit-soliciting Web site for an insured depository institution.

''Community Bank of ABC'' (as identified by the signage displayed on the facility) where it accepts deposits. XYZ Bank would report this trade name (and any other trade names it uses at other office locations where it accepts or solicits deposits) in proposed item 8.c of Schedule RC–M. XYZ Bank also has a loan production office and a mortgage lending subsidiary that operate under the trade names of ''XYZ Consumer Loans'' and ''XYZ Mortgage Company,'' respectively, neither of which accepts or solicits deposits. Thus, neither of these two trade names would be reported in proposed item 8.c.

VII. Total Liabilities of an Institution's Parent Depository Institution Holding Company That Is Not a Bank or Savings and Loan Holding Company

In the February 2013 **Federal Register** notice, the agencies proposed to collect a new data item in Schedule RC–M applicable only to institutions whose parent depository institution holding company is not a bank or savings and loan holding company. In this proposed data item, such an institution would report the total consolidated liabilities of its parent depository institution holding company annually as of December 31 to support the Board's administration of the financial sector concentration limit established by Section 622 of the Dodd-Frank Act. Two banking organizations, one bankers' association, and one life insurers' association submitted comments on the proposed reporting of holding company total liabilities. After consideration of the comments received, the agencies have determined not to pursue implementation of this proposed item at this time.

Request for Comment

Public comment is requested on all aspects of this joint notice. Comments are invited on:

(a) Whether the proposed revisions to the collections of information that are the subject of this notice are necessary for the proper performance of the agencies' functions, including whether the information has practical utility;

(b) The accuracy of the agencies' estimates of the burden of the information collections as they are proposed to be revised, 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 information collections on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start up costs and costs of operation, maintenance, and purchase of services to provide information.

Comments submitted in response to this joint notice will be shared among the agencies. All comments will become a matter of public record.

Stuart Feldstein,

Director, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency.

Board of Governors of the Federal Reserve System, January 6, 2014.

Robert deV. Frierson,

Secretary of the Board.

Dated at Washington, DC, this 24th day of December 2013.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

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DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

FEDERAL RESERVE SYSTEM

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Information Collection Activities: Submission for OMB Review; Joint Comment Request

AGENCIES: Office of the Comptroller of the Currency (OCC), Treasury; Board of Governors of the Federal Reserve System (Board); and Federal Deposit Insurance Corporation (FDIC).

ACTION: Notice of information collection to be submitted to OMB for review and approval under the Paperwork Reduction Act of 1995.

SUMMARY: In accordance with the requirements of the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. chapter 35), the OCC, the Board, and the FDIC (the agencies) may not conduct or sponsor, and the respondent is not required to respond to, an information collection unless it displays a currently valid Office of Management and Budget (OMB) control number. On August 12, 2013, the agencies, under the auspices of the Federal Financial Institutions Examination Council (FFIEC), requested public comment for 60 days on proposed revisions to the regulatory capital components and ratios portion of Schedule RC–R, Regulatory Capital, in the Consolidated Reports of Condition and Income (Call Report or FFIEC 031 and FFIEC 041) and to the Regulatory Capital Reporting for Institutions Subject to the Advanced Capital Adequacy Framework (FFIEC 101). The proposed revisions to the Call Report and the FFIEC 101 are reflective of the revised regulatory capital rules issued by the agencies in July 2013 (revised regulatory capital rules).

After considering the comments received on the proposed revisions, the FFIEC and the agencies will proceed with the proposed reporting revisions with some modifications as described in sections II and III of the **SUPPLEMENTARY INFORMATION** section below. The proposed revisions to the FFIEC 101 and, if applicable, Call Report Schedule RC–R would be effective March 31, 2014, for institutions subject to the advanced approaches risk-based capital rule (advanced approaches institutions) that are not savings and loan holding companies. Advanced approaches institutions that are savings and loan holding companies subject to the revised regulatory capital rules would begin reporting the revised FFIEC 101 effective March 31, 2015. All other institutions that are required to file the Call Report would begin reporting the revised Call Report Schedule RC–R effective March 31, 2015.

DATES: Comments must be submitted on or before February 13, 2014.

ADDRESSES: Interested parties are invited to submit written comments to any or all of the agencies. All comments, which should refer to the OMB control number(s), will be shared among the agencies.

OCC: Because paper mail in the Washington, DC, area and at the OCC is subject to delay, commenters are encouraged to submit comments by email if possible. Comments may be sent to: Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, Attention: 1557–0081 and 1557–0239, 400 7th Street SW., Suite 3E–218, Mail Stop 9W–11, Washington, DC 20219. In addition, comments may be sent by fax to (571) 465–4326 or by electronic mail to *regs.comments@occ.treas.gov.* You may personally inspect and photocopy comments at the OCC, 400 7th Street SW., Washington, DC 20219. For security reasons, the OCC requires that visitors make an appointment to inspect comments. You may do so by calling (202) 649–6700. Upon arrival, visitors will be required to present valid government-issued photo identification and to submit to security screening in order to inspect and photocopy comments.

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

Board: You may submit comments, which should refer to ''FFIEC 031, FFIEC 041, and FFIEC 101,'' by any of the following methods:

Agency Web site: http://www.federalreserve.gov. Follow the instructions for submitting comments at: *http://www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm.*

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

Email: regs.comments@federalreserve.gov. Include reporting form number in the subject line of the message.

FAX: (202) 452–3819 or (202) 452–3102.

Mail: Robert DeV. Frierson, Secretary, Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue NW., Washington, DC 20551.

All public comments are available from the Board's Web site at *www.federalreserve.gov/generalinfo/foia/ProposedRegs.cfm* as submitted, unless modified for technical reasons. Accordingly, your comments will not be edited to remove any identifying or contact information. Public comments may also be viewed electronically or in paper in Room MP–500 of the Board's Martin Building (20th and C Streets NW.) between 9:00 a.m. and 5:00 p.m. on weekdays.

FDIC: You may submit comments, which should refer to ''FFIEC 031, FFIEC 041, and FFIEC 101,'' by any of the following methods:

- *Agency Web site: http://www.fdic.gov/regulations/laws/federal/propose.html.* Follow the instructions for submitting comments on the FDIC Web site.
- *Federal eRulemaking Portal: http://www.regulations.gov.* Follow the instructions for submitting comments.
- *Email: comments@FDIC.gov.* Include ''FFIEC 031, FFIEC 041, and FFIEC 101'' in the subject line of the message.
- *Mail:* Gary A. Kuiper, Counsel, Attn: Comments, Room NYA–5046, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.
- *Hand Delivery:* Comments may be hand delivered to the guard station at the rear of the 550 17th Street Building (located on F Street) on business days between 7:00 a.m. and 5:00 p.m.

Public Inspection: All comments received will be posted without change to *http://www.fdic.gov/regulations/laws/federal/propose.html* including any personal information provided. Comments may be inspected at the FDIC Public Information Center, Room E–1002, 3501 Fairfax Drive, Arlington, VA 22226, between 9:00 a.m. and 5:00 p.m. on business days.

Additionally, commenters may send a copy of their comments to the OMB desk officer for the agencies by mail to the Office of Information and Regulatory Affairs, U.S. Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street NW., Washington, DC 20503; by fax to (202) 395–6974; or by email to *oira_submission@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: For further information about the proposed revisions to the regulatory capital reporting requirements discussed in this notice, please contact any of the agency clearance officers whose names appear below. In addition, copies of the revised FFIEC 031, FFIEC 041, and FFIEC 101 forms and instructions can be obtained at the FFIEC's Web site (*http://www.ffiec.gov/ffiec_report_forms.htm*).

OCC: Mary H. Gottlieb and Johnny Vilela, OCC Clearance Officers, (202) 649–5490, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 400 7th Street SW., Washington, DC 20219.

Board: Cynthia Ayouch, Federal Reserve Board Clearance Officer, (202) 452–3829, Division of Research and Statistics, Board of Governors of the Federal Reserve System, 20th and C Streets NW., Washington, DC 20551. Telecommunications Device for the Deaf (TDD) users may call (202) 263–4869.

FDIC: Gary A. Kuiper, Counsel, (202) 898–3877, Legal Division, Federal Deposit Insurance Corporation, 550 17th Street NW., Washington, DC 20429.

SUPPLEMENTARY INFORMATION: The agencies are proposing to revise, without extension, the Call Report and to revise, with extension, the FFIEC 101, which are currently approved collections of information for each agency.

Report Title: Consolidated Reports of Condition and Income (Call Report).

Form Number: Call Report: FFIEC 031 (for banks with domestic and foreign offices) and FFIEC 041 (for banks with domestic offices only).

Frequency of Response: Quarterly.

Affected Public: Business or other for-profit.

OCC:

OMB Number: 1557–0081.

Estimated Number of Respondents: 1,807 national banks and federal savings associations

Estimated Time per Response: 56.19 burden hours per quarter to file.

Estimated Total Annual Burden: 406,141 burden hours to file.

Board:

OMB Number: 7100–0036.

Estimated Number of Respondents: 841 state member banks.

Estimated Time per Response: 57.29 burden hours per quarter to file.

Estimated Total Annual Burden: 192,724 burden hours to file.

FDIC:

OMB Number: 3064–0052.

Estimated Number of Respondents: 4,325 insured state nonmember banks and state savings associations.

Estimated Time per Response: 42.02 burden hours per quarter to file.

Estimated Total Annual Burden: 726,946 burden hours to file.

The estimated time per response for the quarterly filings of the Call Report is an average that varies by agency because of differences in the composition of the institutions under each agency's supervision (e.g., size distribution of institutions, types of activities in which they are engaged, and existence of foreign offices). The average reporting burden for the filing of the Call Report as it is proposed to be revised is estimated to range from 18 to 750 hours per quarter, depending on an individual institution's circumstances.

Report Title: Regulatory Capital Reporting for Institutions Subject to the Advanced Capital Adequacy Framework.

Form Number: FFIEC 101.

Frequency of Response: Quarterly.

Affected Public: Business or other for-profit.

OCC:

OMB Number: 1557–0239.

Estimated Number of Respondents: 14 national banks and federal savings associations.

Estimated Time per Response: 675 burden hours per quarter to file.

Estimated Total Annual Burden: 37,800 burden hours to file.

Board:

OMB Number: 7100–0319.

Estimated Number of Respondents: 20 state member banks, bank holding companies, and savings and loan holding companies.

Estimated Time per Response: 675 burden hours per quarter to file.

Estimated Total Annual Burden: 54,000 burden hours to file.

FDIC:

OMB Number: 3064–0159.

Estimated Number of Respondents: 8 insured state nonmember banks and state savings associations.

Estimated Time per Response: 675 burden hours per quarter to file.

Estimated Total Annual Burden: 21,600 burden hours to file.

General Description of Reports

The Call Report information collections are mandatory for the following institutions: 12 U.S.C. 161 (national banks), 12 U.S.C. 324 (state member banks), 12 U.S.C. 1817 (insured state nonmember commercial and savings banks), and 12 U.S.C. 1464 (savings associations) (collectively, Call Report filers). At present, except for selected data items, Call Report information collections are not given confidential treatment.

The FFIEC 101 information collections are mandatory for institutions using the advanced approaches risk-based capital rule (advanced approaches institutions): 12 U.S.C. 161 (national banks), 12 U.S.C. 324 and 12 U.S.C. 1844(c) (state member banks and bank holding companies, respectively), 12 U.S.C. 1467a(b) (savings and loan holding companies), 12 U.S.C. 1817 (insured state nonmember commercial and savings banks), and 12 U.S.C. 1464 (savings associations). Under the agencies' current practice, the FFIEC 101 information collections are given confidential treatment (5 U.S.C. 552(b)(4)) for reports submitted until the first report date after the reporting institution conducts a satisfactory parallel run. For reports collected as of that report date and thereafter, Schedules A and B and line items 1 and 2 of Schedule S of the institution's FFIEC 101 are no longer given confidential treatment. For the FFIEC 101 as it is proposed to be revised and consistent with the implementation timeline established by the revised regulatory capital rules, the agencies would make public the information collected on the FFIEC 101 Schedule A, except for a few advanced approaches-specific line items identified below, for all advanced approaches institutions regardless of their parallel run status starting with the report for the March 31, 2014, report date. Specific line items that would not be made public until after the reporting institution completes the parallel run process and receives notification from its primary federal supervisor pursuant to section 121(d) of subpart E of the revised regulatory capital rules would include the information collected on the FFIEC 101, Schedule B, except for column D of the new items 31.a and 31.b, and line items 1 and 2 of Schedule S.

Abstract

Call Report: Institutions submit Call Report data to the agencies each quarter for the agencies' use in monitoring the condition, performance, and risk profile of individual institutions and the industry as a whole. Call Report data provide the most current statistical data available for evaluating institutions' corporate applications, identifying areas of focus for on-site and off-site examinations, and monetary and other public policy purposes. The agencies use Call Report data in evaluating interstate merger and acquisition applications to determine, as required by law, whether the resulting institution would control more than ten percent of the total amount of deposits of insured depository institutions in the United States. Call Report data also are used to calculate institutions' deposit insurance and Financing Corporation assessments and national banks' and federal savings associations' semiannual assessment fees.

FFIEC 101: Each advanced approaches institution is required to file quarterly regulatory capital data in the FFIEC 101, the extent of which depends on whether the institution has begun its parallel run period under the Advanced Capital Adequacy Framework. The agencies use these data to assess and monitor the levels and components of each reporting entity's risk-based capital requirements and the adequacy of the entity's capital under the Advanced Capital Adequacy Framework; to evaluate the impact and competitive implications of the Advanced Capital Adequacy Framework on both an individual reporting-entity and an industry-wide basis; and to supplement on-site examination processes. The reporting schedules also assist advanced approaches institutions in understanding expectations around the system development necessary for implementation and validation of the Advanced Capital Adequacy Framework.

Current Actions

I. Summary of the Proposed Revisions

On August 12, 2013, the agencies requested comment on proposed revisions to the FFIEC 101 and the regulatory capital components and ratios portions of Call Report Schedule RC–R to reflect the revised regulatory capital rules [1] (the proposal).[2] The revisions would become effective for the March 31, 2014 report date, for advanced approaches institutions that are not savings and loan holding companies,[3] and for the March 31, 2015 report date, for all other institutions that are required to file Call Report Schedule RC–R as well as advanced approaches institutions that are savings and loan holding companies subject to the revised regulatory capital rules.[4]

The agencies collectively received comments on the proposal from three entities: two banking organizations and one bankers' association. The commenters asked for clarification on the applicability and effective dates of the proposed reporting requirements and for additional instructions on

[1] The revised regulatory capital rules were approved and issued by the agencies in July 2013. The revised regulatory capital rules were published in the **Federal Register** by the Board and the OCC on October 11, 2013. See 78 FR 62018. The revised regulatory capital interim final rule was published in the **Federal Register** by the FDIC on September 10, 2013. See 78 FR 55340.

[2] See 78 FR 48932.

[3] An advanced approaches institution as defined in section 100 of the agencies' revised regulatory capital rules (i) has consolidated total assets (excluding assets held by an insurance underwriting subsidiary) on its most recent year-end regulatory report equal to $250 billion or more; (ii) has consolidated total on-balance sheet foreign exposure on its most recent year-end regulatory report equal to $10 billion or more (excluding exposures held by an insurance underwriting subsidiary), as calculated in accordance with the FFIEC 009 Country Exposure Report; (iii) is a subsidiary of a depository institution that uses the advanced approaches pursuant to subpart E of 12 CFR part 3 (OCC), 12 CFR part 217 (Board), or 12 CFR part 325 (FDIC) to calculate its total risk-weighted assets; (iv) is a subsidiary of a bank holding company or savings and loan holding company that uses the advanced approaches pursuant to 12 CFR part 217 to calculate its total risk-weighted assets; or (v) elects to use the advanced approaches to calculate its total risk-weighted assets. See 78 FR 62204 (OCC and Board); 78 FR 55523 (FDIC). Section III of this notice discusses the filing requirements for the FFIEC 101 once an institution meets one or more of the threshold criteria for purposes of the advanced approaches rule or elects to use the advanced approaches rule.

[4] The agencies expect to publish at a later date a request for comment on a separate proposal to revise the risk-weighted assets portion of Call Report Schedule RC–R to incorporate the standardized approach for calculating risk-weighted assets under the revised regulatory capital rules. The revisions to the risk-weighted assets portion of Schedule RC–R would take effect March 31, 2015. The agencies have decided to propose changes to Schedule RC–R in two stages to allow interested parties to better understand the proposed revisions and focus their comments on areas of particular interest. Therefore, for report dates in 2014, all Call Report filers will continue to report risk-weighted assets in the portion of Schedule RC–R that contains existing data items 34 through 62 and Memorandum items 1 and 2 of current Schedule RC–R, but this portion of the schedule will be designated Part II and the data items will retain their existing numbers.

certain line items.[5] The agencies have addressed all substantive comments received as described in detail in sections II and III below.

II. Proposed Call Report Schedule RC–R, Part I.B

Consistent with the proposal, in March 2014, the existing and proposed regulatory capital components and ratios portion of Schedule RC–R would be designated Parts I.A and I.B, respectively. Call Report filers that are not advanced approaches institutions would file Part I.A, which includes existing data items 1 through 33 of current Schedule RC–R. Call Report filers that are subject to the advanced approaches and to the revised regulatory capital rules effective January 1, 2014, would be required to file Part I.B in March 2014, which includes the reporting revisions proposed herein, consistent with the revised regulatory capital rules. In March 2015, Part I.A would be removed and Part I.B would be designated Part I; all Call Report filers would then submit Part I.

As proposed, Part I.B, Regulatory Capital Components and Ratios, would be divided into the following sections: (A) Common equity tier 1 capital; (B) common equity tier 1 capital: Adjustments and deductions; (C) additional tier 1 capital; (D) tier 2 capital; (E) total assets for the leverage ratio; (F) capital ratios; and (G) capital buffer. A brief description of each of these sections and the corresponding line items is provided below. The agencies did not receive any comments on the overall structure of the proposed Schedule RC–R, Part I.B and thus will proceed with the overall structure of Part I.B, as proposed. The agencies will make clarifications to certain line items to reflect public comments, as discussed below.

The agencies received several questions regarding the reporting treatment for items subject to transition provisions in Schedule RC–R, Part I.B. Specifically, commenters asked for clarification on reporting transition amounts of items subject to regulatory capital adjustments and deductions and reporting disallowed amounts during the transition period. As described below in section II.B of this notice, transition amounts, as proposed, are to be reported in the Schedule RC–R line item applicable to the particular regulatory capital adjustment or deduction, while the otherwise disallowed portion of each of these items is either risk-weighted or deducted from additional tier 1 capital, depending on the item.

Commenters also asked the agencies for clarification of the reporting of the risk-weighted portion of an item subject to deduction in Schedule RC–R. The agencies are clarifying, and the instructions for Part I.B of Schedule RC–R will indicate, that the risk-weighted portion of such items as proposed must be reported in the line item appropriate to the item subject to deduction in Schedule RC–R, Part II, Risk-Weighted Assets. In addition, the agencies are clarifying that even though certain deductions may be net of associated deferred tax liabilities (DTLs), the risk-weighted portion of those items may not be reduced by the associated DTLs.

For example, for institutions subject to the revised regulatory capital rules on January 1, 2014, the appropriate line item for reporting the risk-weighted portion of mortgage servicing assets (MSAs) that are not deducted from common equity tier 1 capital, for report dates in 2014, is Schedule RC–R, Part II, item 42, ''All other assets.'' The risk-weighted asset portion of MSAs may not be reduced by any associated DTLs. Also, the line items in Part II will be renumbered in 2015 because, as indicated in footnote 4 of this notice, the agencies expect to propose revisions to the risk-weighted assets portion of Call Report Schedule RC–R to incorporate the standardized approach for calculating risk-weighted assets under the revised regulatory capital rules. The agencies will update the Part II line item references as appropriate in the Schedule RC–R instructions for 2015 after the revisions to the risk-weighted assets portion of the schedule are finalized.

The agencies received several questions related to the calculation of the leverage ratio and the specific deductions from the leverage ratio denominator. One commenter asked the agencies to confirm that all banking organizations, including savings associations, must use average total assets from Call Report Schedule RC–K, item 9, to calculate total assets for the leverage ratio. The agencies are confirming that average total assets from Schedule RC–K, item 9, must be used to calculate total assets for the leverage ratio by advanced approaches institutions beginning in March 2014 and by all other institutions, including savings associations, beginning in March 2015. The same commenter asked the agencies to confirm the deductions from common equity tier 1 capital and additional tier 1 capital that must be made to calculate total assets for the leverage ratio. The agencies are specifying the deductions that must be made to calculate total assets for the leverage ratio, as described in section II.E below.

One commenter asked the agencies to confirm the effective dates for reporting the capital conservation buffer and the supplementary leverage ratio. The agencies are confirming that the capital conservation buffer (and any other applicable buffer for advanced approaches institutions) must be reported for report dates after January 1, 2016. Advanced approaches institutions must report the supplementary leverage ratio for report dates after January 1, 2015 (see section III of this notice for additional details on the reporting of this line item by advanced approaches institutions). The agencies are also shading out the corresponding cells in the draft reporting form for Schedule RC–R, Part I.B, to show that institutions should not report these items until they become effective.

A brief description of the proposed revisions and the comments received on specific line items in Schedule RC–R, Part I.B, are provided below.

A. Schedule RC–R, Part I.B, Items 1–5: Common Equity Tier 1 Capital

Under the proposal, line items 1 through 5 would collect information regarding the new regulatory capital component, common equity tier 1 capital. The agencies did not receive any comments on these line items and thus would retain the proposed line items without modification.

B. Schedule RC–R, Part I.B, Items 6–19: Common Equity Tier 1 Capital: Adjustments and Deductions

Proposed line items 6 through 19 reflect adjustments and deductions to common equity tier 1 capital, as described in section 22 of the revised regulatory capital rules. The agencies received a number of questions on reporting items subject to transition provisions. Specifically, questions related to items 7 through 10 asked where the transition amounts of the adjustments and deductions covered by these specific items are to be reported. The instructions for proposed Schedule RC–R, Part I.B, explain that during the transition period as proposed, institutions must report the transition amounts of these adjustments and deductions, rather than their fully phased-in amounts, in items 7 through

[5] In addition, one other commenter on the proposal urged the agencies to revise the regulatory capital treatment of the allowance for loan and lease losses (ALLL) if the Financial Accounting Standards Board (FASB) changes the accounting standards applicable to ALLL. The agencies note that this comment suggests a substantive change to the revised regulatory capital rules and is outside the scope of the proposed changes to the Call Report and FFIEC 101.

10. Institutions would not be required to report fully phased-in amounts in items 7 through 10 until the transition period ends.

For example, during the transition period, an institution must report in item 7 the appropriate transition amount of intangible assets (other than goodwill and mortgage servicing assets (MSAs)), net of DTLs, as described in the instructions for that line item. The institution must also risk weight the non-deducted portion of that item at 100 percent and report it in Schedule RC–R, Part II, item 42, ''All other assets.'' As another example, during the transition period, an institution must report in item 8 the appropriate transition amount of deferred tax assets (DTAs) that arise from net operating loss and tax credit carryforwards, net of any related valuation allowances and net of DTLs, calculated as a percentage of the adjustment applied to common equity tier 1 capital. The institution must then report during the transition period the remaining balance of DTAs that arise from net operating loss and tax credit carryforwards, net of any related valuation allowances and net of DTLs, in Schedule RC–R, Part I.B, item 24, ''Additional tier 1 capital deductions.''

A commenter also asked about risk weighting the non-deducted portion of the threshold items (that is, significant investments in the capital of unconsolidated financial institutions in the form of common stock, net of associated DTLs; MSAs, net of associated DTLs; and DTAs arising from temporary differences that could not be realized through net operating loss carrybacks, net of related valuation allowances and net of DTLs). The instructions for proposed Schedule RC–R, Part I.B, explain that during the transition period the non-deducted portion of these threshold items must be risk weighted at 100 percent in accordance with section 300 of the revised regulatory capital rules and reported in Schedule RC–R, Part II, ''All other assets.'' For report dates after January 1, 2018, the non-deducted portion of the threshold items must be risk-weighted at 250 percent in accordance with section 22 of the revised regulatory capital rules and reported in the appropriate asset category in Schedule RC–R, Part II.

C. Schedule RC–R, Part I.B, Items 20 Through 25: Additional Tier 1 Capital, and Item 26: Tier 1 Capital

Proposed line items 20 through 25 pertain to the reporting of additional tier 1 capital elements under section 20 of the revised regulatory capital rules, along with related adjustments for non-qualifying capital instruments subject to phase-out. The agencies did not receive any comments on these line items and thus would retain the proposed line items without modification.

D. Schedule RC–R, Part I.B, Items 27 Through 34: Tier 2 Capital, and Item 35: Total Capital

Proposed line items 27 through 34 pertain to the reporting of tier 2 capital elements under section 20 of the revised regulatory capital rules, along with related adjustments for non-qualifying capital instruments subject to phase-out. The agencies did not receive any comments on these line items and thus would retain the proposed line items without modification.

E. Schedule RC–R, Part I.B, Items 36 Through 39: Total Assets for the Leverage Ratio

Under the proposal, institutions would report data for the calculation of the leverage ratio in items 36 through 39. As noted above, the agencies received two questions on the calculation of the total assets for the leverage ratio. First, a commenter asked the agencies to confirm that all banking organizations, including savings associations, must use average total assets from Call Report Schedule RC–K, item 9, to calculate total assets for the leverage ratio. The agencies are confirming that average total assets from Schedule RC–K, item 9, must be reported in Schedule RC–R, Part I.B, item 36, ''Average total consolidated assets,'' by advanced approaches institutions beginning in March 2014 and by all other institutions, including savings associations, beginning in March 2015.

Second, the same commenter asked the agencies to confirm the deductions from common equity tier 1 capital and additional tier 1 capital that must be made to calculate total assets for the leverage ratio. Specifically, the commenter asked whether the deductions made in Schedule RC–R, Part I.B, items 13 through 15, also must be made for purposes of the leverage ratio. The agencies are clarifying the reporting instructions for proposed Schedule RC–R, Part I.B, items 37 and 38, to address the commenter's question. The agencies confirm that the amounts deducted from common equity tier 1 and additional tier 1 capital in Schedule RC–R, Part I.B, items 6, 7, 8, 10.b, 11, 13 through 17, and 24 must be included in Schedule RC–R, Part I.B, item 37. In addition, any other amounts that are deducted from common equity tier 1 and additional tier 1 capital, such as deductions related to AOCI-adjustments, must be included in Schedule RC–R, Part I.B, item 38.

F. Schedule RC–R, Part I.B, Item 40: Total Risk-weighted Assets and Items 41 Through 45: Capital Ratios

Under the proposal, institutions would report data for the calculation of risk-weighted assets and capital ratios in items 41 through 45. The agencies received one question on this section of the proposal. Specifically, a commenter asked the agencies to confirm the effective date of reporting the supplementary leverage ratio in item 45. The agencies are modifying the Schedule RC–R, Part I.B, reporting form and the instructions for proposed item 45 to clarify that this item must be reported for report dates after January 1, 2015.

Under the proposal, for report dates in 2014, Call Report filers that are advanced approaches institutions would continue applying the general risk-based capital rules to calculate their total risk-weighted assets, which will continue to be reported in current item 62 of the risk-weighted assets portion of Schedule RC–R (to be designated Part II of the schedule in March 2014). This total risk-weighted assets amount would then also be reported in item 40.a of Part I.B of Schedule RC–R for report dates in 2014 and would serve as the denominator for the risk-based capital ratios reported in Schedule RC–R, Part I.B, items 41 through 44, column A. Effective March 31, 2015, all Call Report filers would be required to apply the standardized approach, described in subpart D of the revised regulatory capital rules, to calculate and report their risk-weighted assets in item 40.a and the risk-based capital ratios in items 41 through 44, column A, of the regulatory capital components and ratios portion of Schedule RC–R.

Advanced approaches institutions would report items 40 through 45 on proposed Schedule RC–R, Part I.B, as follows.

- For report dates in 2014, these institutions would continue applying the general risk-based capital rules to report their total risk-weighted assets in item 40.a, which would serve as the denominator of the ratios reported in items 41 through 44, column A.
- Starting on March 31, 2015, these institutions would apply the standardized approach, described in subpart D of the revised regulatory capital rules, to calculate and report their risk-weighted assets in item 40.a and the regulatory capital ratios in items 41 through 44, column A.
- After they conduct a satisfactory parallel run, these institutions would

report their total risk-weighted assets (item 40.b) and regulatory capital ratios (items 41 through 44, column B) using the advanced approaches rule.

• In addition, starting on March 31, 2015, these institutions would report a supplementary leverage ratio in item 45, as described in section 10 of the revised regulatory capital rules.

The agencies did not receive any comments on the proposed reporting of the regulatory capital ratios by advanced approaches institutions and thus would retain this section of the proposal without modification.

G. Schedule RC–R, Part I.B, Items 46 Through 48: Capital Buffer

Under the proposal, an institution's capital conservation buffer and related information would be reported in items 46 through 48. The agencies received a question asking to confirm the effective date for reporting items 46 through 48. The agencies are modifying the Schedule RC–R, Part I.B, reporting form and the instructions for proposed items 46 through 48 to clarify that these items become effective for report dates after January 1, 2016. Until March 31, 2016, the corresponding cells in the draft reporting form for Schedule RC–R, Part I.B, would be shaded out.

III. Discussion of the Proposed FFIEC 101 Changes

The proposed revisions to the FFIEC 101 Schedule A would incorporate the Basel III capital disclosure template in its entirety, with some minor changes to the titles of the template's line items, consistent with the revised regulatory capital rules and the accounting terminology of U.S. generally accepted accounting principles (GAAP). To ensure transparency of reporting regulatory capital by all advanced approaches institutions, the agencies would, consistent with the proposal, make public the information collected on the proposed revised Schedule A, except for a few specific line items identified below, starting with the March 31, 2014, report date, regardless of an advanced approaches institution's parallel run status. The agencies also proposed to continue granting confidential treatment to certain items that are dependent on the implementation of the advanced approaches systems before an advanced approaches institution completes its parallel run period.

The agencies collectively received comments on the FFIEC 101 from one entity, a bankers' association. This commenter asked the agencies to clarify when an institution is required to file the FFIEC 101 report if the institution has triggered the criteria for applying the advanced approaches rule but has not yet begun its parallel run period. The agencies are clarifying that an institution would begin completing FFIEC 101 Schedule A at the end of the quarter after the quarter in which the institution triggers one of the threshold criteria for applying the advanced approaches rule or elects to use the advanced approaches rule.[6] However, the institution would not be required to report those Schedule A items that depend on the implementation of the advanced approaches rules (specifically, items 12, 50, 61 through 68, 78 through 79, and 86 through 90) and all the other schedules of the FFIEC 101 until the end of the first quarter in which the institution has begun its parallel run period.

The same commenter asked how an advanced approaches institution that has not completed its parallel run period should report its supplementary leverage ratio in Call Report Schedule RC–R and in FFIEC 101 Schedule A, since such an advanced approaches institution has a longer time period in which to submit the FFIEC 101 than the time period for submitting the Call Report. The agencies note that the calculation of the supplementary leverage ratio does not depend on the advanced approaches systems and thus this ratio can be calculated for purposes of the Call Report independent of an institution's preparation and submission of the FFIEC 101 report. Accordingly, consistent with the proposal, an advanced approaches institution that has not completed its parallel run would report the supplementary leverage ratio in Call Report Schedule RC–R and then it would report the details of its calculation of the supplementary leverage ratio on FFIEC 101 Schedule A by this report's later submission deadline. Similar to current reporting practices, if an institution calculates its FFIEC 101 data and discovers that the supplementary leverage ratio reported on its Call Report is not correct, the institution should submit an amended Call Report with the corrected information.

[6] An institution is deemed to have elected to use the advanced approaches rule on the date that its primary federal supervisor receives from the institution a board-approved implementation plan pursuant to section 121(b)(2) of the revised regulatory capital rules. After that date, in addition to being required to report on the FFIEC 101, Schedule A, the institution may no longer apply the AOCI opt-out election in section 22(b)(2) of the revised regulatory capital rules and it becomes subject to the supplementary leverage ratio in section 10(c)(4) of the revised regulatory capital rules and its associated transition provisions.

The commenter also asked for clarification of a limited number of line item instructions in Schedules A, B, H through O, and Q. The agencies are clarifying the instructions for these line items to the extent considered appropriate by revising and expanding specific instructions.

The agencies also note that the FFIEC 101 report title would be modified from ''Risk-Based Capital Reporting for Institutions Subject to the Advanced Capital Adequacy Framework'' to ''Regulatory Capital Reporting for Institutions Subject to the Advanced Capital Adequacy Framework.'' In addition, the agencies are modifying the name of Schedule A from ''Schedule A–Advanced Risk-based Capital'' to ''Schedule A–Advanced Approaches Regulatory Capital.'' These modifications are consistent with the proposed revisions to the FFIEC 101, which entail the collection of data on regulatory capital and not just risk-based capital.

A. Schedule A: Advanced Approaches Regulatory Capital

Under the proposal, revised FFIEC 101 Schedule A incorporates the Basel III common disclosure template to ensure consistency and comparability of reporting of regulatory capital elements by advanced approaches institutions. Although the proposed revisions to Schedule A of the FFIEC 101 are consistent with the regulatory capital reporting approach followed in Call Report Schedule RC–R, Part I.B, as described in section II of this notice, Schedule A provides a more granular breakdown of regulatory capital elements, deductions and adjustments, and regulatory capital instruments subject to phase-out, consistent with the Basel III common disclosure template.

The agencies received a number of questions on the reporting treatment for items subject to transition provisions, as described in section II.B of this notice. The agencies have clarified the reporting instructions for the applicable proposed line items in Schedule RC–R, Part I.B. The instructions for the corresponding line items in proposed revised FFIEC 101 Schedule A refer institutions to the Schedule RC–R, Part I.B, instructions. Since advanced approaches institutions would be able to continue to import the amounts to be reported in the majority of the line items in proposed revised FFIEC 101 Schedule A from proposed Call Report Schedule RC–R, Part I.B, the agencies do not believe it is necessary to modify the

instructions for the same line items of FFIEC 101 Schedule A.[7]

Reporting confidential line items before completing the parallel run period: Under the proposal, the agencies would make public the information collected on proposed revised Schedule A, except for a few specific line items identified below, for all advanced approaches institutions, starting with the March 31, 2014, report date. The agencies proposed to grant confidential treatment to the following Schedule A items for report dates before an institution has completed its parallel run period: Item 78 (total eligible credit reserves calculated using advanced approaches); item 79 (amount of eligible credit reserves includable in tier 2 capital); item 86 (expected credit loss that exceeds eligible credit reserves); item 87 (advanced approaches risk-weighted assets); item 88 (common equity tier 1 capital ratio calculated using advanced approaches); item 89 (tier 1 capital ratio calculated using advanced approaches); and item 90 (total capital ratio calculated using advanced approaches). In addition, the agencies proposed that, before the completion of its parallel run period, an institution would report ''zero'' in line item 12 (expected credit loss that exceeds eligible credit reserves) and would complete line item 50 (eligible credit reserves includable in tier 2 capital) and line item 60 (total risk-weighted assets) by applying the general risk-based capital rules in 2014 and the standardized approach in 2015. Under the proposal, for the report dates after an institution conducts a satisfactory parallel run, the entire Schedule A would be made public.

The agencies did not receive any comments on making public the information collected on proposed revised Schedule A, as described above, and thus retain the proposed approach without modification.

Supplementary leverage ratio: Proposed line items 91 through 98 in Schedule A would collect data on a new supplementary leverage ratio requirement for advanced approaches institutions, effective March 31, 2015. As described in section II.F of this notice, a commenter asked the agencies to confirm the effective date for reporting the supplementary leverage ratio. The agencies have modified the proposed reporting form and the instructions for items 91 through 98 of Schedule A to clarify that these items must be reported for report dates after January 1, 2015. Until such time, the corresponding cells in the reporting form for Schedule A would be shaded out.

B. Schedules B, C, D, H, I, J, P, Q, R, and S: Risk-weighted Assets

The proposal described proposed revisions to several of the risk-weighted assets schedules in the FFIEC 101, which are intended to be consistent with the revised advanced approaches rules to calculate risk-weighted assets. The proposal would revise Schedules B, C, D, H, I, J, P, Q, and R as follows:

- Under Schedule B (summary table), the agencies proposed new line items to reflect the proposed changes in schedules C through R.
- Under Schedules H and J, the agencies proposed new line items to capture Credit Valuation Adjustment (CVA) amounts.
- Under Schedule P, the agencies proposed an updated securitization table.
- Under Schedule Q, the agencies proposed a new table to reflect cleared transactions.
- Under Schedules C, D, H, I, and J, the agencies proposed to collect data on exposures subject to a 1.25 asset correlation factor.
- Under Schedules H, I, and J, the agencies proposed data collections related to the internal models methodology (IMM), margin period of risk, and specific wrong-way risk.
- Under Schedule R, the agencies proposed removing items pertaining to an equity exposure treatment no longer permitted under the revised advanced approaches rule.

The agencies received comments from one commenter on the proposed revisions to these schedules. The following highlights only those areas of the proposed revisions for which the agencies received comments.

1.06 Scaling Multiplier and ''Assets Not Included in a Defined Exposure Category'' in Schedule B

The agencies did not propose to revise the FFIEC 101 regarding the 1.06 scaling multiplier in existing line item 28 of Schedule B, which was proposed to be renumbered as line item 30, ''Total credit risk weighted assets (Cell G–29 × 1.06).'' The commenter asked whether the 1.06 multiplier should be applied to all credit risk exposures, including ''Assets Not Included in a Defined Exposure Category,'' non-material portfolios, mortgage servicing rights, DTAs, and securitization exposures subject to a 1,250 percent risk weight.

The agencies reviewed the comment and determined that no change to renumbered line item 30 is necessary. Renumbered line item 27 in proposed revised Schedule B, ''Assets Not Included in a Defined Exposure Category,'' has always been subject to the 1.06 scaling multiplier. In addition, consistent with the revised regulatory capital rules, wholesale, retail, securitization, and equity exposures are all subject to the 1.06 multiplier. The CVA capital requirement is explicitly singled out in the revised regulatory capital rules as not being subject to the 1.06 multiplier. Therefore, all exposures except for the CVA charge are subject to the 1.06 scaling multiplier, as proposed for Schedule B. The agencies also are clarifying in the Schedule B instructions that exposures representing items in process of collection that are assigned a risk weight of 20 percent should be reported in line item 27, ''Assets Not Included in a Defined Exposure Category.''

CVAs and Weighted Average Maturity Calculation in Schedules B, H, and J

The agencies proposed to insert memoranda items in Schedule H (Wholesale Exposure: Eligible Margin Loans, Repo-Style Transactions, and OTC Derivatives with Cross-Product Netting) and Schedule J (Wholesale Exposure: OTC Derivatives No Cross-Product Netting) to reflect the new CVA requirements for over-the-counter (OTC) derivative activities under the revised regulatory capital rules.

The commenter observed that the CVA requirement is a portfolio calculation and would therefore encompass transactions with and without cross-product netting. The commenter sought clarification on where institutions should report the CVA exposure and risk-weighted asset amounts since each institution would only be reporting the CVA information on a single line item (rather than the two proposed line items in Schedules H and J). In addition, the commenter requested clarification on the calculation of weighted average maturity.

In response to this comment, the agencies have decided to remove the CVA memoranda items from Schedules H and J and instead collect this information in Schedule B. The agencies believe this is the appropriate location for reporting CVA information because Schedules H and J would otherwise needlessly require reporting institutions to distinguish between derivative transactions with and without cross-product netting for purposes of allocating CVAs measured at the

[7] Advanced approaches institutions that file the FR Y–9C rather than the Call Report would be able to import the amounts to be reported in the majority of the line items in proposed revised FFIEC 101 Schedule A from the Federal Reserve's proposed revised Schedule HC–R.

portfolio level to subsets of the portfolio. Therefore, the agencies have agreed to insert the following line items in Schedule B: Line item 31.a, ''Credit valuation adjustment—simple approach,'' and line item 31.b: ''Credit valuation adjustment—advanced approach.'' For the relevant Schedule B line item (either 31.a or 31.b), the reporting institutions would be required to report the amounts for risk-weighted assets and the exposure at default of exposures used to calculate CVA. The exposure at default information pertaining to CVA would remain confidential, even after an institution completes its parallel run period. These line items would replace proposed Schedule B line item 31, ''Total CVA RWA for OTC derivative transactions.''

In addition, if institutions apply a maturity floor, the general instructions for Schedule B clarify that reporting institutions should be consistent in the methodology they employ for calculating the weighted average maturity amount.

Holding Period or Margin Period of Risk in Schedules H, I, and J

The agencies proposed to insert memoranda items in Schedule H (Wholesale Exposure: Eligible Margin Loans, Repo-Style Transactions, and OTC Derivatives with Cross-Product Netting), Schedule I (Wholesale Exposure: Eligible Margin Loans and Repo-Style Transactions No Cross-Product Netting), and Schedule J (Wholesale Exposure: OTC Derivatives No Cross-Product Netting) to reflect the new capital requirements for the margin period of risk and wrong-way risk in the advanced approaches. The calculations and requirements associated with margin period of risk and wrong-way risk are described in section 132 of the revised regulatory capital rules.

The commenter asked how to report securities that have a ''holding period or margin period of risk set for 20 days,'' but also meet the criteria for ''holding period or margin period of risk set for at least twice the minimum holding period that would otherwise be used (due to at least 3 disputes).'' The agencies have agreed to clarify in the instructions that transactions meeting both criteria should be reported in one location under column C, ''Holding period or margin period of risk set for at least twice the minimum holding period that would otherwise be used (due to at least 3 disputes).''

Reporting the Credit Scoring System in Schedules K Through O

In their draft of the proposed revised FFIEC 101 reporting form, the agencies inadvertently removed the text field from existing item 18, which the agencies proposed to renumber as memorandum item 2, ''Credit scores shown in Column O are from which credit scoring system(s)?'' The agencies have agreed to correct this design error by restoring the text field, consistent with the public comment.

Whether Exposure Amounts Are Inclusive of Initial Margin in Schedule Q

The agencies proposed a new Schedule Q (Cleared Transactions) to capture exposures to central clearing parties (CCPs), consistent with section 133 of the revised regulatory capital rules. The commenter sought clarification on whether proposed line items 3 and 4 were inclusive of initial margin. The agencies have agreed to clarify the instructions, including a reference to the definition of a trade exposure under the capital rules, which explains that the line item values in question should be inclusive of initial margin.

250 Percent Risk Weight Category for Significant Investments in Unconsolidated Financial Institutions in Schedule R

The commenter highlighted that the proposed revisions to Schedule R (Equity Exposures) did not include a new field for equity exposures receiving a 250 percent risk weight that are significant investments in unconsolidated financial institutions that fall below the 10 and 15 percent deduction thresholds. Accordingly, the agencies have agreed to insert a field for this risk weight category as line item 7 in Schedule R. (Thus, line items 7 through 13 in the initial draft of proposed revised Schedule R would be renumbered as line items 8 through 14.)

Schedule S: Operational Risk

The agencies originally did not propose to revise Schedule S: Operational Risk. However, consistent with prior feedback received from reporting institutions, the agencies are proposing to clarify the existing instructions for several line items in Schedule S. The agencies believe these changes do not result in the collection of any new data, nor do they impact where institutions report operational risk data in Schedule S. Clarifications have been made to the instructions for the following Schedule S line items:

- Line Item 3, ''Expected Operational Loss (EOL)'';
- Line item 5, ''Dependence Assumptions'';
- For items 8 through 15, the instructions indicate that legal reserves should be included for the purpose of determining frequency counts, total loss amounts, and loss maximums;
- Line item 9, ''Highest dollar threshold applied in modeling internal operational loss event data'';
- Line items 11 through 15 related to loss-amount information;
- Line item 16, ''How many individual scenarios were used in calculating the risk-based capital requirement for operational risk'';
- Line item 17, ''What is the dollar value of the largest individual scenario''; and
- Line item 18, ''Number of scenarios in the following ranges (e.g., ≥$1 million and <$10 million).''

IV. Initial Reporting

For the March 31, 2014, and March 31, 2015, report dates, as applicable, institutions may provide reasonable estimates for any new or revised Call Report and FFIEC 101 items initially required to be reported as of that date for which the requested information is not readily available.

V. Request for Comment

Public comment is requested on all aspects of this joint notice. In particular, do advanced approaches institutions expect that making any specific line items on proposed revised FFIEC 101 Schedule A public would cause them competitive or other harm? If so, please identify the specific line items and describe in detail the nature of the harm.

Additionally, comments are invited on:

(a) Whether the collections of information that are the subject of this notice are necessary for the proper performance of the agencies' functions, including whether the information has practical utility;

(b) The accuracy of the agencies' estimates of the burden of the information collections as they are proposed to be revised, 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 information collections on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Comments submitted in response to this joint notice will be shared among

the agencies. All comments will become a matter of public record.

Stuart Feldstein,

Director, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency.

Board of Governors of the Federal Reserve System, January 6, 2014.

Robert deV. Frierson,

Secretary of the Board.

Dated at Washington, DC, this 24th day of December, 2013.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 2014–00478 Filed 1–13–14; 8:45 am]

BILLING CODE 4810–33–P; 6210–01–P; 6710–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8940

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8940, Request for Miscellaneous Determination.

DATES: Written comments should be received on or before March 17, 2014 to be assured of consideration.

ADDRESSES: Direct all written comments to Yvette B. Lawrence, Internal Revenue Service, Room 6129, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to LaNita Van Dyke, at Internal Revenue Service, Room 6517, 1111 Constitution Avenue NW., Washington, DC 20224, or through the Internet at *Lanita.M.VanDyke@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: Request for Miscellaneous Determination

OMB Number: 1545–2211.

Form Number: 8940.

Abstract: Form 8940 will standardize information collection procedures for 9 categories of individually written requests for miscellaneous determinations now submitted to the Service by requestor letter. Respondents are exempt organizations.

Current Actions: There is no change in the paperwork burden previously approved by OMB. This form is being submitted for renewal purposes only.

Type of Review: Extension of a currently approved collection.

Affected Public: Not for profit institutions.

Estimated Number of Respondents: 2,100.

Estimated Time per Respondent: 13 Hours, 47 minutes.

Estimated Total Annual Burden Hours: 28,959.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: January 8, 2014.

Yvette B. Lawrence,

IRS Reports Clearance Officer.

[FR Doc. 2014–00534 Filed 1–13–14; 8:45 am]

BILLING CODE 4830–01–P

INSTITUTE OF PEACE

Board of Directors Meeting

AGENCY: United States Institute of Peace.

ACTION: Notice.

SUMMARY:

Board of Directors Meeting

Date/Time: Friday, January 24, 2014 (9:30 a.m.–2:00 p.m.)

Location: 2301 Constitution Avenue NW Washington, DC 20037.

Status: Open Session—Portions may be closed pursuant to Subsection (c) of Section 552(b) of Title 5, United States Code, as provided in subsection 1706(h)(3) of the United States Institute of Peace Act, Public Law 98–525.

Agenda: January 24, 2014 Board Meeting; Approval of Minutes of the One Hundred Forty-Ninth Meeting (October 25, 2013) of the Board of Directors; Chairman's Report; President's Report; Status Reports; Program Updates; Other General Issues; Board Executive Session.

Contact: Peter Loge, Vice President for External Relations, Telephone: (202) 429–3882.

DATED: January 8, 2014.

FOR FURTHER INFORMATION CONTACT: Peter Loge, Vice President for External Relations, Telephone: (202) 429–3882.

Dated: January 8, 2014.

Peter Loge,

Vice President for External Relations.

[FR Doc. 2014–00360 Filed 1–13–14; 8:45 am]

BILLING CODE 6820–AR–M

DEPARTMENT OF VETERANS AFFAIRS

Veterans Health Administration

Funding Availability Under Supportive Services for Veteran Families Program

AGENCY: Department of Veterans Affairs (VA).

ACTION: Notice of Funding Availability (NOFA).

SUMMARY: Funding Opportunity Title: Supportive Services for Veteran Families (SSVF) Program.

Announcement Type: Initial.

Funding Opportunity Number: VA–SSVF–123013.

Catalog of Federal Domestic Assistance Number: 62.033.

DATES: Applications for supportive services grants under the SSVF Program must be received by the SSVF Program Office by 4:00 p.m. Eastern Time on March 14, 2014. Awards made for Priority 1 supportive services grants will fund operations over a non-renewable 3-year period beginning October 1, 2014. Awards made for Priority 2 and 3 supportive services grants will fund

operations for the fiscal year beginning October 1, 2014.

See section II for definitions of Priorities 1–3.

VA is announcing the availability of funds for supportive services grants under the SSVF Program. This NOFA contains information concerning the SSVF Program, initial and renewal supportive services grant application processes, and amount of funding available.

Dates & Addresses: Applications for supportive services grants under the SSVF Program must be received by the SSVF Program Office by 4:00 p.m. Eastern Time on March 14, 2014. In the interest of fairness to all competing applicants, this deadline is firm as to date and hour, and VA will treat as ineligible for consideration any application that is received after the deadline. Applicants should take this practice into account and make early submission of their materials to avoid any risk of loss of eligibility brought about by unanticipated delays, computer service outages, or other delivery-related problems.

For a Copy of the Application Package: Copies of the application can be downloaded directly from the SSVF Program Web site at: *www.va.gov/homeless/ssvf.asp.* Questions should be referred to the SSVF Program Office via phone at (877) 737–0111 (toll-free number) or via email at *SSVF@va.gov.* For detailed SSVF Program information and requirements, see 38 CFR part 62.

Submission of Application Package: Two completed, collated, hard copies of the application and two compact discs (CD) containing electronic versions of the entire application are required. Each application copy must (i) be fastened with a binder clip; and (ii) contain tabs listing the major sections of and exhibits to the application. Each CD must be labeled with the applicant's name and must contain an electronic copy of the entire application. A budget template must be attached in Excel format on the CD, but all other application materials may be attached in a PDF or other format. The application copies and CDs must be submitted to the following address: Supportive Services for Veteran Families Program Office, National Center on Homelessness Among Veterans, 4100 Chester Avenue, Suite 201, Philadelphia, PA 19104. Applicants must submit two hard copies and two CDs. Applications may not be sent by facsimile (FAX). Applications must be received in the SSVF Program Office by 4:00 p.m. Eastern Time on the application deadline date. Applications must arrive as a complete package. Materials arriving separately will not be included in the application package for consideration and may result in the application being rejected. See Section II.C. of this NOFA for maximum allowable grant amounts.

Technical Assistance: Information regarding how to obtain technical assistance with the preparation of an initial or renewal supportive services grant application is available on the SSVF Program Web site at: *http://www.va.gov/HOMELESS/SSVF.asp.*

FOR FURTHER INFORMATION CONTACT: John Kuhn, Supportive Services for Veteran Families Program Office, National Center on Homelessness Among Veterans, 4100 Chester Avenue, Suite 201, Philadelphia, PA 19104; (877) 737–0111 (this is a toll-free number); *SSVF@va.gov.*

SUPPLEMENTARY INFORMATION:

I. Funding Opportunity Description

A. *Purpose:* The SSVF Program's purpose is to provide supportive services grants to private non-profit organizations and consumer cooperatives who will coordinate or provide supportive services to very low-income Veteran families who: (i) Are residing in permanent housing, (ii) are homeless and scheduled to become residents of permanent housing within a specified time period, or (iii) after exiting permanent housing within a specified time period, are seeking other housing that is responsive to such very low-income Veteran family's needs and preferences.

B. *Funding Priorities:* The overriding goal for this NOFA is to ensure that appropriate levels of resources are provided to communities with the greatest need to end Veteran homelessness. Under Priority 1, VA will provide up to $300 million over a 3-year period for non-renewable grants to eligible entities proposing services for one of the 76 priority Continuums of Care (CoC) listed below. VA has designed this 3-year effort to provide a surge of resources in communities with the highest need. These 76 locations have been selected based on factors that include current unmet service needs, levels of Veteran homelessness, levels of Veteran poverty, and the overall size of the Veteran population. Priority 2 is for existing SSVF Program grantees seeking to renew their supportive services grants. To be eligible for renewal of a supportive services grant, the grantee's program concept must be substantially the same with the program concept of the grantee's current grant award. Priority 3 is for eligible entities applying for initial supportive services grants.

C. *Definitions:* Sections 62.2 and 62.11(a) of title 38, Code of Federal Regulations, contain definitions of terms used in the SSVF Program. In addition to the definitions included in those sections, this NOFA includes two program areas: Emergency Housing Assistance and General Housing Stability Assistance.

Emergency Housing Assistance means the provision of up to 30 days of temporary housing that does not require the participant to sign a lease or occupancy agreement. The cost cannot exceed the reasonable community standard for such housing. Emergency housing is limited to short-term commercial residences (private residences are not eligible for such funding) not already funded to provide on-demand emergency shelter (such as emergency congregate shelters). By authorizing the limited provision of SSVF funded emergency housing, grantees will be able to ensure that participants do not become homeless while they transition to permanent housing or otherwise be put at risk pending placement in permanent housing. Appropriate provision of emergency housing is limited to those cases in which no space is available at a community shelter that would be appropriate for placement of a family unit and where permanent housing has been identified and secured but the participant cannot immediately be placed in that housing. Only families with children under the age of 18 may receive such assistance; individuals are not eligible for SSVF funded emergency housing placement. In the event that longer term transitional housing or emergency housing is needed without such restrictions, VA offers community-based alternatives including, the Grant and Per Diem Program and the Health Care for Homeless Veterans contract residential care program, as well as a variety of VA-based residential care programs.

General Housing Stability Assistance means the provision of goods or payment of expenses not included in other sections, but are directly related to supporting a participant's housing stability. This is a category that may offer a maximum of $1,500 in assistance per participant. Such assistance, when not available through existing mainstream and community resources, may include: (1) Items necessary for a participant's life or safety that are provided to the participant by a grantee on a temporary basis in order to address the participant's emergency situation (limited to $500 per participant under 38 CFR 62.34); (2) Expenses associated with gaining or keeping employment, such as obtaining uniforms, tools, certifications, and licenses; (3) Expenses

associated with moving into permanent housing, such as obtaining basic kitchen utensils, bedding, and other supplies; and (4) Expenses necessary for securing appropriate permanent housing, such as fees for applications, brokerage fees, or background checks.

D. *Approach:* Grantees will be expected to leverage supportive services grant funds to enhance the housing stability of very low-income Veteran families who are occupying permanent housing. In doing so, grantees are required to establish relationships with local community resources. Therefore, agencies must work through coordinated partnerships built either through formal agreements or the informal working relationships commonly found amongst strong social service providers. As part of the application, under 62.22(e), all applicants should provide letters of support from the CoC where they plan to deliver services that reflect the applicant's engagement in the CoC's efforts to coordinate services. A CoC is a community plan to organize and deliver housing and services to meet the needs of people who are homeless as they move to stable housing and maximize self-sufficiency. It includes action steps to end homelessness and prevent a return to homelessness [CoC locations and contact information can be found at the Department of Housing and Urban Development's (HUD) Web site, *http://www.hudhre.info/index.cfm?do=viewCocMaps*]. This coordination should describe the applicant's participation in the CoC's coordinated assessment efforts (coordinated assessment refers to a common process for accessing homeless assistance services including: Prevention, diversion, emergency shelter, transitional housing, rapid rehousing, supportive services and even permanent supportive housing). In addition, any applicant proposing to serve an Indian Tribal area is expected to provide a letter of support from the relevant Indian Tribal Government. The aim of the provision of supportive services is to assist very low-income Veteran families residing in permanent housing to remain stably housed and to rapidly transition to stable housing. SSVF emphasizes the placement of homeless Veteran families who are described in regulation as (i) very low-income Veteran families who are homeless and scheduled to become residents of permanent housing within 90 days, including those leaving VA's Homeless Providers Grant and Per Diem projects and (ii) very low-income Veteran families who have exited permanent housing within the previous 90 days to seek other housing that is responsive to their needs and preferences. Accordingly, VA encourages eligible entities skilled in facilitating housing stability and experienced in operating rapid re-housing programs (i.e., administering HUD's Homelessness Prevention and Rapid Re-Housing Program HUD's Emergency Solution Grant (ESG), or other comparable Federal or community resources) to apply for supportive services grants. As a crisis intervention program, the SSVF Program is not intended to provide long-term support for participants, nor will it be able to address all of the financial and supportive services needs of participants that affect housing stability. Rather, when participants require long-term support, grantees should focus on connecting such participants to income supports, such as employment and mainstream Federal and community resources (e.g., HUD–VA Supportive Housing (VASH) program, HUD Housing Choice Voucher programs, McKinney-Vento funded supportive housing programs, Temporary Assistance for Needy Families, Social Security Income/Social Security Disability Insurance etc.) that can provide ongoing support as required.

Assistance in obtaining or retaining permanent housing is a fundamental goal of the SSVF Program. Grantees are expected to provide case management services in accordance with 38 CFR 62.31. Such case management should include tenant counseling; mediation with landlords; and outreach to landlords.

E. *Authority:* Funding applied for under this NOFA is authorized by 38 U.S.C. 2044, as recently amended by the Department of Veterans Affairs Expiring Authorities Act of 2013, Public Law 113–37. VA implements the SSVF Program by regulation in 38 CFR part 62. Funds made available under this NOFA are subject to the requirements of the aforementioned regulations and other applicable laws and regulations.

F. *Requirements for the Use of Supportive Services Grant Funds:* The grantee's request for funding must be consistent with the limitations and uses of supportive services grant funds set forth in 38 CFR part 62 and this NOFA. In accordance with the regulations and this NOFA, the following requirements apply to supportive services grants awarded under this NOFA:

(1) Grantees may use a maximum of 10 percent of supportive services grant funds for administrative costs identified in § 62.70.

(2) Grantees must use a minimum of 60 percent of supportive services grant (of the grant reward remaining after allowable deductions for administrative costs) funds to serve very low-income Veteran families who either (i) are homeless and scheduled to become residents of permanent housing within 90 days pending the location or development of housing suitable for permanent housing, as described in § 62.11(a)(2), or (ii) have exited permanent housing within the previous 90 days to seek other housing that is responsive to their needs and preferences, as described in § 62.11(a)(3). (**Note:** Grantees may request a waiver to decrease this minimum to 40 percent, discussed in section V.B.3.i.)

(3) Grantees may use a maximum of 50 percent of supportive services grant funds to provide the supportive service of temporary financial assistance paid directly to a third party on behalf of a participant for child care, emergency housing assistance, transportation, rental assistance, utility-fee payment assistance, security deposits, utility deposits, moving costs, and general housing stability assistance (which includes emergency supplies) in accordance with §§ 62.33 and 62.34. Grantees funded under Priority 1 funding must use a minimum of 40 percent of their supportive services grant (of the grant reward remaining after allowable deductions for administrative costs) funds to provide temporary financial assistance.

G. *Guidance for the Use of Supportive Services Grant Funds:* It is VA policy to support a ''Housing First'' model in addressing and ending homelessness. Housing First establishes housing stability as the primary intervention in working with homeless persons. The Housing First approach is based on research that shows a homeless individual or household's first and primary need is to obtain stable housing, and that other issue that may affect the household can and should be addressed as housing is obtained. Research supports this approach as an effective means to end homelessness. Housing is not contingent on compliance with services—instead, participants must comply with a standard lease agreement and are provided with the services and supports that are necessary to help them do so successfully.

1. Consistent with the Housing First model supported by VA, grantees are expected to offer the following supportive services: Housing counseling; assisting participants in understanding leases; securing utilities;

making moving arrangements; provide representative payee services concerning rent and utilities when needed; and mediation and outreach to property owners related to locating or retaining housing. Grantees may also assist participants by providing rental assistance, security or utility deposits, moving costs or emergency supplies; or using other Federal resources, such as the HUD's ESG, or supportive services grant funds subject to the limitations described in this NOFA and 38 CFR 62.34.

2. VA recognizes that extremely low-income Veterans, with incomes below 30 percent of the area median income, face greater barriers to permanent housing placement. In order to support grantees' efforts to serve this population, VA has proposed new program regulations that will expand temporary financial assistance that may be offered to these participants. Grantees must consider the proposed rule when developing their response to this NOFA, if the proposed rule is published by February 14, 2014.

3. Grantees are encouraged to provide, or assist participants in obtaining, legal services relevant to issues that interfere with the participants' ability to obtain or retain permanent housing. (**Note:** Legal services provided may be protected from release or review by the grantee or VA under attorney-client privilege.) Support for legal services can include paying for court filing fees to assist a participant with issues that interfere with the participant's ability to obtain or retain permanent housing or supportive services, including issues that affect the participant's employability and financial security.

4. Access to mental health and addiction services are required by SSVF; however, grantees cannot fund these services directly through the SSVF grant. Therefore, applicants must demonstrate, through either formal or informal agreements, their ability to promote rapid access and engagement to mental health and addiction services for the Veteran and family members.

5. As SSVF is a short-term crisis intervention, grantees must develop plans that will produce sufficient income to sustain Veteran participants in permanent housing after the conclusion of the SSVF intervention. Grantees must ensure the availability of employment and vocational services either through the direct provision of these services or their availability through formal or informal service agreements. Agreements with Homeless Veteran Reintegration Programs funded by the U.S. Department of Labor are strongly encouraged. For participants unable to work due to disability, income must be established through available benefits programs.

6. Notwithstanding any other section in this part, grantees are not authorized to use SSVF funds to pay for the following: (i) Mortgage costs or costs needed by homeowners to assist with any fees, taxes, or other costs of refinancing; (ii) construction or the cost of housing rehabilitation; (iii) credit card bills or other consumer debt; (iv) medical or dental care and medicines; (v) mental health, substance use, or other therapeutic interventions designed to treat diagnostic conditions as defined in the Diagnostic and Statistical Manual of Mental Disorders fifth edition (**Note:** Although SSVF grant funds cannot be used to pay for the treatment of mental health or substance use disorders, grantees are required to offer such services through formal coordinated relationships with VA and other community providers); (vi) home care and home health aides typically used to provide care in support of daily living activities—this includes care that is focused on treatment for an injury or illness, rehabilitation, or other assistance generally required to assist those with handicaps or other physical limitations; (vii) pet care; (viii) entertainment activities; (ix) direct cash assistance to program participants; or (x) court-ordered judgments or fines.

7. When serving participants who are residing in permanent housing, it is required that the defining question to ask is: ''Would this individual or family be homeless but for this assistance?'' The grantee must use a VA approved screening tool with criteria that targets those most at-risk of homelessness. To qualify for SSVF services, a Veteran who is served under Category 1 (homeless prevention), the participants must not have sufficient resources or support networks, *e.g.,* family, friends, faith-based or other social networks, immediately available to prevent them from becoming homeless. To further qualify for services under Category 1, the grantee must document that the participant meets at least one of the following conditions:

(a) Has moved because of economic reasons two or more times during the 60 days immediately preceding the application for homelessness prevention assistance;

(b) Is living in the home of another because of economic hardship;

(c) Has been notified in writing that their right to occupy their current housing or living situation will be terminated within 21 days after the date of application for assistance;

(d) Lives in a hotel or motel and the cost of the hotel or motel stay is not paid by charitable organizations or by Federal, State, or local Government programs for low-income individuals;

(e) Is exiting a publicly funded institution, or system of care (such as a health-care facility, a mental health facility, or correctional institution) without a stable housing plan; or

(f) Otherwise lives in housing that has characteristics associated with instability and an increased risk of homelessness, as identified in the recipient's approved screening tool.

8. Where ESG funds or other funds from community resources are not readily available, grantees may choose to utilize supportive services grants, subject to the limitations described in this NOFA and in 38 CFR 62.33 and 62.34, to provide temporary financial assistance. Such assistance may, subject to the limitations in this NOFA and 38 CFR Part 62, be paid directly to a third party on behalf of a participant for child care, transportation, family emergency housing assistance, rental assistance, utility-fee payment assistance, security or utility deposits, moving costs and general housing stability assistance as necessary.

II. Award Information

A. *Overview:* This NOFA announces the availability of funds for supportive services grants under the SSVF Program and pertains to proposals for initial and renewal supportive services grant programs. Up to $600 million [1] may be available through this NOFA with up to $300 million available through Priority 1 and approximately $300 million available through Priorities 2 and 3 (combined), subject to available appropriations for Fiscal Year (FY) 2014 and FY 2015. Funding for Priority 1 that is not expended will be made available for Priorities 2 and 3.

B. *Funding:* The funding priorities for this NOFA are as follows.

1. Priority 1. Under Priority 1, VA will provide up to $300 million over a 3-year period for non-renewable grants to eligible entities proposing services for one of the 76 priority CoCs listed below. Available funding for each CoC is listed below. Applications must include a letter of support from the VA's Network Homeless Coordinator assigned to the priority city and be endorsed by a CoC located within a priority community to be considered. Each continuum can endorse no more than two applications.

[1] The $600 million funding level is composed of both the $300 million in funds appropriated to Medical Services for FY 2014 and the $300 million anticipated from the FY 2015 advance appropriation for Medical Services.

Available funding for each CoC is as follows:

Id	CoC Name	Eligible 3 year funding
CA–600	Los Angeles City & County CoC	$24,000,000
NY–600	New York City CoC	12,000,000
CA–500	San Jose/Santa Clara City & County CoC	6,000,000
CA–501	San Francisco CoC	6,000,000
CA–504	Santa Rosa/Petaluma/Sonoma County CoC	6,000,000
CA–514	Fresno/Madera County CoC	6,000,000
CA–601	San Diego City and County CoC	6,000,000
CA–606	Long Beach CoC	6,000,000
CA–614	San Luis Obispo County CoC (CA–614)	6,000,000
FL–502	St. Petersburg/Clearwater/Largo/Pinellas County CoC	6,000,000
FL–507	Orlando/Orange, Osceola, Seminole Counties CoC	6,000,000
GA–500	Atlanta/Roswell/DeKalb, Fulton Counties CoC	6,000,000
NV–500	Las Vegas/Clark County CoC	6,000,000
OR–501	Portland/Gresham/Multnomah County CoC	6,000,000
UT–500	Salt Lake City & County CoC	6,000,000
WA–500	Seattle/King County CoC	6,000,000
AR–500	Little Rock/central Arkansas CoC (AR–500)	3,000,000
AZ–501	Tucson/Pima County CoC	3,000,000
AZ–502	Phoenix/Mesa/Maricopa County Regional CoC	3,000,000
CA–502	Oakland/Alameda County CoC	3,000,000
CA–503	Sacramento City & County CoC	3,000,000
CA–506	Salinas/Monterey, San Benito Counties CoC (CA–506)	3,000,000
CA–508	Watsonville/Santa Cruz City & County CoC (CA–508)	3,000,000
CA–516	Redding/Shasta CoC (CA–516)	3,000,000
CA–522	Humboldt County CoC (CA–522)	3,000,000
CA–602	Santa Ana/Anaheim/Orange County CoC	3,000,000
CA–608	Riverside City & County CoC	3,000,000
CA–604	Bakersfield/Kern County CoC	3,000,000
CA–609	San Bernardino City & County CoC	3,000,000
CO–503	Metropolitan Denver Homeless Initiative	3,000,000
CO–504	Colorado Springs/El Paso County CoC	3,000,000
DC–500	District of Columbia CoC	3,000,000
FL–501	Tampa/Hillsborough County CoC	3,000,000
IN–503	Indianapolis CoC	3,000,000
FL–504	Daytona Beach/Daytona/Volusia, Flagler Counties CoC	3,000,000
FL–510	Jacksonville-Duval, Clay Counties CoC	3,000,000
FL–513	Palm Bay/Melbourne/Brevard County CoC	3,000,000
FL–600	Miami/Dade County CoC	3,000,000
HI–501	Honolulu CoC	3,000,000
IL–510	Chicago CoC	3,000,000
IL–511	Cook County CoC	3,000,000
KS–501	Kansas City/Independence/Lee's Summit/Jackson County CoC	3,000,000
KY–501	Louisville/Jefferson County CoC	3,000,000
LA–503	New Orleans/Jefferson Parish CoC	3,000,000
MA–500	Boston CoC	3,000,000
MA–506	Worcester County CoC (MA–506)	3,000,000
MA–507	Pittsfield/Berkshire County CoC (MA–507)	3,000,000
MD–501	Baltimore City CoC	3,000,000
MI–501	Detroit CoC	3,000,000
MN–500	Minneapolis/Hennepin County CoC	3,000,000
MO–604	Kansas City CoC (MO–604)	3,000,000
MT–500	Montana Statewide CoC	3,000,000
NC–501	Asheville/Buncombe County CoC (NC–501)	3,000,000
NC–507	Raleigh/Wake County CoC	3,000,000
NC–511	Fayetteville/Cumberland County CoC	3,000,000
NY–603	Islip/Babylon/Huntington/Suffolk County CoC	3,000,000
OH–500	Cincinnati/Hamilton County CoC	3,000,000
OH–502	Cleveland/Cuyahoga County CoC	3,000,000
OH–505	Dayton/Kettering/Montgomery County CoC	3,000,000
OR–500	Eugene/Springfield/Lane County CoC (OR–500)	3,000,000
OR–502	Medford/Ashland/Jackson County CoC (OR–502)	3,000,000
PA–500	Philadelphia CoC	3,000,000
PR–503	South/Southeast Puerto Rico CoC	3,000,000
RI–500	Rhode Island Statewide CoC	3,000,000
SC–502	Columbia/Midlands CoC	3,000,000
SC–503	Myrtle Beach/Sumter City & County CoC	3,000,000
TN–501	Memphis/Shelby County CoC	3,000,000
TX–503	Austin/Travis County CoC	3,000,000
TN–504	Nashville/Davidson County CoC	3,000,000
TX–600	Dallas City & County/Irving CoC	3,000,000

Id	CoC Name	Eligible 3 year funding
TX–601	Fort Worth/Arlington/Tarrant County CoC	3,000,000
TX–603	El Paso City & County CoC	3,000,000
TX–700	Houston/Harris County CoC	3,000,000
WA–502	Spokane City & County CoC	3,000,000
WA–503	Tacoma/Lakewood/Pierce County CoC	3,000,000
WI–501	Milwaukee City & County CoC	3,000,000
TOTAL		300,000,000

2. Priority 2. Renewal applications can request funding that is up to 2 percent higher than their current award, subject to the $2 million cap per award. (**Note:** if an existing grantee would like to substantially modify an existing program or request additional funding, the grantee may submit an initial application and apply under Priority 3. Grantees cannot submit more than one application serving the same geographic area). An existing grantee applying for funding for a program that is substantially the same as their existing program, may only apply under Priority 2. Should not enough applications be funded under Priority 2, funds not expended in this priority will fall to Priority 3.

3. Priority 3. Priority 3 is for eligible entities applying for initial supportive services grants.

C. *Allocation of Funds:* Funding will be awarded under this NOFA to grantees for a 1- to 3-year period. The following requirements apply to Priority 2 and 3 supportive services grants awarded under this NOFA:

(1) Each grant cannot exceed $2 million per year.

(2) The total number of supportive services grants awarded to a grantee cannot exceed seven grants nationwide per year.

(3) Applicants should fill out separate applications for each supportive services funding request.

D. *Supportive Services Grant Award Period:* All Priority 1 supportive services grants will be for a 3-year, non-renewable period. Priority 3 supportive services grants awarded under this NOFA will be for a 1-year period. Selected Priority 2 grants applying for renewals of existing grants may be eligible for a 3-year award (see VI.C.6).

III. Eligibility Information

A. *Eligible Applicants:* In order to be eligible, an applicant must qualify as a private non-profit organization (Section 501(c)(3) tax exempt status is required) or a consumer cooperative as has the meaning given such term in Section 202 of the Housing Act of 1959 (12 U.S.C. 1701q). In addition, tribally designated housing entities (as defined in Section 4 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4104)) are eligible.

B. *Cost Sharing or Matching:* This section is not applicable to the SSVF Program.

IV. Application and Submission Information

A. *Address To Request Application Package:* Download directly from the SSVF Program Web site at *www.va.gov/homeless/ssvf.asp* or send a written request for an application to SSVF Program Office, National Center on Homelessness Among Veterans, 4100 Chester Avenue, Suite 201, Philadelphia, PA 19104. Any questions regarding this process should be referred to the SSVF Program Office via phone at (877) 737–0111 (toll-free number) or via email at *SSVF@va.gov.* For detailed SSVF Program information and requirements, see 38 CFR part 62.

B. *Content and Form of Application:* Two completed, collated, hard copies of the application and two compact discs (CD) containing electronic versions of the entire application are required. Each application copy must (i) be fastened with a binder clip; and (ii) contain tabs listing the major sections of and exhibits to the application. Each CD must be labeled with the applicant's name and must contain an electronic copy of the entire application. A budget template must be attached in Excel format on the CD, but all other application materials may be attached in a PDF or other format.

C. *Submission Dates and Times:* Applications for supportive services grants under the SSVF Program must be received by the SSVF Program Office by 4:00 p.m. Eastern Time on March 14, 2014. Awards made for Priority 1 supportive services grants will fund operations over a 3-year period beginning October 1, 2014. Awards made for Priority 2 and 3 supportive services grants will fund operations for the fiscal year beginning October 1, 2014. Applications must arrive as a complete package. Materials arriving separately will not be included in the application package for consideration and may result in the application being rejected. Additionally, in the interest of fairness to all competing applicants, this deadline is firm as to date and hour, and VA will treat as ineligible for consideration any application that is received after the deadline. Applicants should take this practice into account and make early submission of their materials to avoid any risk of loss of eligibility brought about by unanticipated delays, computer service outages, or other delivery-related problems.

It should also be noted that in order to encourage the equitable distribution of supportive services grants across geographic regions, in accordance with 38 CFR 62.23(d)(2), under Priority 2 and 3 an eligible entity may apply for a total of $2 million per year in funding per grant (see II.B.1 for award amounts available under Priority 1).

D. *Intergovernmental Review:* This section is not applicable to the SSVF Program.

E. *Funding Restrictions:* Up to $600 million may be awarded depending on funding availability and subject to available appropriations for initial and renewal supportive services grants to be funded under this NOFA for a 1- to 3-year period. Applicants should fill out separate applications for each supportive services funding request. Eligible entities applying under Priority 1 are not restricted by award amount or the number of grants they may receive other than what is described in II.B.1. The following requirements apply only to Priority 2 and 3 supportive services grants awarded under this NOFA (any grants received under Priority 1 do not accrue to these limits):

(1) Each grant cannot exceed $2 million per year.

(2) The total number of supportive services grants awarded to a grantee cannot exceed seven grants nationwide per year.

(3) Grants to the same applicant cannot have overlapping service areas.

F. *Other Submission Requirements:*

(1) Applicants may apply as new applicants or as a grant renewal.

(a) *Renewals.* Renewal funding (Priority 2) is for existing SSVF Program grantees seeking to renew their

supportive services grants. To be eligible for renewal of a supportive services grant, the grantee's program concept must be substantially the same with the program concept of the grantee's current grant award. Renewal applications can request a grant amount that is no more than two percent higher than the grantee's current grant award (subject to the allocation limitations described in Section IV.E of this NOFA). (**Note:** if an existing grantee would like to modify an existing program, the grantee may respond as a new applicant. Grantees cannot submit more than one application serving the same geographic area). Only an existing grantee applying for funding for a program that is substantially the same as their existing program, may apply using the renewal application.

(b) *New Applicants.* Eligible entities may apply for funding as new applicants (Priority 3) apply using the application designed for new grants.

(2) Additional supportive services grant application requirements are specified in the initial and renewal application packages. Submission of an incorrect or incomplete application package will result in the application being rejected during threshold review. The application packages must contain all required forms and certifications. Selections will be made based on criteria described in 38 CFR Part 62 and this NOFA. Applicants and grantees will be notified of any additional information needed to confirm or clarify information provided in the application and the deadline by which to submit such information. The application copies and CDs must be submitted to the following address: SSVF Program Office, National Center on Homelessness Among Veterans, 4100 Chester Avenue, Suite 201, Philadelphia, PA 19104. Applicants must submit two hard copies and two CDs. Applications may not be sent by facsimile (FAX).

V. Application Review Information

A. Criteria

1. VA will only score applicants that meet the following threshold requirements:

(a) The application is filed within the time period established in the NOFA, and any additional information or documentation requested by VA under § 62.20(c) is provided within the time frame established by VA;

(b) The application is completed in all parts;

(c) The applicant is an eligible entity;

(d) The activities for which the supportive services grant is requested are eligible for funding under this part;

(e) The applicant's proposed participants are eligible to receive supportive services under this part;

(f) The applicant agrees to comply with the requirements of this part;

(g) The applicant does not have an outstanding obligation to the Federal Government that is in arrears and does not have an overdue or unsatisfactory response to an audit; and

(h) The applicant is not in default by failing to meet the requirements for any previous Federal assistance.

2. VA will use the following criteria to score applicants who are applying for a new supportive services grant:

(a) VA will award up to 35 points based on the background, qualifications, experience, and past performance (with particular focus on housing placement and retention rates for those applicants serving homeless persons), of the applicant, and any subcontractors identified by the applicant in the supportive services grant application.

(b) VA will award up to 25 points based on the applicant's program concept and supportive services plan.

(c) VA will award up to 15 points based on the applicant's quality assurance and evaluation plan.

(d) VA will award up to 15 points based on the applicant's financial capability and plan.

(e) VA will award up to 10 points based on the applicant's area or community linkages and relations.

3. VA will use the following process to select applicants to receive supportive services grants:

(a) VA will score all applicants that meet the threshold requirements set forth in § 62.21 using the scoring criteria set forth in § 62.22.

4. VA will use the following criteria to score grantees applying for renewal of a supportive services grant:

(a) VA will award up to 55 points based on the success of the grantee's program.

(b) VA will award up to 30 points based on the cost-effectiveness of the grantee's program.

(c) VA will award up to 15 points based on the extent to which the grantee's program complies with SSVF Program goals and requirements.

5. VA will use the following process to select grantees applying for renewal of supportive services grants:

(a) So long as the grantee continues to meet the threshold requirements set forth in § 62.21, VA will score the grantee using the scoring criteria set forth in § 62.24. Detailed information regarding application criteria can be found in 38 CFR 62.21–62.25.

B. Review and Selection Process

VA will review all initial and renewal supportive services grant applications in response to this NOFA according to the following steps:

1. Score all applications that meet the threshold requirements described in 38 CFR 62.21.

2. Rank those applications who score at least 70 cumulative points and receive at least one point under each of the categories identified for new applicants in § 62.22, paragraphs (a), (b), (c), (d), and (e) and renewal applicants in § 62.24, paragraphs (a), (b), and (c). The applications will be ranked in order from highest to lowest scores.

3. Utilize the ranked scores of applications as the primary basis for selection. However, in accordance with § 62.23(d), VA will utilize the following considerations to select applicants for funding:

i. Preference applications that provide or coordinate the provision of supportive services for very low-income Veteran families transitioning from homelessness to permanent housing. Consistent with this preference, applicants are required to serve no less than 60 percent of their participants and spend no less than 60 percent of all budgeted temporary financial assistance on homeless participants defined in § 62.11(a)(2) and (a)(3). Waivers to this 60 percent requirement may be requested when grantees can demonstrate significant local progress towards eliminating homelessness in the target service area. Waiver requests must include data from authoritative sources such as HUD's Annual Homeless Assessment Report, annual Point-In-Time Counts and evidence of decreased demand for emergency shelter and transitional housing. Waivers can reduce this 60 percent minimum funding requirement to a 40 percent minimum, with the balance available for participants at imminent risk of homelessness as defined in § 62.11(a)(1). Waivers for the 60 percent requirement may also be requested for services provided to rural Indian tribal areas and other rural areas where shelter capacity is insufficient to meet local need.

ii. To the extent practicable, ensure that supportive services grants are equitably distributed across geographic regions, including rural communities and tribal lands. This equitable distribution criteria will be used to ensure that SSVF resources are provided to those communities with the highest need as identified by authoritative sources such as HUD's Annual Homeless Assessment Report annual

Point-In-Time Counts and VA Homeless Registry data.

4. Subject to the considerations noted in paragraph B.3 above, VA will fund the highest-ranked applications for which funding is available.

VI. Award Administration Information

A. Award Notices

Although subject to change, the SSVF Program Office expects to announce grant recipients for all applicants by late summer, 2014 with grants beginning October 1, 2014. Prior to executing a funding agreement, VA will contact the applicants and make known the amount of proposed funding and verify the applicant still would like the funding. Once VA verifies that the applicant is still seeking funding, VA will execute an agreement and make payments to the grant recipient in accordance with 38 CFR 62 and other applicable provisions of this NOFA.

B. Administrative and National Policy Requirements

It is VA's policy to support a ''Housing First'' model in addressing and ending homelessness. Housing First establishes housing stability as the primary intervention in working with homeless persons. The Housing First approach is based on research that shows a homeless individual or household's first and primary need is to obtain stable housing, and that other issues that may affect the household can and should be addressed as housing is obtained. Housing is not contingent on compliance with services—instead, participants must comply with a standard lease agreement and are provided with the services and supports that are necessary to help them do so successfully. Research supports this approach as an effective means to end homelessness.

Consistent with the Housing First model supported by VA, grantees are expected to offer the following supportive services: Housing counseling; assisting participants in understanding leases; securing utilities; making moving arrangements; provide representative payee services concerning rent and utilities when needed; and mediation and outreach to property owners related to locating or retaining housing. Grantees may also assist participants by providing rental assistance, security or utility deposits, moving costs or emergency supplies, using other Federal resources, such as the ESG, or supportive services grant funds subject to the limitations described in this NOFA and 38 CFR 62.34.

As SSVF grants cannot be used to fund treatment for mental health or substance use disorders, applicants must provide evidence that they can provide access to such services to all program participants through formal and informal agreements with community providers.

C. Reporting

VA places great emphasis on the responsibility and accountability of grantees. As described in 38 CFR 62.63 and 62.71, VA has procedures in place to monitor supportive services provided to participants and outcomes associated with the supportive services provided under the SSVF Program. Applicants should be aware of the following:

1. Upon execution of a supportive services grant agreement with VA, grantees will have a VA regional coordinator assigned by the SSVF Program Office who will provide oversight and monitor supportive services provided to participants.

2. Grantees will be required to enter data into a Homeless Management Information System (HMIS) Web-based software application. This data will consist of information on the participants served and types of supportive services provided by grantees. Grantees must treat the data for activities funded by the SSVF Program separate from that of activities funded by other programs. Grantees will be required to work with their HMIS Administrators to export client-level data for activities funded by the SSVF Program to VA on at least a monthly basis.

3. VA shall complete annual monitoring evaluations of each grantee. Monitoring will also include the submittal of quarterly and annual financial and performance reports by the grantee. The grantee will be expected to demonstrate adherence to the grantee's proposed program concept, as described in the grantee's application. All grantees are subject to audits conducted by VA's Financial Services Center.

4. Grantees will be required to provide each participant with a satisfaction survey which can be submitted by the participant directly to VA, within 45 to 60 days of the participant's entry into the grantee's program and again within 30 days of such participant's pending exit from the grantee's program.

5. Grantees will be assessed based on their ability to meet critical performance measures. In addition to meeting program requirements defined by the regulations and NOFA, grantees will be assessed on their ability to place participants into housing and the housing retention rates of participants served. Higher placement for homeless participants and higher housing retention rates for at-risk participants are expected for very-low income Veteran families when compared to extremely low-income Veteran families with incomes below 30 percent of the area median income.

6. Organizations receiving renewal awards and that have had ongoing SSVF Program operation for at least 1 year (as measured by the start of initial SSVF services until March 14, 2014) may be eligible for a 3-year award. Grantees meeting outcome goals defined by VA and in substantial compliance with their grant agreements (defined by meeting targets and having no outstanding corrective action plans) and who, in addition, receive 3-year accreditation from the Commission on Accreditation of Rehabilitation Facilities in Employment and Community Services (CARF) or a 4-year accreditation from the Council on Accreditation's (COA) accreditation in Case Management services are eligible for a 3-year grant renewal pending funding availability. (**Note:** Multi-year awards are contingent on funding availability.) If awarded a multiple year renewal, grantees may be eligible for funding increases as defined in NOFAs that correspond to years 2 and 3 of their renewal funding.

7. Organizations that received a 2-year award in the previous NOFA (awards that were announced July 13, 2013) can receive an additional 1-year extension with proof of CARF or COA accreditation (as described in C.6.) supplied by the application deadline. Organizations requesting this 1-year extension to their current 2-year grant award only need to submit this proof of accreditation and do not need to submit any additional application information.

VII. Agency Contact

A. *For further information contact:* John Kuhn, Supportive SSVF Program Office, National Center on Homelessness Among Veterans, 4100 Chester Avenue, Suite 201, Philadelphia, PA 19104; (877) 737–0111 (this is a toll-free number); *SSVF@va.gov.*

VIII. Other Information

A. VA's Goals and Objectives for Funds Awarded Under This NOFA

In accordance with 38 CFR 62.22(b)(6), VA will evaluate an applicant's ability to meet VA's goals and objectives for the SSVF Program. VA's goals and objectives include the provision of supportive services

designed to enhance the housing stability and independent living skills of very low-income Veteran families occupying permanent housing across geographic regions. For purposes of this NOFA, VA's goals and objectives also include the provision of supportive services designed to rapidly re-house or prevent homelessness among people in the following target populations who also meet all requirements for being part of a very low-income Veteran family occupying permanent housing:

1. Veteran families earning less than 30 percent of area median income as most recently published by HUD for programs under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f) (*http://www.huduser.org*).

2. Veterans with at least one dependent family member.

3. Veterans returning from Operation Enduring Freedom, Operation Iraqi Freedom, or Operation New Dawn.

4. Veteran families located in a community, as defined by HUD's CoC, not currently served by a SSVF grantee.

5. Veteran families located in a community, as defined by HUD's CoC, where current level of SSVF services is not sufficient to meet demand of Category 2 and 3 (currently homeless) Veteran families.

6. Veteran families located in a rural area.

7. Veteran families located on Indian Tribal Property.

B. *Payments of Supportive Services Grant Funds:* Grantees will receive payments electronically through the U.S. Department of Health and Human Services Payment Management System. Grantees will have the ability to request payments as frequently as they choose subject to the following limitations:

1. During the first quarter of the grantee's supportive services grant award period, the grantee's cumulative requests for supportive services grant funds may not exceed 35 percent of the total supportive services grant award without written approval by VA.

2. By the end of the second quarter of the grantee's supportive services grant award period, the grantee's cumulative requests for supportive services grant funds may not exceed 60 percent of the total supportive services grant award without written approval by VA.

3. By the end of the third quarter of the grantee's supportive services grant award period, the grantee's cumulative requests for supportive services grant funds may not exceed 80 percent of the total supportive services grant award without written approval by VA.

4. By the end of the fourth quarter of the grantee's supportive services grant award period, the grantee's cumulative requests for supportive services grant funds may not exceed 100 percent of the total supportive services grant award.

Dated: December 20, 2013.

Jose D. Riojas,

Chief of Staff, Department of Veterans Affairs.

[FR Doc. 2014–00289 Filed 1–13–14; 8:45 am]

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Part II

Environmental Protection Agency

40 CFR Part 49

General Permits and Permits by Rule for the Federal Minor New Source Review Program in Indian Country; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 49

[EPA–HQ–OAR–2011–0151; FRL–9904–09–OAR]

RIN 2060–AQ95

General Permits and Permits by Rule for the Federal Minor New Source Review Program in Indian Country

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing general permits for use in Indian country pursuant to the Indian Country Minor New Source Review (NSR) rule for new or modified minor sources in the following five source categories: Hot mix asphalt (HMA) plants; stone quarrying, crushing, and screening (SQCS) facilities; auto body repair and miscellaneous surface coating operations; gasoline dispensing facilities (GDFs); and petroleum dry cleaning facilities. In the alternative, the EPA is also proposing permits by rule for use in Indian country for new or modified minor sources in three of the source categories: Auto body repair and miscellaneous surface coating operations; GDFs; and petroleum dry cleaning facilities. The EPA is also proposing certain changes to the Indian Country Minor NSR rule. The proposed changes include: Extending the deadline by when true minor sources in the oil and gas sector must receive minor source NSR permits; and allowing general permits and permits by rule for specific categories to create synthetic minor sources.

DATES: Comments must be received on or before March 17, 2014.

Public Hearing. If anyone contacts us requesting to speak at a public hearing by February 4, 2014, we will hold a public hearing. Additional information about the hearing will be published in a subsequent **Federal Register** notice.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OAR–2011–0151, by one of the following methods:

- *www.regulations.gov:* Follow the online instructions for submitting comments.
- *Email: a-and-r-docket@epa.gov.* Include Docket ID No. EPA–HQ–OAR–2011–0151 in the subject line of the message.
- *Fax:* (202) 566–9744, attention Docket ID No. EPA–HQ–OAR–2011–0151.
- *Mail:* Attention Docket ID No. EPA–HQ–OAR–2011–0151, EPA, Mailcode: 6102T, 1200 Pennsylvania Ave. NW., Washington, DC 20460. Please include a total of two copies.
- *Hand Delivery:* The EPA Docket Center, Public Reading Room, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC 20460, Attention Docket ID No. EPA–HQ–OAR–2011–0151. Such deliveries are only accepted during the Docket's normal hours of operation, and special arrangements should be made for deliveries of boxed information.

Instructions: Direct your comments to Docket ID No. EPA–HQ–OAR–2011–0151. The EPA's policy is that all comments received will be included in the public docket without change and may be made available online at *www.regulations.gov,* including any personal information provided, unless the comment includes information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Do not submit information that you consider to be CBI or otherwise protected through *www.regulations.gov* or email. The *www.regulations.gov* Web site is an ''anonymous access'' system, which means the EPA will not know your identity or contact information unless you provide it in the body of your comment. If you send an email comment directly to the EPA without going through *www.regulations.gov,* your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the Internet. If you submit an electronic comment, the EPA recommends that you include your name and other contact information in the body of your comment and with any disk or CD–ROM you submit. If the EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, the EPA may not be able to consider your comment. Electronic files should avoid the use of special characters, any form of encryption, and be free of any defects or viruses. For additional instructions on submitting comments, go to Section I.C of the **SUPPLEMENTARY INFORMATION** section of this document.

Docket: The EPA has established a docket for this rulemaking under Docket ID Number EPA–HQ–OAR–2011–0151. All documents in the docket are listed in the *www.regulations.gov* index. Although listed in the index, some information is not publicly available, e.g., CBI or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, will be publicly available only in hard copy. Publicly available docket materials are available either electronically in *www.regulations.gov* or under Docket ID Number EPA–HQ–OAR–2011–0151, EPA/DC, EPA West, Room 3334, 1301 Constitution Ave. NW., Washington, DC. 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 Air Docket is (202) 564–1742.

FOR FURTHER INFORMATION CONTACT: Mr. Christopher Stoneman, Outreach and Information Division, Office of Air Quality Planning and Standards, (C–304–03), Environmental Protection Agency, Research Triangle Park, North Carolina, 27711, telephone number (919) 541–0823, facsimile number (919) 541–0072, email address: *stoneman.chris@epa.gov.*

To request a public hearing or information pertaining to a public hearing on this document, contact Ms. Carolyn Childers, Outreach and Information Division, Office of Air Quality Planning and Standards (C304–01), Environmental Protection Agency, Research Triangle Park, North Carolina 27711; telephone number (919) 541–5604; fax number (919) 541–0072; email address: *childers.carolyn@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, ''reviewing authority,'' ''we,'' ''us'' and ''our'' refer to the EPA. The information in this preamble is organized as follows:

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I. General Information

A. Does this action apply to me?

Entities potentially affected by this proposed action include the EPA and tribal governments that are delegated administrative authority to assist the EPA with the implementation of the tribal minor source air permitting program and owners and operators of facilities located in Indian country as defined in 18 U.S.C. 1151 and as provided in the NSR rule from the following source categories:

TABLE 1—SOURCE CATEGORIES

Industry category	North American industry classification system	Examples of regulated entities
HMA Facilities	324122	Asphalt Paving, Roofing, and Saturated Materials Manufacturing.
	324121	Asphalt Paving Mixture and Block Manufacturing.
SQCS Facilities	212311	Dimension Stone Mining and Quarrying.
	212312	Crushed and Broken Limestone Mining and Quarrying.
	212313	Crushed and Broken Granite Mining and Quarrying.
	212319	Other Crushed and Broken Stone Mining and Quarrying.
	212321	Construction Sand and Gravel Mining.
Auto Body Repair and Miscellaneous Surface Coating Operations.	811121	Automotive Body, Paint, Interior, and Glass Repair.
	332812	Metal Coating, Engraving (Except Jewelry and Silverware), and Allied Services to Manufacturers.
GDFs	4471	Gasoline stations.
	44711	Gasoline Stations with Convenience Stores.

TABLE 1—SOURCE CATEGORIES—Continued

Industry category	North American industry classification system	Examples of regulated entities
	447110	Gasoline Stations with Convenience Stores.
	44719	Other Gasoline Stations.
	447190	Other Gasoline Stations.
Petroleum Dry Cleaning Facilities	812320	Dry Cleaning and Laundry Services (Except Coin-Operated).
	812310	Coin-Operated Laundries and Dry Cleaners.

This list is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be potentially affected by this action. To determine whether your facility could be affected by this action, you should examine the applicability criteria in the final minor NSR program for Indian country, 40 CFR 49.153. If you have any questions regarding the applicability of this action to a particular entity, contact the person listed in the preceding section.

B. What should I consider as I prepare my comments to the EPA?

1. Submitting CBI

Do not submit this information to the EPA through *www.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 the 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.

Send or deliver information identified as CBI only to the following address: Roberto Morales, OAQPS Document Control Officer (C404–02), Office of Air Quality Planning and Standards, EPA, Research Triangle Park, North Carolina 27711, Attention Docket ID No. EPA–HQ–OAR–2011–0151.

2. Tips for Preparing Comments

When submitting comments, remember to:

- Identify the rulemaking by docket number and other identifying information (subject heading, **Federal Register** date and page number).
- 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.
- Explain why you agree or disagree, suggest alternatives, and substitute language for your requested changes.
- Describe any assumptions and provide any technical information and/or data that you used.
- If you estimate potential costs or burdens, explain how you arrived at your estimate in sufficient detail to allow for it to be reproduced.
- Provide specific examples to illustrate your concerns and suggest alternatives.
- Explain your views as clearly as possible, avoiding the use of profanity or personal threats.
- Make sure to submit your comments by the comment period deadline identified.

C. Where can I get a copy of this document and other related information?

In addition to being available in the docket, an electronic copy of this proposal will also be available on the World Wide Web. Following signature by the Acting EPA Assistant Administrator, a copy of this notice will be posted in the regulations and standards section of our NSR home page located at *http://www.epa.gov/nsr* and on the tribal NSR page at *http://www.epa.gov/air/tribal/tribalnsr.html.*

D. What acronyms, abbreviations and units are used in this preamble?

AST Aboveground storage tank.
CAA Clean Air Act.
CO Carbon monoxide.
EPA Environmental Protection Agency.
ESA Endangered Species Act.
FIP Federal Implementation Plan.
GDF Gasoline dispensing facility.
GPM Gallons per month.
GPY Gallons per year.
HAPs Hazardous Air Pollutants.
HMA Hot mix asphalt.
MACT Maximum Achievable Control Technology.
NAAQS National Ambient Air Quality Standards.
NESHAP National Emissions Standards for Hazardous Air Pollutants.
NEI National Emissions Inventory.
NO_X Nitrogen oxides.
NSR New Source Review.
NHPA National Historic Preservation Act.
NTTAA National Technology Transfer and Advancement Act.
OMB Office of Management and Budget.
ORVR Onboard Refueling Vapor Recovery.
PM Particulate matter.
PSD Prevention of Significant Deterioration.
PTE Potential to Emit.
PSI Pounds per square inch.
RVP Reid Vapor Pressure.
SLC Standing loss control.
SIP State Implementation Plan.
SQCS Stone Quarrying, Crushing and Screening.
TIP Tribal Implementation Plan.
tpy Tons Per Year.
UMRA Unfunded Mandates Reform Act.
VOC Volatile organic compounds.

II. Purpose

A. Proposed Action

In July 2011, the EPA issued the Indian Country Minor NSR rule that established, among other things, the requirements and process for the preconstruction permitting of minor sources in Indian country. Under the rule, on or after the effective date of the Indian Country NSR rule, that is September 2, 2014, an owner or operator must obtain a preconstruction permit from the reviewing authority [1] if the source will construct a new true minor source,[2] or will modify an existing true

[1] In this document, reviewing authority refers to an EPA regional office. However, tribes can become reviewing authorities if they decide to assume responsibility for implementing the minor NSR program in their area.

[2] True minor source means a source that emits, or has the potential to emit, regulated NSR pollutants in amounts that are less than the major source thresholds under either the Prevention of Significant Deterioration program at 40 CFR 52.21,

minor source in Indian country. The rule also specified the process and requirements for using general permits as a streamlined permitting approach to authorize construction and modifications at true minor sources. General permits streamline the preconstruction permitting of new or modified true minor sources because they involve the issuance of one permit that can apply to multiple stationary sources that have similar emissions units.

In today's proposal, the EPA is proposing the use of two types of minor NSR preconstruction permits to help streamline the EPA's permitting of true minor sources that construct or modify in Indian country and belong to one of five different source categories. The first type of permit is a general permit. The second type is a permit by rule, which is another mechanism for streamlining the issuance of preconstruction permits. Permits by rule use a regulatory-type structure to permit sources by pre-authorizing construction and modification activities carried out in accordance with the permit's requirements. To become covered by a permit by rule, as we are proposing today, a source must notify the EPA that it meets the terms of coverage and is complying with the permit's conditions but does not need to await approval of a request for coverage.

As our preferred approach, we are proposing general permits for HMA plants; SQCS facilities; GDFs; auto body repair and miscellaneous surface coating operations; and petroleum dry cleaning facilities. Specifically, we are proposing general permits for these source categories for permitting affected emissions units and emissions-generating activities in these source categories. As an alternative, for GDFs, auto body repair and miscellaneous surface coating operations, and petroleum dry cleaning facilities, the EPA is also requesting comment on whether, in lieu of establishing general permits for each of these categories, we should instead adopt permits by rule for one or more of these three source categories. (In addition, as explained in Section XI, we are requesting comment on finalizing both permitting mechanisms for these three source categories by using permits by rule to provide authorization to construct or modify true minor sources and by providing general permits to establish enforceable limitations to create synthetic minor sources.)

We are proposing the regulatory framework that the EPA will use to establish permits by rule, and we are making available various permit implementation documents and tools on which we request public comment. We are proposing to extend the date by when minor sources in the oil and gas sector must receive minor NSR permit (i.e., September 2, 2014). Finally, we are seeking comment on a requested change in policy provided in the Indian Country Minor NSR rule for which we have granted reconsideration.[3] The current policy states that general permits cannot be used to create synthetic minor sources. We seek comment on changing that policy to allow general permits—and permits by rule—to create synthetic minor sources.

B. Areas Where the EPA Is Seeking Comment

In this action, we are seeking comment on a number of issues, including, but not limited to:

(1) All aspects of the permit documents and implementation tools for the following source categories (Sections VI and IX):

a. HMA plants;

b. SQCS facilities;

c. Auto body repair and miscellaneous surface coating operations;

d. GDFs; and

e. Petroleum dry cleaning facilities;

(2) The appropriateness of utilizing streamlined general permit applications for three source categories:

a. Auto body repair and miscellaneous surface coating operations;

b. GDFs; and

c. Petroleum dry cleaning facilities;

(3) Several administrative aspects of general permits, including (Section V):

a. Whether the EPA's proposed approach of incorporating by reference each reviewing authority's approval of a request for coverage into the general permit is necessary and appropriate; and

b. The appropriateness of proposed permit terms related to the reviewing authority's ability to reopen, revise, or terminate an individual approval of coverage under the general permit;

(4) Different aspects of the EPA's conclusion on its control technology review that, because the control measures in this proposal are currently used by other similar sources in other areas of the country, the measures in the proposed permits are technically and economically feasible, and cost-effective (Section V);

(5) Use of throughput limits as a surrogate for ton-per-year allowable emission limitations, or, alternatively, establishment of annual allowable emission limitations for each pollutant, and the use of throughput limits as surrogate monitoring measures to demonstrate compliance with ton-per-year annual allowable emission limitations (Section V);

(6) The regulatory framework that the EPA is proposing as an alternative to use to establish permits by rule and the streamlined review and issuance process that the EPA is proposing whereby a source can become covered by a permit by rule by notifying the EPA that it qualifies for the permit, meets the terms of coverage and is complying with the permit's conditions (but not having to wait for the reviewing authority's approval) (Section VII);

(7) Proposal to change the policy in the Indian Country Minor NSR rule to allow the use of both general permits and permits by rule to create synthetic minor sources (Section X);

(8) Finalizing both permitting mechanisms for three source categories (i.e., auto body repair and miscellaneous surface coating operations; GDFs; and petroleum dry cleaning facilities) by providing authorization to construct or modify true minor sources via permits by rule and by providing enforceable limitations to create synthetic minor sources via general permits (Section XI);

(9) Use of more than one general permit and/or permit by rule for a source at a location (Section XI);

(10) Additional source categories for which the EPA is planning to propose general permits and/or permits by rule (Section XII); and

(11) Proposed rule changes to the Indian Country Minor NSR rule in five areas in three provisions (Section XIII):

a. Shortening the general permit application review process from 90 to 45 days for certain source categories;

b. Adjusting the deadline by which minor sources covered by a general permit need to obtain a preconstruction permit;

c. Extending the permitting deadline for true minor sources within the oil and gas source category;

d. Removing a provision to make clear that sources may seek coverage under a general permit as soon as it is effective

or the Major NSR program for Nonattainment Areas in Indian Country at 40 CFR 49.166 through 49.173, but equal to or greater than the minor NSR thresholds in § 49.153, without the need to take an enforceable restriction to reduce its PTE to such levels. The PTE includes fugitive emissions, to the extent that they are quantifiable, only if the source belongs to one of the 28 source categories listed in part 51, Appendix S, paragraph II.A.4(iii) or § 52.21(b)(1)(iii) of 40 CFR, as applicable.

[3] ''Review of New Sources and Modifications in Indian Country: Notice of Action Partially Granting Petition for Reconsideration and Denying Request for Administrative Stay,'' U.S. Environmental Protection Agency, 78 FR 2210, January 10, 2013, *http://www.gpo.gov/fdsys/pkg/FR-2013-01-10/html/2012-31742.htm.*

and need not wait an additional 4 months; and

e. Adjusting the deadline for oil and gas sources for certain registration-related requirements to be consistent with the proposed permitting deadline extension.

III. Background

A. Tribal Air Rule

On February 12, 1998,[4] the EPA used its authority under section 301(d) of the Clean Air Act (CAA) to find that we would not treat tribal governments the same as states with respect to specific plan submittal and implementation deadlines under the CAA for National Ambient Air Quality Standards (NAAQS)-related requirements. This finding applied to many section 110 requirements, including requirements under section 110(a)(2)(c) to submit a program to regulate the modification and construction of any stationary source as necessary to assure that the NAAQS are achieved. Although we determined that Indian tribes were not obligated to implement a permitting program, the EPA also made clear that we continue to have a general obligation under the CAA to ensure the protection of air quality throughout Indian country. To that end, we also used our authority under sections 301(a) and 301(d)(4) to establish a requirement to promulgate such federal implementation plan (FIP) provisions as are necessary or appropriate to protect air quality in Indian country. *See* 40 CFR 49.11(a). For a number of years, the only federal CAA NSR permitting program that applied in Indian country was the major NSR program for areas meeting the NAAQS (''attainment'' areas) or areas for which there is insufficient information to determine whether they meet the NAAQS (''unclassifiable'' areas). We call this program the Prevention of Significant Deterioration (PSD) program. No federal NSR permitting program has covered minor sources or major sources in nonattainment areas. Nor was there a way for major sources to take enforceable limits and become synthetic minor sources.

On August 21, 2006, the EPA proposed the regulation: ''Review of New Sources and Modifications in Indian Country'' (i.e., Indian Country NSR rule).[5] Within this regulation, the EPA proposed to protect air quality in Indian country by establishing a FIP program to regulate the modification and construction of stationary sources consistent with the requirements of section 110(a)(2)(c) of the CAA. We call this part of the Indian Country NSR rule the Indian Country Minor NSR rule. Under the Indian Country Minor NSR rule, we proposed to fill a regulatory gap and provide a mechanism for issuing preconstruction permits for the construction of new minor sources and certain modifications of major and minor sources in Indian country. In developing the rule, the EPA conducted extensive outreach and consultation along with an extensive public comment period that ended on March 20, 2007. The comments provided detailed information specific to Indian country and the final Minor NSR rule incorporated many of the suggestions we received. We promulgated final rules on July 1, 2011,[6] and the FIP became effective on August 30, 2011.

B. Indian Country Minor NSR Rule

1. What is the Indian Country Minor NSR rule?

The Indian Country Minor NSR rule applies to new and modified minor stationary sources and to minor modifications at existing major stationary sources located in Indian country where there is no EPA-approved program in place. The rule also includes a pre-construction permits program for major sources proposing to construct in areas of Indian country that have not attained one or more NAAQS, i.e., nonattainment areas. After September 2, 2014, any new stationary sources that will emit, or will have the potential to emit (PTE), a regulated NSR pollutant in amounts that will be: (1) Equal to or greater than the minor NSR thresholds, established in the Minor NSR rule; and (2) less than the amount that would qualify the source as a major source for purposes of the PSD or nonattainment major NSR programs, must apply for and obtain a minor NSR permit before commencing construction of the new source.[7] Likewise, any existing stationary source (minor or major) must apply for and obtain a minor NSR permit before commencing construction of a physical or operational change that will increase the allowable emissions of the stationary source by more than the specified threshold amounts, if the change does not otherwise trigger the permitting requirements of the PSD or nonattainment major NSR program(s).[8]

Among other things, the Indian Country Minor NSR rule created a framework for the EPA to streamline the issuance of preconstruction permits to true minor sources by using general permits. We explain this framework further in the sections below.

2. What is a true minor source and how does it differ from a synthetic minor source?

''True minor source'' means a source that emits, or has the potential to emit, regulated NSR pollutants in amounts that are less than the major source thresholds under either the PSD program at 40 CFR 52.21, or the Major NSR program for Nonattainment Areas in Indian Country at 40 CFR 49.166 through 49.173, but equal to or greater than the minor NSR thresholds in § 49.153, without the need to take an enforceable restriction to reduce its PTE to such levels. The PTE includes fugitive emissions, to the extent that they are quantifiable, only if the source belongs to one of the 28 source categories listed in part 51, Appendix S, paragraph II.A.4(iii) or § 52.21(b)(1)(iii) of 40 CFR, as applicable. For example, a hot mix facility, located in a sulfur dioxide (SO_2) attainment area, that has a maximum potential to emit of 135 tons per year (tpy) of SO_2, without the need to take an enforceable restriction to reduce its PTE to such levels, would qualify as a true minor source.

By contrast, ''synthetic minor source'' means a source that otherwise has the potential to emit regulated NSR pollutants in amounts that are at or above those for major sources, but that has taken a restriction so that its PTE is less than such amounts. Such restrictions must be enforceable as a legal and practical matter. For example, a hot mix facility, located in an SO_2 attainment area, that has an unrestricted potential to emit 270 tpy, but that is legally constrained to emit only 135 tpy of SO_2 because the source has taken a throughput limit made enforceable

[4] ''Indian Tribes: Air Quality Planning and Management,'' U.S. Environmental Protection Agency, 63 FR 7254, February 12, 1998, *http://www.gpo.gov/fdsys/pkg/FR-1998-02-12/pdf/98-3451.pdf.*

[5] ''Review of New Sources and Modifications in Indian Country,'' U.S. Environmental Protection Agency, 71 FR 48696, August 21, 2006, *http://www.gpo.gov/fdsys/pkg/FR-2006-08-21/html/06-6926.htm.*

[6] ''Review of New Sources and Modifications in Indian Country,'' U.S. Environmental Protection Agency, 76 FR 38748, July 1, 2011, *https://www.federalregister.gov/articles/2011/07/01/2011-14981/review-of-new-sources-and-modifications-in-indian-country.*

[7] Under the current Indian Country Minor NSR rule, certain sources may need to apply for a permit earlier than September 2014, if the EPA finalizes a general permit for that category before that date.

[8] A source may, however, be subject to certain monitoring, recordkeeping and reporting (MRR) requirements under the major NSR programs, if the change has a reasonable possibility of resulting in a major modification. A source may be subject to both the Indian Country Minor NSR program and the reasonable possibility MRR requirements of the major NSR program(s).

through a permit (i.e., a limit on how much hot mix product it can produce), would qualify as a synthetic minor source. In the preamble to both the proposed and final Indian Country Minor NSR rule, the EPA indicated that it would not use general permits to allow otherwise major sources to create synthetic minor sources.[9] We discuss this issue more fully in Section X and request comment on our proposal to change this policy and also allowing permits by rule to create synthetic minor sources.

3. What are the minor NSR thresholds?

The ''minor NSR thresholds'' establish cutoff levels for each regulated NSR pollutant. If a source naturally has a potential to emit in amounts lower than the thresholds, then it is exempt from the Indian Country Minor NSR rule (see Table 2 and 40 CFR 49.153) for that pollutant. New or modified sources which naturally have a potential to emit in amounts that are: (1) Equal to or greater than the minor NSR thresholds; and (2) less than the major NSR thresholds (generally 100 to 250 tpy) are ''minor sources'' of emissions and subject to the Indian Country Minor NSR rule requirements at 40 CFR 49.151 through 161.

TABLE 2—MINOR NSR THRESHOLDS FOR SOURCES IN INDIAN COUNTRY [10]

Regulated NSR pollutant	Minor NSR thresholds for nonattainment areas (tpy)	Minor NSR thresholds for attainment areas (tpy)
Carbon monoxide (CO)	5	10
Nitrogen oxides (NO_X)	[11] 5	10
SO_2	5	10
Volatile Organic Compounds (VOC)	[4] 2	5
PM (particulate matter)	5	10
PM_{10}	1	5
$PM_{2.5}$	0.6	3
Lead	0.1	0.1
Fluorides	NA	1
Sulfuric acid mist	NA	2
Hydrogen sulfide (H_2S)	NA	2
Total reduced sulfur (including H_2S)	NA	2
Reduced sulfur compounds (including H_2S)	NA	2
Municipal waste combustor emissions	NA	2
Municipal solid waste landfill emissions (measured as nonmethane organic compounds)	NA	10

4. What is a general permit?

The Indian Country Minor NSR rule specified the process and requirements for using general permits to authorize construction and modifications at true minor sources as a streamlined permitting approach. A general permit, for purposes of this action, is a permit document that contains standardized requirements that multiple stationary sources can use. The EPA may issue a general permit for categories of emissions units or stationary sources that are similar in nature, have substantially similar emissions, and would be subject to the same or substantially similar permit requirements.[12] ''Similar in nature'' refers to size, processes, and operating conditions. The purpose of a general permit is to provide for protection of air quality while simplifying the permit process for similar minor sources. General permits offer a cost-effective means of issuing permits and provide a quicker and simpler mechanism for permitting minor sources than the site-specific permitting process.

While the final Indian Country Minor NSR rule contemplated issuance of general permits by the EPA regions, we have determined (for the permits on which we are taking comment here) that a nationwide action is appropriate. Through this action, we are proposing to issue general permits to serve as preconstruction permit authorizations that contains emission limitations and other restrictions to govern how a sources may construct, modify and operate. National general permits streamline the permit issuance process by establishing universal requirements through one notice for specific types of emissions activities at multiple sources across the country. The EPA believes that the general permit approach is appropriate for the source categories in today's proposal where the control equipment or techniques are generally similar from region to region.

It also allows a reviewing authority to notify the public through one notice that it intends to apply these requirements to any eligible source that seeks coverage under the permit in the future. This minimizes the burden on reviewing authorities' resources by eliminating the need to issue separate permits for each individual minor source within the source type or category covered by the general permit. Use of a general permit also decreases the time required for an individual minor source to obtain a preconstruction permit because the application process is standardized.

The Indian Country Minor NSR rule describes the process the EPA will use to issue general permits for the minor NSR program. A general permit must be issued in accordance with the requirements in § 49.156. Briefly, these requirements address public availability of information, public notification and participation, and public comments. In addition, as discussed in Section IX, we are providing implementation tools to

[9] Note that the current regulatory language does not restrict the use of general permits in this manner.

[10] If part of a tribe's area of Indian Country is designated as attainment and another part as nonattainment, the applicable threshold for a proposed source or modification is determined based on the designation where the source would be located. If the source straddles the two areas, the more stringent thresholds apply.

[11] In extreme ozone nonattainment areas, section 182(e)(2) of the CAA requires any change at a major source that results in any increase in emissions to be subject to major NSR permitting. In other words, any changes to existing major sources in extreme ozone nonattainment areas are subject to a ''0'' tpy threshold, but that threshold does not apply to minor sources.

[12] ''Review of New Sources and Modifications in Indian Country,'' U.S. Environmental Protection Agency, 76 FR 38770, July 1, 2011, *https://www.federalregister.gov/articles/2011/07/01/2011-14981/review-of-new-sources-and-modifications-in-indian-country.*

guide sources through a series of questions to determine whether they meet the criteria to be eligible for coverage under a general permit.

C. What is a permit by rule?

Like a general permit, a permit by rule is a standard set of requirements that can apply to multiple stationary sources with similar emissions characteristics. For purposes of this action, a permit by rule would differ from a general permit in that the agency would codify a permit by rule directly into the Indian Country Minor NSR rule. The process for a source to apply for coverage under a permit by rule, and the process for the reviewing authority to grant coverage under a permit by rule, are more streamlined compared to a standard general permit, or a site-specific permit. Section VII provides a description of the source application for permits by rule.

IV. Description of General Permit Program in Indian Country and the EPA's Use of This Package To Satisfy the General Permit Issuance Process

A. General Permit Program

The EPA codified the framework it would follow to issue general permits for minor sources in the Indian Country Minor NSR rule in 40 CFR 49.156. While it was not necessary for the EPA to codify this framework to issue general permits, the EPA nonetheless created the regulatory framework to better inform the public of the process the EPA will use to issue general permits. Per the framework, to issue a general permit, the reviewing authority must follow the requirements for public participation contained in § 49.157. These provisions require the reviewing authority then to provide a notice that a draft permit is available for comment. The regulations list a number of ways in which a reviewing authority can provide notice to the public, and also allow the reviewing authority to use other means of notification as appropriate. *See* 40 CFR 49.157(b)(1)(ii)(E). We have opted to provide notice to the public regarding the present proposal of general permits for five source categories through use of the **Federal Register**. We believe this means is appropriate in this case because we intend to apply these general permits in all areas of Indian country subject to the Indian Country Minor NSR program and the **Federal Register** provides a nationwide circulation of the notice. We will also mail a copy of each permit to the appropriate Indian governing bodies and the tribal, state and local air pollution agencies in adjacent air jurisdictions that may be impacted by the air pollution sources that use the general permit in accordance with 40 CFR 49.157(b)(1)(i).

The existing regulations also identify the type of information that a reviewing authority must make available to the public, and list a number of elements to be included in the public notice. *See* 40 CFR 49.157(a) and (b)(2). We are satisfying these requirements in this proposal in a wide-ranging manner by providing the public access to the application forms we will require an applicant to complete, and the other implementation tools for each general permit. (We discuss these tools in greater detail in Section IX of this preamble.) Many of these requirements relate to information that is best made available when an individual applicant applies for coverage under a specific general permit. We will make information specific to an individual source's request for coverage under a general permit available at the time we provide notice of the source's request for coverage.

After providing adequate public notice of the availability of the draft permit, the reviewing authority must allow a period of at least 30 days for the public to comment on the permit, and to request a public hearing. See 40 CFR 49.157. We are satisfying these requirements by using this package to propose and take comments on the general permits. Once we finalize a general permit, it will be used by the EPA's regional office reviewing authorities [13] for sources requesting coverage under the permit.

The regulations set forth the provisions for a final permit to undergo administrative and judicial review in accordance with § 49.159. The procedures governing appeals of NSR permits to the Environmental Appeals Board will govern administrative review of these general permits. Issuance of a general permit is a final agency action with respect to all aspects of the general permit except its applicability to an individual source. The provisions of 40 CFR 49.159 will continue to govern administrative and judicial review of the EPA's approval of an individual source's request for coverage. After the reviewing authority approves a request for coverage by an individual source, a party may appeal only the applicability of the general permit to that particular source.

Although we are using a **Federal Register** notice to initially establish the general permits, we intend to use other methods also consistent with procedures in 40 CFR 49.159 to reopen or administratively amend the final permits if we determine it is necessary and appropriate. A reviewing authority may reopen and revise a final general permit for cause after providing the opportunity for notice and comment under § 49.157. Revisions to a final general permit may be appropriate, for example, when the reviewing authority decides to issue a new general permit for the same category to account for advances in control technology or for other pertinent reasons. However, when a reviewing authority issues a new general permit, sources operating under the existing general permit will be able to continue to operate under the existing permit unless and until the source subsequently proposes to modify.[14]

B. How do sources apply for general permits?

40 CFR 49.156(e) describes the procedure for sources to obtain coverage under a general permit. At the time a source submits a request for coverage under a general permit, it must submit a copy of such request to the appropriate Indian governing body for the area of Indian country where the source is locating. The reviewing authority must act on the source's request for coverage under the general permit as expeditiously as possible, but it must notify the source of the final decision within 90 days of its receipt of your coverage request. The source's reviewing authority must comply with a 45-day completeness review period to determine if the request for coverage under a general permit is complete. Therefore, within 30 days after the receipt of the source's coverage request, the reviewing authority must make an initial request for any additional information necessary to process your coverage request and the source must submit such information within 15 days. If the source does not submit the requested information within 15 days from the request for additional information and this results in a delay that is beyond the 45-day completeness review period, the 90-day permit issuance period for the general permit will be extended by the additional days the source takes to submit the requested information beyond the 45-day period. If the reviewing authority fails to notify

[13] The Administrator delegated the authority to each EPA Regional Administrator to carry out all aspects of the Indian Country minor NSR program, including issuing general permits and approving individual coverage under a general permit.

[14] If EPA revises an existing general permit, then the original permit can no longer be used for new and modified minor sources. The new general permit will be used for new and modified minor sources in the relevant source category. The existing general permit remains in place for existing facilities unless and until they choose to modify.

you within a 30-day period of any additional information necessary to process the source's coverage request, it will still have 15 days to submit such information and the reviewing authority must still grant or deny the request for coverage under a general permit within the 90-day general permit issuance period and without any time extension.

If the reviewing authority determines that the source's request for coverage under a general permit has all the relevant information and is complete, it will notify the source in writing as soon as that determination is made. If the source does not receive from the reviewing authority a request for additional information or a notice that the request for coverage under a general permit is complete within the 45-day completeness review period, the request will be deemed complete.

After permit coverage is granted, under 40 CFR 49.156 (e), coverage under a general permit becomes invalid if a source does not commence construction within 18 months after the effective date of coverage under a general permit, if the source discontinues construction for a period of 18 months or more, or if the source does not complete construction within a reasonable time. The reviewing authority may extend the 18-month period upon a satisfactory showing that an extension is justified, and the 18-month limit does not apply to the time period between construction of the approved phases of a phased construction project. In those cases, construction of each such phase must commence within 18 months of the projected and approved commencement date.

In Section XIII, the EPA proposes to amend 40 CFR 49.156(e) to shorten the permit application procedure to 45 from 90 days.

In Section IX, we describe the implementation documents and tools that we are making available for comment to assist sources with applying for general permits.

C. What are the required permitting elements?

For general permits, these elements are discussed in the Indian Country Minor NSR rule and promulgated at 40 CFR 49.155(a) and include:

- The effective date of the permit and the date by which a source must commence construction in order for the permit's coverage to remain valid (*i.e.,* 18 months after the permit effective date);
- The emissions units subject to the permit and their associated emission limitations (and other permit conditions);
- Monitoring, recordkeeping, reporting and testing requirements to assure compliance with the emission limitations; and
- A severability clause to ensure the continued validity of the other portions of the permit in the event of a challenge to a portion of the permit.

V. Source Categories for Which Draft General Permits in Indian Country Are Available for Public Review

A. Notice of Proposed General Permits

In accordance with 40 CFR 49.171(b)(1)(1)(E), we are providing the public with a copy of five draft general permits covering (1) HMA plants; (2) SQCS facilities; (3) auto body repair and miscellaneous surface coating operations; (4) GDF facilities; and (5) petroleum dry cleaning facilities. Copies of each of these permits and the following four associated permitting documents are available in the docket for this notice (EPA–HQ–OAR–2011–0151) and at *http://www.epa.gov/air/tribal/tribalnsr.html*:

(1) Request for Coverage (Application);

(2) Questionnaire;

(3) Instructions; and

(4) PTE calculator.

The applications for three of the five source categories in today's proposal (i.e., auto body repair and miscellaneous surface coating operations; GDFs; and petroleum dry cleaning facilities) are streamlined and ask for contact and location information and general source-specific information (more detailed source-specific information would be required from sources seeking coverage under the HMA and SQCS general permits). This is discussed further in Section IX.

The general permits will authorize construction of, or any change to, any of the affected emission units, or pollutant emitting activities named in the permit, at any proposed true minor source that meets the applicability and eligibility statements in the permit, and for which the reviewing authority approves coverage under the permit.

We request comment on all aspects of the general permits and the associated forms and documentation provided to assist the stationary sources specified in the permits in complying with the Indian country minor NSR preconstruction permitting and post-construction operating requirements. In Section VIII, we propose, in the alternative, permits by rule for auto body repair and miscellaneous surface coating operations, GDFs and petroleum dry cleaning facilities. Should we decide to finalize a permit by rule for any of these categories, then we may not finalize the draft general permit for that category. Alternatively, we may opt to finalize both permitting mechanisms for the same source category, and may tailor one of the permitting mechanisms to provide authorization to construct or modify true minor sources (i.e., permits by rule) and another to provide enforceable limitations to create synthetic minor sources (i.e., general permits). (See Section X, for further discussion of the use of general permits and permits by rule to create synthetic minor sources.) We specifically request comment on this ''hybrid'' approach (see Section XI, for further discussion on the hybrid approach).

For the five source categories in today's action, we are proposing general permits as our preferred approach. We have crafted our proposal to ensure air quality is protected and to provide a streamlined approach where appropriate. Specifically, for HMA plants and SQCS facilities, the EPA is proposing (1) that we retain the 90-day application review process provided in the Indian Country NSR Rule; and (2) that we provide lengthier, more detailed applications. Lengthier, more detailed applications are appropriate for source operations such as HMA and SQCS facilities that involve multiple pollutants where the reviewing authority needs to conduct a review to evaluate whether an individual source meets the requirements in the permit. However, we also recognize that a more streamlined approach may be appropriate for other source categories with few pollutants of concern and in which the operations are less complex. For those source categories (i.e., auto body repair and miscellaneous surface coating operations; GDFs; and petroleum dry cleaning facilities), the EPA is proposing to change the underlying rule to provide a shorter application review period (see Section XIII) and a shorter application (see Section IX). The permits by rule proposed as an alternative for these same three categories would take that streamlining a step further (see Section VII).

The remainder of this section outlines the general structure of each of the draft general permits, and requests comment on issues that are common among the draft general permits. Specifically, we are requesting comment on:

(1) Whether the EPA should allow the use of each general permit to create synthetic minor sources;

(2) Whether the EPA's proposed approach of incorporating by reference each reviewing authority's approval of a request for coverage into the general

permit is necessary and appropriate; and

(3) The appropriateness of proposed permit terms related to the reviewing authority's ability to reopen, revise, or terminate an individual approval of coverage under the general permit.

This section also describes the general process we undertook for each of the control technology reviews required to establish the terms and conditions of each draft general permit, and requests comment on our conclusions on several aspects of the control technology reviews.

Additional information and supporting analyses on each of these draft permits are located in the background documents. These documents are available at Docket ID No. EPA–HQ–OAR–2011–0151 and online at *http://www.epa.gov/air/tribal/tribalnsr.html*.

B. Structure of General Permits

Each draft general permit contains a similar overall structure. The cover page of each draft permit contains general information on the draft permit. First, it briefly describes the applicability of the permit to a particular source category or emissions activity the general permit regulates in accordance with 40 CFR 49.156(d)(1). This description varies for each of the draft permits, depending on the emissions activity covered by the draft permit.

Second, the cover page limits eligibility for coverage under the permit to true minor sources. We included this limitation to allow permitting authorities the ability to process a permit application for inherently larger sources using the more extended time periods the Indian Country Minor NSR rule provides for case by case, site specific review. We also include this limitation in the draft permits to remain consistent with our current policy that we will not allow sources to use general permits to create synthetic minor sources.

We recognize, however, that limiting eligibility of these draft permits to only true minor sources could limit the number and types of sources that could take advantage of the streamlined, general permitting process. We also recognize that there is similar emissions potential between true minor sources and properly regulated synthetic minor sources as we discuss in Section X. We request comment on whether there are reasons that the final general permits should retain the true minor limitation on eligibility for one or more of the permits, or whether we should expand the eligibility of these draft general permits to ''synthetic minor'' sources. After reviewing comments received, we may amend one or more of the final permits to allow any minor source to apply for coverage under that permit.

Third, following the eligibility statement, the draft permit directs applicants to the specific information that an applicant must include in a request for coverage under the permit in accordance with 40 CFR 49.156(d)(2)(ii) and (iii). The request for coverage serves as the permit application and the information in the application will differ for each draft permit. We discuss the application and implementation tools to assist true minor sources in determining whether a source is eligible for coverage under a general permit in Section IX.

Fourth, the draft permit contains a statement that incorporates each reviewing authority's approval of a request for coverage into the general permit. Sections 1 through 6 of the general permit, and the most current approval of the request for coverage, must be posted prominently at the facility, and each affected emissions unit and any associated air pollution control technology must be labeled with the identification number listed in the Approval of the Request for Coverage for that permitted source. We request comment on the inclusion of this condition in the permits given that the Indian Country Minor NSR rule only requires posting of the approval of coverage.

As we developed the draft permits, we envisioned situations in which the reviewing authority may need to revise information contained in the approval notice some time after issuance. For example, a source covered by a general permit may subsequently change ownership. A reviewing authority may delegate responsibilities for the general permit to a tribal air pollution control agency. A source may subsequently need to revise something in its request for coverage that would alter elements of the approval. For example, a source may misidentify an equipment identification number in its request for coverage, or decide to expand or limit the scope of the modification. A reviewing authority may need to alter its approval of the request for coverage for these situations. The general permit provisions at 40 CFR 51.156(b)(2) broadly reference 40 CFR 49.159, which specifically addresses the reviewing authority's ability to reopen or administratively amend permits. The provisions, however, do not specifically delineate how they apply to an approval of a request for coverage under a general permit. By incorporating the approval into the general permit, we ensure that the revision procedures contained in 40 CFR 49.159 apply to revisions a reviewing authority may make to the approval of the request for coverage. We request comment on this approach for incorporating the approval of the request for coverage into the general permit. Alternatively, we request comment on whether such incorporation is unnecessary and on whether to apply the procedures in 40 CFR 49.159 to the approval of the request for coverage, or whether the EPA should amend the existing regulations at § 51.156 to address amendments to the request for coverage.

Fifth, the draft permit contains information on the reviewing authority's right to terminate or revise the general permit. The general permit provisions in the Indian Country Minor NSR rule provide the reviewing authority the ability to revise, revoke and reissue, or terminate a general permit. In harmony with those provisions, the draft permits include authority for a reviewing authority to revise or terminate an approval of a request for coverage. We are adding these provisions to the general permit, under the authority of 40 CFR 49.165(d), to clarify how the Indian Country Minor NSR rule intended these provisions to apply to an individual request for coverage. We request comment on inclusion of these provisions in the general permit, or, alternatively, whether the EPA should amend the Indian Country Minor NSR rule to expressly delineate the reviewing authority's right to revise or terminate an individual source's coverage under a general permit.

Finally, the draft permit contains a statement indicating that the definitions contained in the Indian country rule govern use of those terms within the general permit. The statement also refers permittees to a section of the permit that contains definitions that may be specific to the source categories or emissions activities covered by the general permit; and indicates that when a term is not otherwise defined we will interpret that term consistent with normal business use. We, nonetheless, request comment on whether we should include any additional definitions to improve the clarity of the general permits.

Following the general information section, each draft permit contains the enforceable terms and conditions of the general permit. Section 1 of the Terms and Conditions provisions contains general provisions that, with only a few exceptions, are similar for all the general permits. These provisions contain statements that the rules require in each permit pursuant to 40 CFR 49.155.

In each permit, the general provisions are followed by emission limitations and other operational restrictions or specifications, and monitoring, recordkeeping, and reporting requirements that are unique to each of the permits. The notice and reporting requirements are followed by a section outlining the reviewing authority's ability to change the general permit, including the approval of the request for coverage, a section on requesting coverage under the permit, and attachments with abbreviations and acronyms, a list of definitions referenced on the cover page of the permit and a list of reviewing authorities and areas of coverage. Attachments to the HMA plant and rock crushing permits also contain requirements to minimize fugitive dust emissions. An attachment to the GDF permit contains requirements for vapor balance system design criteria, management practices, and performance testing. Attachments to the auto body repair and miscellaneous surface coating operations general permit provide standards for cold cleaner degreasers and training and certification requirements for spray-applied surface coating personnel. An attachment to the petroleum dry cleaning facilities permit contains requirements specific to serious, severe, or extreme ozone nonattainment areas.

C. The EPA's Control Technology Review

With the exception of the GDF general permit, each permit establishes specific numerical limitations on the quantity, rate or concentration of emissions for each regulated NSR pollutant emitted by each affected emissions unit. (The GDF permit includes equipment requirements.) For each general permit, in a manner similar to what a permitting authority would be expected to do for an individual source, we established these control technology-based requirements by researching both state and local air quality programs to identify control technologies or other emissions reduction measures used by similar sources in surrounding areas, and by reviewing requirements contained in existing 40 CFR parts 60, 61 and 63 emissions standards that apply to these source categories. The draft permits build upon the requirements in the part 60, 61, and 63 emissions standards by including some control technology measures found in state and local agencies' general permits for these source categories.

The background documents for each draft permit explain the state and local programs we reviewed to identify control technology options in each source category. We believe that, because these control measures are currently used by other similar sources in other areas of the country, that they are technically and economically feasible, and cost effective. We request comment on this conclusion, and invite commenters to submit specific information that would indicate that either: (1) The measures in the draft permits are not economically feasible and/or cost-effective; or (2) additional economically feasible and cost-effective measures are available and appropriate to include in the final general permits.

In determining specific emission limitations and control measures for each permit, we considered the general, local air quality conditions in Indian country. Notably, Indian country contains both attainment and nonattainment areas for different regulated NSR pollutants.[15] In some cases, for areas designated as nonattainment for a given pollutant, the draft permits contain more stringent emission limitations for that pollutant (or precursors of that pollutant). These control requirements will help mitigate any further degradation of air quality in those areas. In other cases, however, the draft permits do not include different emission limitations based on the attainment status of the area. In these situations, we determined that the emission limitations are sufficient to protect air quality in both attainment and nonattainment areas.

For HMA plants and SQCS facilities, we also added additional provisions related to the location of the emitting activities and the source property boundary. We call these provisions, which are designed to minimize the impacts of emissions, setback requirements. Under the setback requirement, sources may not locate within a specific distance from the property boundary and nearest residences. In reviewing state and local air agency general permits, we found that permitting authorities in Alaska and Washington include setback provisions to protect local ambient air quality from potential source impacts. We find that these provisions are both reasonable and prudent measures to protect local air quality, and are economically feasible and cost effective. We, therefore, included similar measures in the draft permits. We discuss the specific setback requirements for each category in Section VI.

We welcome comments identifying other source categories for which a setback requirement should apply. We also welcome comments on the types of buildings from which we should establish setbacks (e.g., schools, nursing homes). We further request comment on whether the setback requirement conflicts with tribal authority over zoning-related matters, and, if so, on how we should resolve that conflict.

To further protect against adverse local air quality impacts, the draft permits assure that no source will cause or contribute to NAAQS or PSD increment violations by prohibiting emissions that would result in such impacts. Thus, reviewing authorities will consider any air quality concerns unique to specific areas that arise after issuance of the general permits in this proposal when determining whether an individual permit applicant is eligible for coverage under the general permit. For example, if a source wants to locate in an area with air quality levels approaching or violating the NAAQS, the reviewing authority may need to request that a source apply for a site-specific permit so that the potential for greater control than that afforded by the general permit can be evaluated.

In conducting the control technology review, we also considered the anticipated growth rate of the source categories. In general, we do not anticipate significant increases in the growth rates for these five source categories for the foreseeable future, as we identified no information indicating that that is the case.[16] Thus, we do not believe that emissions increases from these categories will pose unique or unprecedented impacts on air quality in the near future that might warrant a more stringent approach to controlling emissions than contained in the draft permits. We request comment on our conclusion about anticipated economic growth in these source categories and regions, and the reasonableness of the emission limitations and control measures specified in the draft permits.

[15] Maps for those NAAQS for which the EPA has designated nonattainment areas in Indian Country are available online at *http://www.epa.gov/air/tribal/tribalnsr.html* and Docket ID No. EPA–HQ–OAR–2011–0151. NAAQS for which the EPA has designated nonattainment areas are: ozone (2008 NAAQS), PM_{10} (1987 NAAQS), $PM_{2.5}$ 24-Hour (2006 NAAQS), and $PM_{2.5}$ Annual (1997 NAAQS). There are no tribal lands in nonattainment for SO_2 (2010 NAAQS), NO_2, lead (2008 NAAQS), and CO.

[16] See the following memo online at *http://www.epa.gov/air/tribal/tribalnsr.html* and in the docket (ID No. EPA–HQ–OAR–2011–0151): ''Projected New Minor Sources in Indian Country,'' from Lillian Grace Bradley, Environmental Economist, EPA/OAQPS to Chris Stoneman, Policy Advisor, EPA/OAQPS, July 2, 2013.

D. Scope of Coverage Under Each General Permit

In the Indian Country Minor NSR rule, the EPA stated that it may use the general permit mechanism to issue permits to ''similar'' types of emissions units or minor sources. This limitation on the ability to issue general permits is consistent with the EPA's longstanding interpretation of the CAA as it relates to the ability of a permitting agency and source to use standardized protocols to meet CAA permitting requirements. The general permits we are proposing meet the limitation that general permits apply only to similar sources, because each of the permits covers only affected emission units or emissions generating activities that are: (1) specifically identified by name in the permit; (2) generate the same regulated NSR pollutants in the same manner and magnitude; and (3) are associated only with operations within a defined source category.[17] We discuss the specific scope of each draft general permit in more detail in Section VI below and in the background document for each draft general permit.

E. Surrogate Annual Allowable Emission Limitations

The Indian Country Minor NSR rule requires the reviewing authority to establish annual allowable emission limitations for each affected emissions unit and for each NSR regulated pollutant emitted by the unit, if the unit is issued an enforceable limitation lower than the PTE of that unit. *See* 40 CFR 49.155(a)(2). For the five source categories in this proposal, some states (but not all) provide both annual ton per year allowable emission limitations and throughput limits in their general permits. Other state reviewing authorities provide only overall production limits that limit the amount of throughput a facility can process over a period of time. We believe that production limits serve as a reasonable surrogate for ton per year emission limitations, when there is a direct correlation between the amount of material processed and the amount of pollution emitted. We also believe that monitoring throughput rather than actual emissions may provide a more cost-effective method of demonstrating compliance. For example, HMA facilities regularly track a facility's throughput, but do not necessary analyze specific emissions discharges. Thus, reliance on throughput limits provides a more cost-effective approach to regulate emissions and we believe will enhance the potential for compliance with the draft permit for this and other categories. In Section VI, we request comment on our use of throughput limits as a surrogate for annual ton per year allowable emission limitations. Alternatively, we request comment on whether we should establish annual allowable emission limitations for each pollutant, and use throughput as a surrogate monitoring measure to demonstrate compliance with a ton per year annual allowable emission limitation.

In a related matter, in Section X of this preamble, we indicate that we have granted reconsideration on the issue of allowing reviewing authorities to use general permits to create synthetic minor sources and propose to change the current policy. If the EPA allows otherwise major sources to qualify as synthetic minor sources through use of general permits, we request comment on specific changes that we would need to include in the production limits of each permit to properly regulate synthetic minor sources for these categories. For example, should the EPA establish higher annual tpy allowable emission limitations or surrogate production limits that are just below the major source thresholds for each regulated NSR pollutant, or should the EPA maintain the limitations in the current draft permits to maintain an adequate compliance margin?

F. Requirements of the Endangered Species Act (ESA) and the National Historic Preservation Act (NHPA)[18]

The ESA requires federal agencies to ensure, in consultation with the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service (the Services), that any action they authorize, fund, or carry out will not likely jeopardize the continued existence of any listed threatened or endangered species, or destroy or adversely modify the designated critical habitat of such species. Under relevant ESA implementing regulations, federal agencies consult with the Service(s) on actions that may affect listed species or designated critical habitat. The NHPA requires federal agencies to take into account the effects of their undertakings on historic properties—*i.e.,* properties that are either listed on, or eligible for listing on, the National Register of Historic Places—and to provide the Advisory Council on Historic Preservation (the Council) a reasonable opportunity to comment on such undertakings. Under relevant NHPA implementing regulations, NHPA consultations are generally conducted with the appropriate Tribal and/or State Historic Preservation Officers in the first instance, with opportunities for direct Council involvement in appropriate circumstances, including, for example, consultations in connection with undertakings affecting multiple tribes or states. The Indian Country Minor NSR program has increased the number of activities for which the EPA is the permitting authority. To meet ESA and NHPA requirements, we have developed a process for compliance with these laws when issuing the general permits. The EPA intends to consult with the Services and the Council on our general permits and the proposed procedures to address potential effects on relevant protected resources.

For purposes of general permits, the EPA intends to adopt a framework that provides appropriate protection for listed species and critical habitat and historic properties. The EPA believes, based on the evaluation of available information, that the sources that are the subject of this proposal are unlikely to present a significant risk to listed species and critical habitat and to historic properties because they are by their nature small, low emitting sources. However, to ensure listed species and critical habitats and historic properties are protected, the EPA has developed a framework in the general permits that requires the source to identify and assess effects before a request for coverage under the general permit is submitted to the EPA. Requiring this assessment should help identify any concerns related to potential impacts on listed species/critical habitat or historic properties early in the process when the greatest opportunities to mitigate or avoid any impacts—including changes to the facility's location or footprint—are available. This framework is similar to procedures established by the Office of Water for the National Pollutant Discharge Elimination System General Permit for Stormwater Discharges from Construction Activities.[19] The EPA believes that requiring a similar process in both the general permits, and the general stormwater permits, will

[17] These criteria are not the sole manner for demonstrating that a general permit applies only to similar sources, but they serve as examples of the types of characteristics that may be relevant.

[18] These requirements apply to both general permits and permits by rule. Only general permits are mentioned here but the requirements apply identically to both permit types. Section VII.C. is specific to permits by rule and notes that these requirements also apply to permits by rule.

[19] ''Final National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges from Construction Activities,'' U.S. Environmental Protection Agency, 77 FR 12286, February 29, 2012, *http://www.gpo.gov/fdsys/granule/FR-2012-02-29/2012-4822/content-detail.html.*

streamline the process for all concerned: The applicants, the EPA, the tribes, and the Services.

The screening processes developed in the permits for both the ESA and NHPA require the applicant to develop information about the possible effects of the proposed new or modified facility, which includes appropriate outreach to relevant expert resource agencies. Such information and a certification regarding the outcome of the applicant's screening procedures are submitted to the EPA as part of the request for coverage under the general permit. This information is included as an appendix to the applications for requests for coverage for each of the general permits. The EPA will review this information as part of determining whether a source is eligible for coverage under the general permit. Because we have limited the applicability of the general permits to categories of sources that have low emissions, we do not expect they are likely to adversely affect listed species/critical habitat, nor should they have potential effects on historic properties. However, if, through the procedures required in the permit, a source is determined to have an adverse effect on listed species/critical habitat or potential effects on a historic property, the EPA retains the authority to deny coverage under the general permit, or permit by rule, and to proceed with source-specific permitting and consultation with the appropriate resource agency(ies).

VI. Summary of Specific Terms and Conditions of the General Permits and Request for Comment

In the following sections, we provide a brief summary of the source category regulated by each general permit and areas of each draft general permit on which we specifically seek public comment. Because the areas upon which we specifically seek comment in the HMA plant and SQCS facility general permits are common among the two permits, we have combined the request for comment section on these permits into one subsection. In this preamble, we are not delineating every aspect of the requirements of the general permits. Instead, we refer readers to the draft permits and associated background information to review all the detailed requirements we include in each general permit. Although we are soliciting comments on specific aspects of the draft permits, we, nonetheless, invite the public to comment on all relevant aspects of the draft permits.

A. HMA Plants

1. What is an HMA plant?

An HMA plant manufactures hot mix asphalt by heating and drying aggregate material and then mixing it with asphalt cements. An HMA plant consists of an assembly of mechanical and electronic equipment used to prepare hot aggregate and mineral filler for mixing to make hot mix asphalt. The facility includes any combination of the following activities/equipment: Dryers, liquid asphalt storage tanks, fuel oil storage tanks, auxiliary heaters (including hot oil heaters), material storage handling and transfer systems, generators, storage bins/silos, storage piles, and haul roads. An HMA plant can be constructed as a permanent plant, a skid-mounted (easily relocated) plant, or a portable plant.

HMA paving materials are a mixture of size-graded, high quality aggregate, which can include reclaimed asphalt pavement (RAP), and liquid asphalt cement. The production process involves sorting and drying the aggregate, heating the asphalt binder, and heating and applying the mixture. Aggregate material can be produced from numerous sources, including natural rock, RAP, reclaimed concrete pavement (RCP), glass, fly ash, bottom ash, steel slag, recycled asphalt shingles, and crumb rubber. Aggregate and RAP (if used) constitute over 92 percent by weight of the total mixture. Aside from the amount and grade of asphalt cement used, mix characteristics are determined by the relative amounts and types of aggregate and RAP used. A certain percentage of fine aggregate (less than 74 micrometers in physical diameter) is required for the production of good quality HMA.[20]

There are four types of HMA plants based on the type of manufacturing process used: (1) Batch mix plants; (2) continuous mix (mix outside dryer drum) plants; (3) parallel flow drum mix plants; and (4) counterflow drum mix plants. Historically, about 85 percent of manufacturing plants have been of the counterflow drum mix design, while batch plants and parallel flow drum mix plants account for 10 percent and 5 percent, respectively.[21]

The emissions associated with HMA plants are generated by: (1) Raw materials acquisition and manufacturing processes; and (2) transportation of raw materials during manufacture and transportation to the roadway construction site. The emissions from HMA plants consist of: (1) Combustion emissions from mixer/dryers, auxiliary heaters, and generators; (2) PM emissions from the mixing/drying process and the material handling process; and (3) fugitive PM emissions from haul roads. The CO emissions from the batch mix plants are significantly higher than the CO emissions from drum mix plants due to the incomplete combustion process occurring in the batch mixer/dryers.

2. What is in the proposed HMA general permit?

This proposed general permit would apply to the construction of new true minor source HMA plants or the modification of existing true minor HMA plants, located in Indian country. This general permit does not apply to HMA plants that perform contaminated soil remediation, and does not apply to cold mix asphalt production facilities. The draft permit contains emission limitations requirements for the following affected emission units:

- Dryers;
- Systems for screening, handling, storing, and weighing hot aggregate;
- Systems for mixing hot mix asphalt;
- Loading transfer, and storage systems associated with emission control equipment;
- Fuel storage tanks; and
- Stationary engines.

The permit requires dryers/mixers to be controlled by a baghouse, fugitive emissions controlled by a fugitive dust control plan, and engines to be controlled to appropriate standards. Fuel used in the dryer/mixer and auxiliary heaters must be limited to natural gas, distillate fuel, and biodiesel. The stationary engines are limited to using diesel and biodiesel as fuels. All liquid fuels are limited to no more than 0.0015 percent sulfur by weight.

The proposed general permit includes monitoring that is sufficient to assure compliance with the emission limitations that apply to the source, including ensuring the baghouse is operating properly, taking weekly opacity observations and fugitive emissions surveys and meeting certain other requirements. The proposed general permit includes recordkeeping and reporting sufficient to assure compliance with the emission limitations and monitoring requirements.

3. What geographic restrictions are contained in the HMA general permit?

The general provisions of the HMA plant draft permit restrict sources from

[20] AP 42, Fifth Edition, Compilation of Air Pollutant Emission Factors, Volume 1: Stationary Point and Area Sources; Chapter 11.1—Hot Mix Asphalt Plants; U.S. Environmental Protection Agency; *http://www.epa.gov/ttn/chief/ap42/index.html*.

[21] Ibid.

locating in severe and extreme ozone nonattainment areas or serious CO nonattainment areas.[22] Because the major stationary source thresholds are very low in these types of areas, we do not envision that any minor source HMA plants or SQCS facilities will locate in these areas. Thus, we did not to address this situation in these general permits. We request comment on whether the EPA should limit the geographic scope of eligibility of the general permits in this manner.

B. SQCS Facilities

1. What is a SQCS facility?

A SQCS facility is any non-metallic mineral processing facility which uses rock crushers, grinding mills, screening operations, bucket elevators, belt conveyors, bagging operations, storage bins, storage piles, truck loading stations, or railcar loading stations to process sand, gravel, or mineral aggregate.[23]

The SQCS facilities are part of a larger industrial process where sand, gravel, rock, and minerals are removed from the earth and prepared for industrial, commercial and residential use. In sand and gravel processing, deposits of sand and gravel are mined and processed with screens, washing, and clarifiers to segregate the material into different particle sizes. Sometimes facilities use crushing equipment to reduce particle sizes. In rock crushing operations, drilling and blasting operations loosen rock, and then a front-end loader or power shovel loads the rock into large haul trucks that transport the material to the processing operations. Processing operations may include: Crushing, screening, size classification, material handling and storage operations. Rock is loaded into bins and sent through screens, sorted for size, and conveyed to one or more rock crushers until all of the raw material is reduced to the desired size. Each crusher machine has associated screening and conveying equipment. After crushing, the rock is sorted according to size in screeners and conveyers that move the rock to storage piles. Front end loaders and trucks move finished materials offsite. Rock types processed by the crushed stone industry include: Limestone, granite, dolomite, traprock, sandstone, quartz, quartzite, and lesser amounts of calcareous marl, marble, shell, and slate. Electricity for the motors running the crushers, screens, and conveyors is provided either by grid electric power or by diesel generators.

Criteria pollutant emissions of concern are primarily PM from crushing and screening, and PM and NO_X from diesel generators. For sources with available water, water sprays may be used to control PM emissions. In sand processing, water is typically used in clarifiers to sort the sand by size, and the sand is processed wet. Dry PM control methods (baghouses) may also be used to control PM emissions.[24]

2. What is in the proposed SQCS facility general permit?

This proposed general permit would apply to the construction of new true minor source SQCS facilities or the modification of existing true minor SQCS facilities, located in Indian country. The proposed general permit is for a facility that processes non-metallic materials only (i.e., sand, rock or stone). A source that processes any of the following is not eligible for coverage under this proposed permit: Metallic materials; radioactive materials; materials that contain asbestos; materials intended to be used as fuel; and minerals for structural clay, clay ceramics, brick, lime manufacturing, phosphate products, Portland cement, or refractory products.

The draft permit covers emissions from the following equipment at HMA facilities:

- Engines;
- Material handling equipment; and
- Fuel storage tanks.

The draft permit requires emissions from all crushers, screens, drop points, and other possible release points to be controlled by wet suppression, requires fugitive emissions to be controlled by a fugitive dust control plan, and engines to be controlled to appropriate standards. Stationary engines are limited to using diesel and biodiesel as fuels. All liquid fuels are limited to no more than 0.0015 percent sulfur by weight.

The proposed general permit includes monitoring that is sufficient to assure compliance with the emission limitations that apply to the source, including ensuring the wet suppression system is operating properly, taking weekly opacity observations and fugitive emissions surveys and meeting certain other requirements. The proposed general permit includes recordkeeping and reporting requirements sufficient to assure compliance with the emission limitations and monitoring requirements.

C. Request for Comment on the Proposed HMA Plant and SQCS Facility General Permits

We request comment on all aspects of the general permits for HMA plants and SQCS facilities. We specifically request comment in the following four areas:

1. Throughput Production Limits as a Surrogate for Annual Ton Per Year Allowable Emission Limitations

The proposed HMA plant and SQCS facility general permits contain throughput-based production limits that serve as surrogates for annual ton per year allowable emission limitations. We discuss the use of surrogate limits in Section V.E. above. For HMA plants, for production of hot mix asphalt the draft permit contains separate production limits:

- 100,000 tons-per-month based on a 12-month rolling average from a drum mix asphalt plant; or
- 33,000 tons-per-month based on a 12-month rolling average from a batch mix asphalt plant.

For SQCS facilities, the draft permit restricts raw material annual throughput to 10,500,000 tons based on any continuous rolling 12-month period. The background information documents for the draft permits contain the approximate ton per year emission thresholds for which the throughput limits act as surrogates. The draft permit does not establish different throughput limits based on the attainment status of the area. We request comment on our use of throughput limits as a surrogate for tpy emission limitations for this source category, and on whether there should be different production throughput limits in attainment and nonattainment areas.

In establishing specific limits for HMA plants and SQCS facilities, we considered whether we should compute the production throughput limits on a ton per year basis, or over a shorter period of time to assure continuous compliance. For HMA plants, where NO_X is the limiting pollutant, we elected monthly average production limits to ensure continuous compliance for portable plants that may relocate to ozone nonattainment areas within the same year. For SQCS facilities, where PM is the limiting pollutant, we elected to include an annual limit based on a 12-month rolling total. Nonetheless, we request comment on whether we should instead establish a monthly total

[22] Sources can still locate in these areas but would need to obtain a site-specific NSR permit and may face more stringent control requirements.

[23] The operations and equipment at a typical SQCS facility are described in: AP 42, Fifth Edition, Volume I, Chapter 11: Mineral Products Industry, Chapters 11.19.1, Sand and Gravel Processing, and 11.19.2, Crushed Stone Processing and Pulverized Mineral Processing; U.S. Environmental Protection Agency; *http://www.epa.gov/ttn/chief/ap42/ch11/index.html.*

[24] Ibid.

emission limitation based on a 30-day rolling total or any other appropriate averaging period.

In addition to the production throughput limits, each of the draft permits contains restrictions on the amount of fuel used. For HMA plants, the combined fuel consumption in all engines and generators, excluding nonroad mobile engines, may not exceed 12,500 gallons-per-calendar month if the source is located in an attainment area for ozone; or 2,500 gallons-per-calendar month if the source is located in an ozone nonattainment area. (In the HMA permit, fuel combustion is limited to natural gas, propane, distillate fuel, and biodiesel in the dryer/mixer and auxiliary heaters and diesel and biodiesel in the stationary engines and generators.) We are proposing monthly limits on production and fuel use at HMA plants because NO_X emissions from the dryer and engines are the limiting factor in determining whether a source qualifies for a general permit. The monthly limits allow a source to relocate to an area with a different attainment status and still ensure they are operating as a minor source consistent with their application. We determined that it would be unnecessarily complicated for sources to show compliance with two different annual fuel limits within the same 12-month period (assuming the HMA plant is co-located with a SQCS facility), since during the previous 11 months they could have been at different locations. (Below, we discuss how multiple locations can be handled for the SQCS general permit.) The monthly limit on fuel use makes demonstrating compliance straightforward and maintains operational flexibility (since the same annual production limit applies to attainment and nonattainment areas).

For SQCS facilities, the combined fuel consumption of all engines and generators, excluding nonroad mobile engines, may not exceed a range of between 33,000 gallons and 162,000 gallons annually based on a 12-month rolling total for each month, depending on the ozone attainment status of the area. (In the SQCS permit, fuel combustion in stationary internal combustion engines is limited to diesel and biodiesel.) In the case of SQCS facilities, PM emissions from engines are not a limiting factor in determining whether a facility qualifies for a general permit so we did not find monthly limits necessary. We request comment on whether to distinguish the amount of fuel use based on ozone attainment status, or whether we should set one usage limit within the stated range for both attainment and nonattainment areas. The simplicity of a single usage limit may outweigh the benefits of the flexibility of offering varying limits.

2. Setback Requirement

The draft general permits require HMA and SQCS facilities to locate at least 150 feet from the nearest property boundary and 1,000 feet from the nearest residence. These requirements are beyond the requirements in the EPA's 40 CFR parts 60, 61, and 63 regulations affecting these source categories. Nonetheless, the states of Washington [25] and Alaska [26] include setback provisions in their general permits for this source category. We believe that these requirements will minimize the impact of emissions from these sources on localized air quality. We request comment on whether we should include these setback requirements in the final permits to provide additional protection against adverse impacts to local air quality. In addition, we request comment on whether there are other neighboring types of buildings from which the setback should apply (e.g., schools, nursing homes) and whether to require these facilities to use physical markers on their property to show compliance with the setback requirements.

3. Authorizing Multiple Locations

HMA facilities and SQCS facilities often operate as portable stationary sources. A facility will locate in a single area for a specified period of time and then disassemble and relocate to another area. We structured both draft general permits to accommodate relocation of a facility. A source may identify multiple sites of operation in its request for coverage. The reviewing authority will consider the request for each location, and will specify approval of one or more of these locations in the approval of the request for coverage. If the reviewing authority does not approve a specific location, then the source will need to reapply for coverage under the general permit or for a site specific permit before relocating to this site. The general permits also require a source to submit a notification to the reviewing authority each time it relocates to a pre-approved site. We request comment on the use of these general permits to authorize relocation of a facility to pre-approved site locations. In addition, because these two types of facilities can co-locate at the same site, we seek comment on whether we should issue general permits that cover both source categories within one permit, in lieu of two separate permits, or in addition to two separate permits. If we finalize such an approach, we propose to include all the requirements proposed for the separate permits in a single permit, but we seek comment on whether the combined permit should include any additional or different requirements.

4. Spark-Ignition Engines

The draft general permits for both HMA and SQCS facilities include control measures for a number of different engine types. We did not include spark-ignition engine control measures in either general permit, because we do not believe that HMA or SQCS facilities commonly use these types of engines, and, as we discuss above, we precluded use of any fuel other than diesel or biodiesel in stationary internal combustion engines. We request comment on this conclusion. If commenters indicate that spark ignition engines should be regulated under the general permits, then we may include emission limitations comparable to the levels established for other type of engines in the final general permits.

D. Auto Body Repair and Miscellaneous Surface Coating Operations

1. What is an auto body repair and miscellaneous surface coating operation?

An auto body shop repairs, repaints, and/or customizes passenger cars, trucks, vans, motorcycles, and other mobile equipment capable of being driven or drawn on the highway. Auto body refinishing shops involve cleaning the auto body surface to ensure proper adhesion of the coating, priming and sealing the surface, applying a topcoat, and cleaning of the spray equipment. Coating application equipment includes preparation stations, spray booths, spray guns, and spray gun cleaning equipment. Some facilities are equipped with heating units to heat the air in the drying booth or to maintain a constant shop temperature during cold months. The majority of these operations occur at small body shops that repair and refinish automobiles. The activities include sanding, cleaning, spray-applying coating, and cleaning spray equipment, all of which may release pollutants into the air.

[25] The setback requirement in the Washington's general permit is based on dispersion modeling for rock crushing facilities with a high rock throughput rate. For more information, go to: *https://fortress.wa.gov/ecy/publications/summarypages/ecy070237.html.*

[26] For information on Alaska's setback requirements, go to: *http://dec.alaska.gov/air/ap/docs/General%20Permit%20Application%20for%20Asphalt%20Plants%2004-12-12.pdf.*

Miscellaneous surface coating operations are those that involve the spray application of coatings to miscellaneous parts and/or products made of metal or plastic, or combinations of metal and plastic. These activities include:

- Paint stripping for the removal of dried paint (including, but not limited to, paint, enamel, varnish, shellac, and lacquer) from wood, metal, plastic, and other substrates;
- Spray application of coatings to motor vehicles and mobile equipment including operations that are located in stationary structures at fixed locations, and mobile repair and refinishing operations that travel to the customer's location; and
- Spray application of coatings to a plastic and/or metal substrate on a part or product, except spray coating applications that meet the definition of facility maintenance or space vehicle.

The coating application operations include washes, primers, primer surfacers, primer sealers, and topcoats. Coatings are applied using a hand-held device that creates an atomized mist of coating and deposits the coating on assembled motor vehicles and mobile equipment.

The pollutants of concern for auto body repair and surface coating operations are VOCs and hazardous air pollutants (HAP) from the use of solvents and coatings. Particulate matter emissions are also emitted from spray coating operations. Paints, coatings, and the solvents used for paint gun clean-up are the main sources of VOCs in auto body shops. Emissions are typically controlled through use of lower-VOC coatings, increased transfer efficiency of spray guns, minimizing solvent evaporation during clean-up and other best practices, such as closing all containers of painting materials immediately after use. Particulate matter emissions are also emitted from spray coating operations. Because spray coating operations are normally performed in enclosed spray booths and controlled by dry filters or other equivalent control devices, PM emissions from spray coating operations are not significant if the spray booths and the associated control devices are operated properly. If a facility contains fuel combustion heating units, there are associated combustion emissions from those units.

Coatings processes also include degreasing. Solvent degreasing (or solvent cleaning) is the physical process of using organic solvents to remove grease, fats, oils, wax or soil from various metal, glass, or plastic items. The types of equipment used in this method are categorized as cold cleaners, open top vapor degreasers, or conveyorized degreasers. The general permit only allows for the use of cold cleaners that are batch loaded and non-boiling solvent degreasers. These processes usually provide the simplest and least expensive method of metal cleaning. Maintenance cold cleaners are smaller, more numerous, and generally use petroleum solvents such as mineral spirits (petroleum distillates and Stoddard solvents). Manufacturing cold cleaners use a wide variety of solvents, which perform more specialized and higher quality cleaning with about twice the average emission rate of maintenance cold cleaners. Some cold cleaners can serve both purposes.

Cold cleaner operations include spraying, brushing, flushing, and immersion. In a typical maintenance cleaner, dirty parts are cleaned manually by spraying and then soaking in the tank. After cleaning, the parts are either suspended over the tank to drain or are placed on an external rack that routes the drained solvent back into the cleaner. The cover is intended to be closed whenever parts are not being processed in the cleaner. Typical manufacturing cold cleaner operations vary widely in design, but there are two basic tank designs: the simple spray sink and the dip tank. Of these, the dip tank provides more thorough cleaning through immersion, and often is made to improve cleaning efficiency by agitation. Small cold cleaning operations may be numerous in urban areas.

2. What is in the proposed auto body repair and miscellaneous surface coating operations general permit?

This proposed general permit would apply to the construction of new, true minor source auto body repair and miscellaneous surface coating facilities or the modification of existing, true minor source facilities, located in Indian country. Surface coating facilities that are major sources under 40 CFR part 63, and are subject to the requirements of certain National Emission Standards for Hazardous Air Pollutants (NESHAP),[27] are not eligible for coverage under this general permit.[28] The Maximum Achievable Control Technology (MACT) standards in these regulations cover a wide array of surface coating operations, each with a different set of emission standards for the various coatings typically used by the particular source category, some of which may require add-on controls. Creating a general permit that covers all of these surface coating operations—as required by 40 CFR 49.154(c)(4)—would be cumbersome and likely create a general permit that would be confusing to the permittee. We believe auto body repair and miscellaneous surface coating operations are a typical type of true minor surface coating operation such that it is a good candidate for a general permit.

We request comment on limiting eligibility of the general permit to true minor sources that are not major sources of HAP, or whether there are any terms or conditions we could add to the final permit that would ensure both compliance with the general permit and with the MACT standards.

The draft permit requires that all spray applications of coatings must be performed using high efficiency spray guns in a spray booth controlled by exhaust filters. We assumed that only batch-loaded cold cleaning degreasers were used at these types of facilities. The requirements for cold solvent degreasing include several work practice standards to ensure VOC emissions are minimized, including: keeping the degreaser cover closed at all times, except during parts entry and removal; the degreaser should be free of cracks, holes and other defects; all waste solvents must be properly stored and identified in sealed containers; and solvent flow must be directed downward.

The proposed permit includes monitoring that is sufficient to assure compliance with the emission limitations that apply to the source, including requiring monitoring for overspray, assuring that pressure drop

[27] The relevant NESHAPs are: Subpart II—National Emission Standards for Hazardous Air Pollutants: Shipbuilding and Ship Repair; Subpart IIII—National Emission Standards for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks; Subpart KKKK—National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Cans; Subpart MMMM—National Emission Standards for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products; Subpart NNNN—National Emission Standards for Hazardous Air Pollutants: Surface Coating of Large Appliances; Subpart OOOO—National Emission Standards for Hazardous Air Pollutants: Printing, Coating, and Dyeing of Fabrics and Other Textiles

Subpart PPPP—National Emission Standards for Hazardous Air Pollutants for Surface Coating of Plastic Parts and Products; Subpart QQQQ—National Emission Standards for Hazardous Air Pollutants: Surface Coating of Wood Building Products; Subpart RRRR—National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Furniture; and Subpart SSSS—National Emission Standards for Hazardous Air Pollutants: Surface Coating of Metal Coil.

[28] Due to the surface coating-related requirements in a NESHAP, it is possible that a source could be a major source for HAPs but a minor source for regulated NSR pollutants. However, for simplicity, we are proposing to exclude major HAP sources.

across the exhaust filters does not exceed manufacturers' recommendations and inspecting solvent degreasers for leaks and cracks prior to use. The proposed permit includes recordkeeping and reporting sufficient to assure compliance with the emission limitations and monitoring requirements.

3. Request for Comment on the Proposed Auto Body Repair and Miscellaneous Surface Coating Operations General Permit

We request comment on all aspects of the general permit for auto body repair and miscellaneous surface coating operations. We specifically request comment in the following two areas:

(a) Surrogate Annual Allowable Emission Limitations

The EPA is also proposing to include an annual allowable emission limitation for auto body repair and miscellaneous surface coating operations source category. This general permit would apply to the construction of new facilities proposing to locate in Indian country or the modification of existing auto body repair and miscellaneous surface coating operations located in Indian country. In attainment areas of Indian country, the draft general permit includes an upper throughput limit for VOC containing materials (e.g., coatings, thinners, and clean-up solvents) not to exceed 5,000 gallons per year (gpy) based on a 12-month rolling total. This surrogate emission limitation equates to approximately 25 tpy or less of VOCs.[29] In ozone nonattainment areas of Indian country, the draft general permit includes an upper throughput limit for VOC containing materials (e.g., coatings, thinners, and clean-up solvents) not to exceed 900 gpy based on a 12-month rolling total. This surrogate emission limitation equates to 7 tpy or less of VOCs.[30] Finally, we request comment on the appropriateness of establishing different limitations based on the attainment status of the area and whether the specified limitations should be slightly higher or slightly lower.

(b) Covering Both Auto Body Repair and Miscellaneous Surface Coating Operations

As currently structured, both auto body repair shops and miscellaneous surface coating operations are eligible to apply for coverage under the general permit. We think these types of emissions activities qualify as similar sources because (1) they both use the same type of equipment (such as spray guns) and materials (such as paint) that have similar forms of emissions with a similar overall emissions potential and (2) they use similar approaches to minimizing emissions. We request comment on treating these emissions activities as similar sources and on regulating both activities within the same general permit.

E. GDFs

1. What is a GDF?

A GDF is any stationary facility that dispenses gasoline into the fuel tank of a motor vehicle, nonroad vehicle or equipment, including a nonroad vehicle or nonroad engine used solely for competition.[31] It should also be noted that a GDF could also include equipment that dispenses diesel fuel (diesel is discussed further below). Furthermore, a GDF could be an operation supporting other activities at a facility that otherwise requires a permit.[32]

Gasoline is delivered by tank trucks to GDFs and then transferred to highway motor vehicles and nonroad equipment and engines. GDFs include all retail outlets such as traditional gasoline service stations, convenience stores, truck stops, and hypermarkets (e.g., warehouse clubs and big box stores), marinas, as well as private and commercial outlets, such as centrally-fueled fleets, government operations, and private businesses such as farms and landscaping operations. This does not include airports offering aviation gasoline or mobile fueling capabilities.

Gasoline vapors are released during the transfer of gasoline from tank trucks to stationary gasoline storage tanks and during the refueling of vehicles and equipment.[33] Gasoline vapors are the major air pollution concern associated with gasoline dispensing and handling facilities because they contain VOCs and HAPs such as aromatic compounds and isooctane.[34]

The EPA's emissions factor document, AP–42, has traditionally divided VOC emissions from GDFs into two basic segments of operation: Stage I and Stage II.[35] Stage I generally refers to the transfer of gasoline from the delivery truck to the aboveground storage tank (AST) or underground storage tank (UST). Fuel storage tanks are generally, but not always, cylindrical in shape, and vary in volume from 250 gallons (approximately 1,000 liters) to 30,000 gallons. Volumes of 250 to 1,000 gallons are most common for ASTs and 6,000 to 12,000 gallons are most common USTs. Stage II refers to gasoline in storage in these tanks and/or its transfer to a vehicle or equipment fuel tank through a pump and dispenser.

VOC emissions control technology exists and is required for Stage I and Stage II operations. Stage I vapor recovery is a control method to capture gasoline vapors that are released when gasoline is delivered by a tank truck to a storage tank located at a GDF. Instead of being released to the air, the gasoline vapors from filling the tank are captured and returned to the tank truck as the storage tank is being filled with fuel. From there, the vapors are transported back to the gasoline terminal vapor processor for recovery or destruction. Because of the GDF NESHAP requirements (found at 40 CFR part 63, Subpart CCCCCC), all GDFs dispensing more than 1,200,000 gpy were required to have Stage I controls in place in January 2011, with lesser requirements in the same timeframe for GDFs with gasoline throughputs between 120,000 gpy and 1,200,000 gpy.[36] Stage I controls were commonly in place at many larger throughput GDFs prior to 2000. There are no such requirements for diesel fuel.

Stage II vapor recovery captures gasoline vapor that would otherwise escape into the air when motorists refuel their vehicles. Section 182(b)(3) of the CAA, 42 U.S.C. 7511a(b)(3), required pump-based Stage II vapor recovery for some GDFs located in

[29] Information on the source of these thresholds is available at: Background Document, Minor Source Auto Body Repair and Refinishing Shops General Permit and Permit by Rule, Docket ID No. EPA–HQ–OAR–2011–0151, *http://www.epa.gov/air/tribal/tribalnsr.html*.

[30] Information on the source of these thresholds is available at: Background Document, Minor Source Auto Body Repair and Refinishing Shops General Permit and Permit by Rule, Docket ID No. EPA–HQ–OAR–2011–0151, *http://www.epa.gov/air/tribal/tribalnsr.html*.

[31] A more formal regulatory definition of GDF can be found at 40 CFR 63.11132.

[32] Under the general permit and permit by rule programs, such a source would be considered a minor source and potentially eligible for the permit provided the PTE of all existing, new and modified emission units at the stationary source were below the major source thresholds for all regulated NSR pollutants.

[33] Some vapors can also be released due to spillage by vehicle operators as vehicles are fueled.

[34] For more information, go to: *http://www.epa.gov/ttn/chief/eiip/techreport/volume03/iii11_apr2001.pdf*.

[35] For more information, go to: AP 42, Fifth Edition, Volume I, Chapter 5: Petroleum Industry; U.S. Environmental Protection Agency; *http://www.epa.gov/ttn/chief/ap42/ch05/index.html*.

[36] Certified vapor recovery systems include hoses, nozzles, processors, and other equipment that create a closed system which returns gasoline vapor back to the underground storage tank and then back to the truck that delivers the gasoline to your station. The system and equipment are designed to capture vapor before it is released to the air.

''moderate'' or above ozone nonattainment areas. Section 202(a)(6) of the CAA, 42 U.S.C. 7521(a)(6), required the EPA to develop standards for vehicle-based onboard vapor recovery (ORVR) controls on light-duty vehicles to capture these emissions. Section 202(a)(6) of the CAA also states that the section 182(b)(3) pump-based Stage II requirement shall not apply in moderate nonattainment areas after ORVR standards are promulgated, but would be required for serious, severe, or extreme ozone nonattainment areas.[37] On April 16, 1994, the EPA published regulations requiring the phase-in of ORVR controls on new passenger cars and light trucks.[38] These controls were required on all new gasoline-powered motor vehicles, not just those in ozone nonattainment areas.

In addition, the CAA provides that the EPA may revise or waive the pump-based Stage II control requirements of section 182(b)(3) for serious or above ozone nonattainment areas after the EPA determines that ORVR control systems are in ''widespread use'' throughout the motor vehicle fleet. The EPA has determined that vehicle-based ORVR refueling emission control systems were in widespread use in the motor vehicle fleet as of May 9, 2012.[39] This determination triggered the provision of section 202(a)(6) of the CAA, which waives the section 182(b)(3) Stage II requirement for serious or above ozone nonattainment areas. Under this waiver, states are no longer required to have pump-based Stage II vapor recovery systems for control of vehicle refueling emissions under section 182 (b)(3).[40]

2. What impact will the GDF National Emissions Standard for Hazardous Air Pollutants and onboard refueling vapor recovery control systems have on emissions from GDFs?

The GDF NESHAP and ORVR controls have a significant impact on lowering the VOC emissions levels from GDFs. GDF NESHAP requirements address Stage I emissions for all but the lowest throughput GDFs. ORVR controls and the gasoline dispensing rate limits which the EPA put in place in 1996 have significantly reduced the VOC emission rates. When fully phased-in, ORVR will reduce Stage II vapor displacement emissions by about 98 percent and fuel spillage by 50 percent.[41]

Using this information, Table 3 illustrates how the minor source NSR VOC emission permitting thresholds of 2 and 5 tpy translates into the equivalent volumes of gasoline dispensed by a GDF on both a monthly and yearly basis based on the control efficiencies for the GDF NESHAP and ORVR regulations. The 2 tpy value applies to any area classified as ozone nonattainment (marginal, moderate, serious, severe, or extreme) at the time the permit is being submitted and the 5 tpy applies to areas meeting the ozone NAAQS at that time. It includes the basic Stage I and Stage II emission sources plus the impacts that the GDF NESHAP and the increasing percentage of vehicles with ORVR controls will have on refueling emissions from GDFs (assuming pump-based Stage II vapor recovery is not in place). In this table, the displacement VOC emission rate in pounds/1,000 gallons depends on the gasoline Reid Vapor Pressure (RVP), the dispensed fuel temperature, and the difference between the temperature of the fuel in the tank and the dispensed fuel. For these purposes, the EPA has used 7 pounds per square inch (psi) RVP and temperatures representative of the summertime western U.S. for ozone non-attainment areas and 10 psi RVP and national average summertime temperatures for all other areas in calculating the uncontrolled displacement VOC emission rate in pounds/1,000 gallons. This yields values of about 7.5 and 10.8 pounds/1,000 gallons, respectively.[42]

TABLE 3—EMISSIONS FROM GDFS WITH ORVR CONSIDERATION

NSR CATEGORY			End of calendar year	% ORVR	Disp. 3 lb/10 gallons	Breathing losses 3 lb/10 gallons	Stage I 3 lb/10 gallons	Total 3 lb/10 gallons	Gpy equivalent	Gallons per month (gpm) equivalent
1a	2 tpy	Ozone NA	2011	72	2.1	0.25	0.3	2.65	1,509,434	125,786
1b	2 tpy	Ozone NA	2014	82	1.35	0.25	0.3	1.9	2,105,263	175,439
1c	2 tpy	Ozone NA	2020	92	0.6	0.25	0.3	1.15	3,478,261	289,855
1d	2 tpy	Ozone NA	2025	96	0.3	0.25	0.3	0.85	4,705,882	392,157
2a	5 tpy	Ozone attain.	2011	72	3.02	0.25	0.3	3.57	2,801,112	233,427
2b	5 tpy	Ozone attain.	2014	82	1.94	0.25	0.3	2.49	4,016,064	334,673
2c	5 tpy	Ozone attain.	2020	92	0.86	0.25	0.3	1.41	7,142,857	595,238
2d	5 tpy	Ozone attain.	2025	96	0.43	0.25	0.3	0.98	10,204,082	850,340

As shown in row 1b, the EPA estimates that ORVR will control 82 percent of motor vehicle gasoline refueling emissions in 2014. A GDF in an ozone nonattainment area could dispense approximately 2.1 million gpy before reaching the 2 tpy emissions threshold. As seen in row 1c, however, that same GDF could dispense approximately 3.5 million gpy in 2020 because 92 percent of refueling

[37] For more information, see: ''Widespread Use for Onboard Refueling Vapor Recovery and Stage II Waiver,'' U.S. Environmental Protection Agency, 77 FR 28772, May 16, 2012, *http://www.gpo.gov/fdsys/pkg/FR-2011-07-15/html/2011-17888.htm*. The rulemaking documents and supporting analyses are available at EPA public docket EPA–HQ–OAR–2010–1076.

[38] These requirements were ultimately extended to all complete heavy-duty gasoline-powered vehicles (HDGVs) with a gross vehicle weight rating (GVWR) less than 10,000 pounds and have recently been proposed to extend to all complete HDGVs with a GVWR up to 14,000 pounds.

[39] ''Widespread Use for Onboard Refueling Vapor Recovery and Stage II Waiver,'' U.S. Environmental Protection Agency, 77 FR 28772, May 16, 2012, *http://www.gpo.gov/fdsys/pkg/FR-2012-05-16/html/2012-11846.htm*.

[40] If a state submits a State Implementation Plan (SIP) revision to remove Stage II requirements from a previously approved SIP, it would need to demonstrate that the revision meets the requirements of sections 110(l) of the CAA as well as sections 193 and 184(b)(2), if applicable.

[41] These values are discussed more fully in EPA memoranda, ''Updated Data for ORVR Widespread Use Assessment,'' February 29, 2012 and ''Onboard Refueling Vapor Recovery Widespread Use Assessment,'' June 9, 2011. Both are available in: Docket EPA–HQ–OAR–2010–1076.

[42] For information on how these values were determined, see ''Calculation of Emissions from GDFs,'' Memorandum from Glenn W. Passavant to Public Docket EPA–HQ–OAR–2011–0151, September 24, 2012, *http://www.epa.gov/air/tribal/tribalnsr.html*.

emissions will be controlled by vehicles equipped with ORVR.

In row 2b, the EPA estimates that a GDF in an ozone attainment area could dispense approximately 4 million gpy in 2014 before reaching the 5 tpy emissions threshold for ozone in a PSD area. As seen in row 2c, however, a GDF in an attainment area could dispense about 7.1 million gpy in 2020 because 92 percent of gasoline refueling emissions are expected to be controlled by ORVR. The calculations in Table 3 are snapshots for the various calendar years. Based on the PTE calculator, the gpy or gpm values for any given permit depend on the geographic location (attainment or non-attainment area) and the year in which coverage under the permit is requested.

The average GDF has a throughput of 1.5 million gpy; thus, many GDFs have throughputs below the 2014 gpy values listed in Table 3. If a GDF has projected emissions below the 2 tpy and 5 tpy minor NSR emissions thresholds for ozone nonattainment and attainment areas specified in the Indian Country Minor NSR rule, it does not need to obtain a pre-construction permit but may still be required to meet the GDF NESHAP requirements of 40 CFR part 63, Subpart CCCCCC and those proposed below for ASTs. While it is possible that a large and very active GDF could exceed the minor NSR emissions thresholds for ozone nonattainment and attainment areas (2 and 5 tpy, respectively) and, thus, be subject to the Minor NSR rule permit requirements, it is very unlikely that a single GDF could dispense enough fuel to exceed a 10 tpy level, which is the strictest VOC emissions threshold for a major source in a nonattainment area. The average refueling event is 10 to 11 gallons. If, for example, one simply multiplies the gpy entries in the Table 3 rows (1b) by a value of 5 tpy and divides by 11 gallons per minute, the result is over approximately 950,000 refueling events per year at one GDF. There are practical limitations on GDF acreage, as well as vehicle transit and tanker truck deliveries, which serve as a practical cap on the number of refueling events per year. Exceeding the 10 tpy limit in ozone nonattainment areas in 2014 would require over 2,600 gasoline refueling events per day, which is practically unlikely at even the largest and busiest GDFs.

Thus, considering the physical limitations on GDFs and the emissions impact of ORVR, we propose that for most areas there is no need for numerical limits on the quantity (throughput) or rate (tpy) of emissions for GDFs as it is practically not possible to become a major source. However, to provide extra air quality protection, we are proposing to have a surrogate emission limitation for serious, severe or extreme ozone nonattainment areas. For these areas, the draft permit requires the source to limit annual gasoline surrogate throughput to 10 million gallons or less based on a 12-month rolling total for each month. This surrogate throughput limit is set at a level intended to ensure that GDFs under this general permit and permit by rule remain minor sources and below the lowest major source threshold for extreme ozone nonattainment areas of 10 tpy.

3. Treatment of Diesel Fuel

It is common for facilities with gasoline dispensing operations to also dispense diesel fuel to autos, light trucks, heavy-trucks, and nonroad equipment. However, the true vapor pressure of diesel fuel is only about 0.2 percent of the 7 psi RVP gasoline at 70 °F. Thus, while Stage I and Stage II type emissions occur with diesel fuel dispensing operations, they are very low in comparison and no Stage I or Stage II controls are required. For completeness, the PTE calculator provided as part of this NPRM includes diesel emissions but these in total would be very small in comparison to gasoline vapor emissions. This PTE could also help to inform calculations of total VOC emissions from a facility where a GDF is only part of the overall VOC emissions from the source used in assessing the permit application.

4. What are the requirements for the proposed general permit for GDFs in serious, severe, and extreme ozone nonattainment areas?

We are proposing the following additional requirements, as discussed below, for GDFs in Indian country that are located in serious, severe, and extreme ozone nonattainment areas. Currently, all of the areas of Indian country located in serious, severe, and extreme ozone nonattainment areas are located in California, but that situation could change in the future.[43] We examined the GDF requirements of the California Air Resources Board (ARB) and the six California air quality management and air pollution control districts (collectively AQMDs) that are designated serious, severe, or extreme for ozone nonattainment and have areas of Indian country within their boundaries.[44]

California ARB adopted regulations for control of standing loss control (SLC) VOC emissions from ASTs.[45] Emissions of this type are not included in the GDF NESHAP requirements. The test procedures and SLC emission standard (0.57 lbs/1,000 gallons ullage/day) for these requirements potentially cover all ASTs regardless of volume.[46] Systems can be certified to the SLC emission standards either by design or performance as discussed in ARB CP–206.[47] Responding to these requirements generally involves the use of one of several techniques to treat the tank in such a way as to reduce the diurnal temperature changes in the fuel in the AST and to add a pressure vacuum (p/v) valve to address AST venting. These requirements became applicable to existing ASTs in California in April 2009, and to new ASTs (including major modifications) in April 2013. They apply to ASTs in the individual air districts in California if the ARB rule is adopted by that air district.[48] All of the AQMDs in serious, severe, and extreme ozone nonattainment areas in California have adopted the SLC requirements, but have granted exemptions for tanks of 250 gallons capacity or less. Thus, to address ozone air quality and as a matter of equity, the EPA is requesting comment on whether the final permits should include these SLC requirements. If we include these requirements, then

[43] For more information, see: ''Air Quality Designations for the 2008 Ozone National Ambient Air Quality Standards,'' 77 FR 30088, May 21, 2012, *http://www.epa.gov/airquality/ozonepollution/designations/2008standards/final/tribalf.htm.*

[44] These include El Dorado County AQMD, San Joaquin Valley Unified APCD, Placer County APCD, South Coast AQMD, Mojave Desert AQMD, and Yolo-Solano AQMD.

[45] Standing losses are gasoline vapor emissions that occur whenever the gasoline evaporates during periods of no gasoline transfer. These evaporative emissions escape through open vent pipes and leaks in the AST. They occur when internal tank pressure increases as a result of diurnal temperature changes. Standing losses from ASTs vary based on the different tank configurations, fill levels, and volumes.

[46] For more information on test procedures and standards, see: *http://www.arb.ca.gov/regact/2007/ast07/ast07.htm.* Most notably, refer to the ISOR and TP–206.1, TP–206.2, and CP–206.

[47] See *http://www.arb.ca.gov/testmeth/vol2/cp-206.pdf,* Certification Procedure for Vapor Recovery Systems at Gasoline Dispensing Facilities Using Aboveground Storage Tanks, CP—206, California Air Resources Board, Adopted: May 2, 2008.

[48] The EPA has approved requirements for aboveground storage tanks with capacity greater than 250 gallons for Sacramento Metropolitan AQMD (Revisions to the California State Implementation Plan, San Diego APCD,

Northern Sierra AQMD, and Sacramento Metropolitan AQMD; January 7, 2013; 78 FR 897) and San Joaquin Valley Unified APCD (Revisions to the California State Implementation Plan, Northern Sierra Air Quality Management District and San Joaquin Valley Unified Air Pollution Control District; October 30, 2009; 74 FR 56120).

we would delay the effective date of compliance until January 1, 2014.

We would, though, propose to exempt any AST with a volume equal to or less than 250 gallons. This is consistent with the current NESHAP and California air district rules. Tanks not qualifying for this exemption would need to meet the proposed applicable NESHAP requirements, as well as the SLC requirements as discussed above, including the reporting requirements.

Since these ASTs are all expected to be in California, we seek comment as to whether the EPA should simply adopt the SLC and ARB Phase I requirements for ASTs for new or reconstructed ASTs with a volume greater than 250 gallons [49] in lieu of SLC and the EPA Stage I requirements as prescribed in 40 CFR part 63, subpart CCCCCC. This approach could be more efficient and offer wider availability of ASTs that meet California emissions requirements. Furthermore, the EPA is asking for comment on whether the exemption threshold should be set at 250 gallons or less or at 1,000 liters or less. An AST with 1,000 liter volume is the equivalent of about 265 gallons. An uncontrolled 250 gallon AST which is splash refilled monthly would emit about 62 pounds per year. A 265 gallon AST would emit 6 percent more.

Finally, we note that many of the California Air Districts allow exemptions for ASTs when 50 percent or more of the throughput is involved in supporting husbandry activities (e.g., ranching and farming). Since we are not proposing such a provision, this creates a question as to whether new SLC controlled tanks would be available in some tank sizes such as 250 gallons and what would be the control costs if they are required only in areas of Indian country. We request comment on these two points.

5. What type of source may apply for coverage under the proposed GDF general permit?

This proposed general permit covers construction of new true minor source GDFs to be located in Indian country, or the modification of existing true minor source GDFs in Indian country. The general permit is available to any facility that qualifies as a GDF. There are no limitations on the eligibility of GDFs to apply for this general permit. The permit contains requirements for proper design, construction, installation and operation of vapor balance systems for the loading of gasoline into storage tanks and daily storage therein. It applies to GDFs with USTs and/or ASTs. It potentially includes facilities dispensing gasoline, gasoline and diesel fuel, or diesel fuel only.

6. Request for Comment on the Proposed GDF General Permit

We request comment on all aspects of the general permit for GDFs. We specifically request comment in the following two areas:

a. Should the EPA establish an annual allowable emission limitation?

The draft permit does not contain an annual ton per year allowable emission limitation or a surrogate emission limitation, unless a source locates in a serious, severe or extreme ozone nonattainment area. Because of the effectiveness of ORVR and other practical constraints on emissions from GDF operations, for most areas we do not believe that it is necessary to establish an annual allowable emission limitation to properly regulate the construction or modification and then operation of true minor GDF sources. We request comment on this conclusion. If the EPA were to include a throughput emission limitation, we would establish this limit just below the major source threshold for VOC. The throughput emission limitation would be calculated as the product of emissions factors and the volume of annual gasoline throughput that corresponds to the ton per year of the major source threshold. As the implementation of ORVR continues, in the future there would be little need to adjust throughput emission limitation because of the practical limitations on how much gasoline a GDF can process.

However, if a source locates in an extreme ozone nonattainment area, then the draft permit requires the source to limit annual gasoline throughput to 8 million gallons or less based on a 12-month rolling total for each month. This throughput limit is set at a level intended to ensure that GDFs under this general permit or permit by rule remain minor sources and below the major source threshold for extreme ozone nonattainment areas of 10 tpy. We request comment on the need for this additional requirement in serious and above ozone nonattainment areas.

b. Should proposed standing loss control requirements apply to GDFs in Indian country in potential future serious, severe, and extreme ozone nonattainment areas outside of California?

The EPA is proposing that new and modified ASTs greater than 250 gallons to be located in Indian country in California meet proposed SLC emission control requirements. This is consistent with air quality needs and is the same as required for ASTs outside of Indian country in California. As discussed above, compliant ASTs are expected to be readily available in California. This may not necessarily be the case outside of California, however, as no other state has adopted SLC requirements. Given this potential disparity in technology availability, the EPA asks for comment on applying SLC requirements in areas outside of California. The EPA also asks if this requirement should be linked to whether the GDF would exceed the minor NSR thresholds (2 and 5 tpy) for ozone attainment and nonattainment areas, respectively, if SLC emissions were not included.[50]

F. Petroleum Dry Cleaning Facilities

1. What is a petroleum dry cleaning facility?

A petroleum dry cleaning facility can consist of dry cleaning dryers, washers, filters, stills, settling tanks, and boilers. The dry cleaning industry is a service industry involved in the cleaning of articles ranging from personal clothing to mops and mats. Dry cleaning involves the cleaning of fabrics with nonaqueous organic solvents. The dry cleaning process includes three steps: (1) Washing the fabric in solvent; (2) spinning to extract excess solvent; and (3) drying by tumbling in a hot air stream. There are two general types of cleaning fluids used in the industry: petroleum solvents and synthetic solvents. Petroleum solvents, such as Stoddard or 140–F, are combustible hydrocarbon mixtures similar to kerosene. Synthetic solvents or halogenated hydrocarbons, such as perchloroethylene (''perc'' or PCE), are nonflammable.

Petroleum dry cleaning operations are similar to detergent and water wash operations. There are two basic types of dry cleaning machines, transfer and dry-to-dry machines. Transfer machines accomplish washing and drying in separate machines. Dry cleaning as a

[49] See California ARB certification requirement (CP–206) and test procedures (TP–206.1. TP–206.2. and TP–206.3) for more detail on these requirements. These are available at *http://www.arb.ca.gov/vapor/vapor.htm*.

[50] Uncontrolled SLC emissions = 5.7 pounds/1,000 gallons of ullage per day. Normally, an AST would have ullage of 45 percent of capacity on average, assuming it is filled to capacity each time it drops to 10 percent of capacity.

batch process in transfer machines can result in a large amount of VOC or HAP emissions due to vaporization of solvent during the transfer process. Dry-to-dry machines are single units that perform all of the washing, extraction, and drying operations. Since cleaning and drying take place in the same compartment of dry-to-dry machines, significant amounts of VOC and HAP emissions are eliminated from dry-to-dry machines.[51] Most petroleum dry cleaning machines in operation today are dry-to-dry machines.[52] Dryers, solvent filtration and distillation systems, and miscellaneous (fugitive) sources are the major contributors of VOC emissions in a dry cleaning plant. Most petroleum dry cleaning facilities have one or two small natural gas fired steam boilers. VOC emissions from combustion are typically not a significant concern at petroleum dry cleaning facilities. The EPA has issued a New Source Performance Standard (NSPS) for petroleum dry cleaning facilities [53] and a NESHAP for perc.[54] [55]

2. What is in the proposed petroleum dry cleaning facilities general permit?

This proposed general permit would apply to the construction of new (or modification of existing) true minor source petroleum dry cleaning facilities located in Indian country. The sources in question only use petroleum solvent in dry cleaning dryers, washers, filters, stills and settling tanks. The draft permit requires that all petroleum dry cleaning dryers must be solvent recovery dryers and that care must be taken to ensure equipment is operated properly and solvents are properly stored. Facilities that use synthetic solvents are not eligible for coverage under this general permit. The permit contains requirements for:

- Material use;
- Dryers;
- Solvent storage;
- Solvent recovery;
- Button, washer and line traps;
- Access doors and other equipment; and
- Used material storage.

The proposed permit includes monitoring that is sufficient to assure compliance with the emission limitations that apply to the source, including requiring each petroleum solvent dry cleaning dryer to be inspected every 15 calendar days for evidence of leaks and all vapor or liquid leaks to be repaired within the subsequent 15 calendar day period. The proposed permit includes recordkeeping and reporting sufficient to assure compliance with the emission limitations and monitoring requirements.

For sources located in severe or extreme ozone nonattainment areas, the permit also requires that, no less frequently than monthly, the owner or operator shall inspect the dry cleaning system for liquid and vapor leaks, including, but not limited to, the following:

- Hose connections, unions, couplings, valves, and flanges;
- Machine door gasket and seating of the machine cylinder;
- Filter head gasket and seating;
- Pumps;
- Base tanks and storage containers;
- Water separators;
- Filter sludge recovery;
- Seals and gaskets of distillation unit(s);
- Diverter valves;
- Saturated lint from lint trap basket;
- Button trap lid;
- Seals, gaskets and the diverter valve of the refrigerated condenser;
- Exhaust stream ducts;
- Lint trap ducts; and
- Gaskets and ducts of the carbon adsorber.

3. Request for Comment on the Proposed Petroleum Dry Cleaning Facilities General Permit

We request comment on all aspects of the general permit for petroleum dry cleaning facilities. We specifically request comment in the following two areas:

a. Surrogate Annual Allowable Emission Limitations

The petroleum dry cleaning general permit contains material use limits that serve as surrogate annual ton per year allowable emission limitations. We discuss the use of surrogate limits in Section V.E. above. If a source locates in an ozone attainment or unclassifiable area of Indian country, the draft permit requires the source to limit material use to 5,600 gallons or less of cleaning solvent per year. This is roughly equivalent to 25 tpy of VOCs. If a source locates in an ozone nonattainment area, the draft permit requires the source to limit material use to 1,300 gallons or less of cleaning solvent per year. This is roughly equivalent to 7 tpy of VOC. Both annual material use limits are based on a 12-month rolling total calculated each month. We request comment on the use of these surrogate limits. In lieu of establishing surrogate limits, we request comment on whether the final permits should contain ton per year emission limitations and the use of monitoring of material use as a compliance method. Finally, we request comment on the appropriateness of establishing different limitations based on the attainment status of the area and whether the specified limitations should be slightly higher or slightly lower.

b. Should we establish additional requirements for serious, severe, and/or extreme ozone nonattainment areas?

The draft permits contain additional requirements for sources that locate in serious, severe, and extreme ozone nonattainment areas. These requirements include requirements for changing paper or carbon cartridge filters; wastewater evaporators; additional specifications for closed-loop machines (e.g., proper exhausting and locking); leak check and repair requirements; and enhanced recordkeeping and reporting requirements. We adopted these practices from the South Coast Air Quality Management District's rule for Dry Cleaners Using Solvent Other Than Perchloroethylene [56] for facilities located in ozone nonattainment areas. We request comment on the need for these enhanced requirements in serious, severe and/or extreme nonattainment areas.

[51] AP 42, Fifth Edition, Volume I, Chapter 4.1: Dry Cleaning; U.S. Environmental Protection Agency; *http://www.epa.gov/ttn/chief/ap42/ch04/index.html.*

[52] U.S. Environmental Protection Agency, DRAFT, ''Petroleum Solvent Dry Cleaning Industry Profile,'' Graham Gibson and Colin Hayes, ERG; August 4, 2010.

[53] 40 CFR part 60, subpart JJJ—Standards of Performance for Petroleum Dry Cleaners, *http://ecfr.gpoaccess.gov/cgi/t/text/text-idx?c=ecfr&sid=a4ffb0a8d823382f497b95a61ef26817&rgn=div6&view=text&node=40:6.0.1.1.1.75&idno=40.*

[54] 40 CFR part 63, subpart M—National Emission Standards for Perchloroethylene Dry Cleaning Facilities, *http://www.epa.gov/ttn/atw/dryperc/dryclpg.html.*

[55] The petroleum dry cleaner NSPS requires each solvent dry cleaning dryer to be a solvent recovery dryer, petroleum solvent filters to be drained for 8 hours prior to removal, and the manufacturer to put a specific label on dryers requiring leak inspections and repairs. The general permit includes the requirement to use a solvent recovery dry. The general permit does not include the work practice standard for petroleum solvent filters as it is EPA's more recent experience that solvent filters are an antiquated practice and no longer is use. The general permit also does not include the labeling requirement for manufacturers, but does include the same monitoring requirements that must be included on the label.

[56] South Coast Air Quality Rule 1102—Dry Cleaners Using Solvent Other Than Perchloroethylene; *http://www.aqmd.gov/rules/reg/reg11/r1102.pdf.*

VII. Description of the EPA's Proposed Permit by Rule Program in Indian Country

A. What is a permit by rule?

For purposes of this proposal, a permit by rule is a standard set of requirements that can apply to multiple sources with similar emissions and other characteristics. This is similar to a general permit. Unlike a general permit, however, we codify the permit by rule requirements into regulation using a rulemaking process, rather than establish the requirements through a general permit document that undergoes notice and comment.

For purposes of this proposal, the permit by rule mechanism is a permit streamlining approach that reduces the time permitting authorities must devote to reviewing permit applications and issuing permits for source categories or emissions generating activities that pose a lower environmental concern. We believe that permits by rule offer another cost-effective means of issuing permits, and provide a quicker and simpler alternative mechanism for permitting true minor sources than the site-specific permit or standard general permit process.

State and local reviewing authorities use the permit by rule mechanism to authorize construction of less complex sources, and sources that emit at specified levels below the major stationary source thresholds. The EPA has approved several state or local permits by rule programs into SIPs.[57] By this proposal, we would provide similar opportunities for permitting efficiency in Indian country, while also providing a comparable level of protection of air quality.

B. How would a permit by rule program operate in Indian Country?

As proposed in this notice, once the EPA identifies a source category or emissions generating activity for which the permit by rule mechanism would offer permit streamlining benefits, while at the same time protecting air quality, the EPA will codify a nationally applicable permit by rule for those similar sources into a new section of the Indian Country Minor NSR FIP. If the permit by rule will apply only at a regional level, then the EPA regional reviewing authority will conduct the rulemaking process, and appropriately limit the applicability of the permit by rule to a specified geographic area.

As proposed, permits by rule would be used to address source categories of true minor sources, where the reviewing authority does not need to conduct an in-depth review to evaluate whether an individual source meets requirements in the permit. A source category would be covered by a permit by rule if the reviewing authority needs to take no further action other than receiving confirmation from an individual source that it meets all appropriate criteria to be eligible for coverage under the permit by rule. Under a permit by rule, an individual source would be subject to the operational, monitoring and recordkeeping requirements specified in this rule.

In this action, we propose to amend the Indian Country Minor NSR rule general permit provisions at 40 CFR 49.156 to set forth the unique elements of the permits by rule process discussed below. We also propose permits by rule for several specific source categories. The proposed permits by rule program would follow a more streamlined application process that would allow an individual applicant to notify the reviewing authority that it meets the eligibility criteria for the permit and the permit conditions. The applicant would need to complete an application, but would keep it on file to be available upon request. The source would simply need to send a notification letter signed by an authorized official representing the source who certifies that the source is eligible for the permit and is complying or will comply with all of the permit's conditions. This streamlined application process would serve as a ''notification'' and would streamline permitting for eligible sources, and make it easier for the reviewing authority to implement the permit by rule program compared to traditional site-specific permits and standard general permits.

We request comment on this streamlined permit by rule approach. Specifically, while it would streamline the permitting process for the applicant, it would not allow the public the opportunity (as that available under the general permit program) to object, except by judicial challenge, to a particular source receiving coverage under a specific permit by rule. We specifically request comment on whether this tradeoff of allowing more streamlining while reducing the public's ability to object to the granting of permit coverage in specific instances represents sound policy and is appropriately protective of air quality.

Like general permits, the EPA is proposing that true minor sources may use the permit by rule mechanism to gain authorization to construct or modify, and then operate a source. We are also proposing to allow the use of the permits by rule mechanism to create synthetic minor sources. We are proposing this approach to remain consistent with our current policies on the use of general permits in Indian country. As discussed in Section X, we propose to change this policy (and request comment) to allow general permits to create synthetic minor sources both to regulate construction, modification and then operation, and to obtain minor source status. Similarly, we propose to allow reviewing authorities to use the permit by rule mechanism for these same purposes and

[57] The EPA has approved the following permits by rule: (1) Connecticut for automotive refinishing (''Approval and Promulgation of Air Quality Implementation Plans; Connecticut; VOC Regulations and One-Hour Ozone Attainment Demonstration Shortfall;'' U.S. Environmental Protection Agency; 71 FR 51761; August 31, 2006; *http://www.gpo.gov/fdsys/granule/FR-2006-08-31/06-7314/content-detail.html*); (2) Iowa for spray booths (''Approval and Promulgation of Implementation Plans; State of Iowa;'' U.S. Environmental Protection Agency; 75 FR 10182; March 5, 2010; *https://www.federalregister.gov/articles/2013/08/27/2013-20750/approval-and-promulgation-of-implementation-plans-state-of-iowa*); (3) Operating PBR for small sources (''Approval and Promulgation of State Implementation Plans and Operating Permits Program; State of Iowa;'' U.S. Environmental Protection Agency; 72 **Federal Register** 58535; March 5, 2010); (4) Kansas Class II operating permits for reciprocating engines, evaporative sources, and hot mix asphalt facilities (''Approval and Promulgation of Implementation Plans and Section 112(l) Program for the Issuance of Federally Enforceable State Operating Permits; State of Kansas;'' U.S. Environmental Protection Agency; 60 FR 36361; July 17, 1995; *http://www.gpo.gov/fdsys/pkg/FR-1995-07-17/html/95-17214.htm*); (5) Massachusetts for paint spray booths (''Approval and Promulgation of Air Quality Implementation Plans; Massachusetts; Volatile Organic Compound Regulations;'' U.S. Environmental Protection Agency; 64 FR 48297; September 3, 1999); (6) Missouri for construction (''Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Missouri;'' U.S. Environmental Protection Agency; 71 FR 38997; July 11, 2006; *http://www.gpo.gov/fdsys/pkg/FR-2006-07-11/html/06-6092.htm*); (7) Nebraska for HMA facilities and small animal incinerators (''Approval and Promulgation of Implementation Plans and Operating Permits Program; State of Nebraska;'' U.S. Environmental Protection Agency; 71 FR 38776; July 10, 2006; *http://www.gpo.gov/fdsys/granule/FR-2006-07-10/E6-10730/content-detail.html*); (8) Auto body refinishing facilities; gasoline dispensing facilities; boilers and heaters; small printing facilities; and mid-size printing facilities (''Approval and Promulgation of Air Quality Implementation Plans; Ohio; PBR and PTIO;'' U.S. Environmental Protection Agency; 78 FR 11748; February 20, 2013; *http://www.gpo.gov/fdsys/pkg/FR-2013-02-20/html/2013-03761.htm*); and (9) multiple source categories, such as: batch mixers; comfort heating; rock crushers; saw mills; vacuum cleaning systems (47 FR 35194; August 13, 1982) and (''Approval and Promulgation of Implementation Plans; Texas; Revisions to Regulations for Permits by Rule, Control of Air Pollution by Permits for New Construction or Modification, and Federal Operating Permits;'' U.S. Environmental Protection Agency; 68 FR 64543; November 14, 2003; *http://www.gpo.gov/fdsys/pkg/FR-2003-11-14/pdf/03-28416.pdf*).

request comment on the proposed change.

Like general permits, a reviewing authority's receipt of a source notification requesting coverage under a permit by rule qualifies as a final action for purposes of judicial review (see 40 CFR 49.159). Any such review is limited to the issue of whether a source meets the eligibility requirements for coverage under the permit by rule. If a reviewing authority accepts a source's notification of coverage under a permit by rule, the source must post, prominently, a copy of the written confirmation granting such request at the location of the source. Also, like general permits, any source subject to a permit by rule is subject to enforcement action for failure to obtain a permit to construct and then operate if the source constructs the affected emissions unit(s) under coverage of a permit by rule, and we later determine that the source was not eligible for coverage under the permit by rule.

C. Requirements of the ESA and NHPA

Similar to general permits, prior to seeking coverage under a permit by rule, a source must satisfactorily address the permit requirements related to the ESA and the NHPA. Attached to the notification the source sends to the reviewing authority, the EPA provides guidance to assist sources in complying with these requirements. Section V.F. above describes the process for complying with a permit by rule in more detail.

VIII. Proposed Permits by Rule

As an alternative to general permits, we are proposing to establish permits by rule, for three source categories: GDFs, auto body repair and miscellaneous surface coating operations, and petroleum dry cleaning facilities. We are proposing these source categories for permits by rule because they are the most straightforward, have the least variation in pieces of equipment and the simplest compliance requirements.

We are not providing specific regulatory language for any of the proposed permits by rule but rather are proposing to codify the requirements of the proposal general permits of the specified source category. If we decide to finalize a permit by rule for any of the three source categories, then we will codify the requirements as contained in the proposed draft general permit for that source category, with consideration of any changes that may be appropriate after we review public comments on the general permits. In other words, whether we use the permits by rule or the standard general permit mechanism, we propose to apply identical requirements to regulate construction and modification activities of affected emission units in the specified source category. We believe that the proposed general permits provide the public with a sufficient understanding of the contents of any final rule, and, therefore, satisfy our obligations under section 301(a) of the CAA.

The EPA welcomes comments on all aspects of the proposed general permits and permits by rule approaches, mechanisms, and categories covered by this proposed notice. In particular, we request that commenters focus on the differences between notification procedures for general permits and permits by rule. Commenters should inform the EPA if the process laid out for permits by rule is appropriate. We request comments on whether the permit by rule terms and conditions should be identical to the general permits terms and conditions, or whether they should differ.

IX. Implementation Documents and Tools

We are providing several tools and documents to assist sources with obtaining coverage under the general permits and permits by rule for the five source categories that are the subject of today's proposal. The tools are drafted based on our preferred approach of general permits. If we decide to issue permits by rule for one or more of the three categories we are proposing in the alternative today, then we will need to adjust the wording in the documents to reflect that tool being made available for a permit by rule and not a general permit. The background documents support both our general permit proposal (and permit by rule proposal, in the alternative); therefore, those documents cite both general permits and permits by rule as the permit types they support.

The tools consist of the following six types of documents:

Request for Coverage: This form is for sources seeking to use general permits and is essentially an application to request coverage under a general permit. The application asks for contact and location information, as well as more in-depth operational and source-specific information. The application will also guide sources through processes to comply with permit requirements related to the ESA and the NHPA.

The general permit applications for certain source categories in today's proposal (i.e., auto body repair and miscellaneous surface coating operations; GDFs; and petroleum dry cleaning facilities) are more streamlined because sources in those categories represent more straightforward operations, largely involve one air pollutant (i.e., VOCs) and, therefore, necessitate less intensive review for approval. The general permit application forms for the three categories primarily ask whether you have or will comply with relevant requirements. For example, for the auto body repair and miscellaneous surface coating operations permits, the general permit application asks questions concerning whether you have or comply with certain requirements such as throughput limits, but does not require details on affected units. By contrast, the general permit applications for HMA and SQCS facilities request more detailed technical information about the proposed facility in question because these facilities are more complex and involve multiple operations and pollutants.

For auto body repair and miscellaneous surface coating operations; GDFs; and petroleum dry cleaning facilities, this form also serves as an application for sources seeking coverage under a permit by rule should the EPA decide to issue one or more for these categories. The source would need to complete the shortened applications and keep a record on file. Successfully completing the application will enable the source to determine if it can certify to the reviewing that it meets the permit's eligibility terms and conditions, which the source would need to do via a letter in order to begin its construction or modification.

Questionnaire: This tool is tailored to each source category and guides sources through a series of questions to determine whether or not it is eligible for coverage under a general permit. It is not required to be completed or submitted. First, the source needs to determine whether it is a true minor source and, therefore, subject to the requirements of the minor NSR rule for Indian country. To do this, a source needs to perform a PTE analysis (see PTE calculator below). If the source determines that it is a true minor, the questionnaire asks the source to consider a series of questions to determine if it qualifies for the general permit or permit by rule. If the source does not qualify for coverage, then it must seek a site-specific permit under the minor source program (or a major source permit, if appropriate).

Instructions: The document assists sources with information that may be useful in completing the request for coverage application.

Permit Terms and Conditions: The permit is a specific document for each

source category that lays out the general and specific terms and conditions of the permit, including the specific emission limitations and standards and monitoring, recordkeeping, reporting and notification requirements.

PTE Calculator: This spreadsheet-based tool helps sources in specific source categories calculate the PTE of its affected emissions units, using data the source is expected to have on hand, such as equipment specifications.

Background Document: These documents are provided as a reference and contain important information:

- Source category definition and characterization;
- State minor source permit programs for that category used for comparison;
- Requirements for general permits and permits by rule for that category; and
- Threshold (emission limitations) development and rationale for that category.

All of these documents are available online at *http://www.epa.gov/air/tribal/tribalnsr.html* and Docket ID No. EPA–HQ–OAR–2011–0151.

X. Reconsideration of the Use of General Permits To Create Synthetic Minor Sources

On August 30, 2011, and November 4, 2011, the American Petroleum Institute, the American Natural Gas Alliance and the Independent Petroleum Association of America submitted a petition (and supplemental petition) for reconsideration on the Indian Country Minor NSR rule to the Administrator, under section 307(d)(7) of the CAA. Among other issues, the petition asks the Administrator to reconsider our position of not allowing reviewing authorities to issue general permits to create synthetic minor sources.[58]

Section 49.158 of the Indian Country Minor NSR rule provides a reviewing agency with the authority to issue synthetic minor permits. Under the Indian Country Minor NSR rule, a synthetic minor permit creates federally enforceable emission limitations that restrict a source's ability to emit regulated NSR pollutants in an amount that exceeds major source threshold(s). The Indian Country minor NSR regulatory provisions, however, do not expressly address whether a reviewing authority could use the general permit issuance process in 40 CFR 49.156 to satisfy the requirements for issuing synthetic minor permits allowed by 40 CFR 49.158. Nonetheless, we received a comment on the proposed rule requesting that we clarify that a reviewing authority could issue general permits to create synthetic minor permits.

In response to this comment, we indicated that the final rule would not allow a reviewing authority to use a general permit to create a synthetic minor source, because we believed that the size and amount of emissions from these sources warranted a case-by-case review of the source and its proposed emission limitations.[59] We did not, however, add specific regulatory language to the final rule to restrict the use of general permits in this manner.

The petitioners believe that a reviewing authority can establish effective limits on PTE through general permits, and that there is no need for case-by-case determinations for source types where equipment and operations do not significantly vary from source to source (e.g., oil and gas facilities). The petitioners request that reviewing authorities not preclude sources from obtaining synthetic minor limitations through use of a general permit. In a letter to the petitioners, dated December 19, 2012, the Administrator expressed her intent to grant reconsideration of several aspects of the Indian Country Minor NSR rule, including the use of general permits to create synthetic minor sources.[60]

In this proposal, in response to the Administrator's decision to grant reconsideration on this issue, we propose to allow a reviewing authority to use general permits, including the permits by rule mechanism, to create federally enforceable emission limitations that can restrict operations of an otherwise major source, such that the source qualifies as a synthetic minor source. The fact that a source's PTE is above the major source threshold does not mean that standardized permit conditions are necessarily inappropriate. Nor does it necessarily mean that compliance determinations are more complex than can be handled through a general permit. State and local permitting agencies often successfully use these mechanisms to reduce permit workload and to provide sources with regulatory certainty, and, a number of streamlining and environmental benefits can result for reviewing authorities, sources and the environment if we allow these mechanisms. Accordingly, we believe we should reconsider our position in light of the benefits of these approaches. While we continue to have some concerns about the potential emissions impacts from sources that otherwise would qualify as major sources, we believe that we can address these concerns in the process of developing the synthetic minor general permit or permit by rule for a given category.

While sources that would qualify as synthetic minor sources would have the potential to emit pollutants above the major source thresholds in the absence of enforceable restrictions, in many cases, the sources' actual emissions remain well below these thresholds even without the restrictions. This may arise, for example, when the source only operates a limited number of shifts in a day, when the source operates seasonally, or when the source sporadically uses a raw material with higher emissions potential. Thus, these sources do not have, in actual operation, the same potential for environmental impacts as facilities operating at consistently higher emissions levels.

For example, we analyzed actual emissions from the 2008 National Emissions Inventory (NEI)[61] for HMA plants and SQCS facilities. In that database, average emissions for several regulated NSR pollutants for HMA plants are well below major source levels.[62] This is consistent with our understanding of how such facilities operate. Typically, they operate seasonally and not each day of the year. The average actual emissions for several regulated NSR pollutants for SQCS facilities also were well below major source levels.[63]

[58] ''Request for Reconsideration of Effective Date of Tribal New Source Review Rule as it Relates to Synthetic Minor Sources and Request for Administrative Stay of Effective Date of the Rule as it Relates to Synthetic Minor Sources,'' Letter from Matt Todd, Senior Policy Advisor, American Petroleum Institute et al to Lisa Jackson, EPA Administrator, August 30, 2011 and ''Supplemental Request for Reconsideration of the Tribal NSR Rule,'' Letter from Matt Todd, Senior Policy Advisor, American Petroleum Institute et al to Lisa Jackson, EPA Administrator, November 4, 2011. Docket ID No. EPA–HQ–OAR–2003–0076.

[59] ''Review of New Sources and Modifications in Indian Country,'' U.S. Environmental Protection Agency, 76 FR 38770, July 1, 2011, *https://www.federalregister.gov/articles/2011/07/01/2011-14981/review-of-new-sources-and-modifications-in-indian-country.*

[60] ''Review of New Sources and Modifications in Indian Country: Notice of Action Partially Granting Petition for Reconsideration and Denying Request for Administrative Stay,'' U.S. Environmental Protection Agency, 78 FR 2210, January 10, 2013, *http://www.gpo.gov/fdsys/pkg/FR-2013-01-10/html/2012-31742.htm.*

[61] The results of the NEI analysis are available to consult at Docket ID No. EPA–HQ–OAR–2011–0151 and online at *http://www.epa.gov/air/tribal/tribalnsr.html.*

[62] The EPA analyzed emissions for multiple pollutants emitted from point sources. The pollutants are: PM_{10}, $PM_{2.5}$, NO_X, SO_2, CO and VOC. See Background Document, Minor Source Hot Mix Asphalt Plants General Permit, Docket ID No. EPA–HQ–OAR–2011–0151, *http://www.epa.gov/air/tribal/tribalnsr.html.*

[63] See Background Document, Minor Source Stone Quarrying, Crushing and Screening General

For sources that currently emit above major source threshold(s), the availability of a pre-defined synthetic minor permit may provide such facilities with a degree of regulatory certainty and create an incentive to voluntarily reduce emissions to qualify for minor source status. Such reductions in emissions benefit the environment and provide another reason for us to reconsider our previous position on this matter.

Moreover, irrespective of a source's emissions before qualifying for a synthetic minor permit, that source must operate at levels below the major source thresholds after qualifying for the permit, which is also the case for true minor sources. If the synthetic minor permit contains sufficient monitoring, recordkeeping and reporting provisions to assure continuous compliance, then there may be little reason to distinguish these sources for purposes of further regulation, because their emissions potential is now essentially equivalent to that of a true minor source. We request comment on this conclusion.

Finally, a synthetic minor permit being sought by a facility that is also undergoing a modification that triggers NSR may provide the public with more information and greater certainty as to the emissions potential of the source. Absent the permit, for the part of the source not being permitted as part of the modification, the source would be under no obligation to report emissions on a continuous basis, and the source could also, without a modification, increase emissions. A synthetic minor permit would provide a limit on the total emissions the facility would generate, and provide advance notice to the public of the expected level of emissions from the facility. Synthetic minor permitting also saves reviewing authority resources by potentially: (1) Reducing the number of sources that need to obtain permits under the title V and PSD/nonattainment NSR permitting programs; and (2) avoiding a repetitive administrative process for each source that seeks a synthetic minor permit with the same terms and conditions.

We request comment on all aspects of using general permits and permits by rule to create synthetic minor sources generally and with respect to the five source categories in this proposal. We request specific comment on whether any regulatory changes in the permits being proposed are necessary to implement this change in policy, given that the current regulations do not expressly preclude the EPA from issuing general permits to create synthetic minor sources. We also request comment on whether, as a policy matter, the EPA should use general permits and permits by rule to separate construction and modification requirements from requirements for qualifying as a synthetic minor source, even if the general permits/permits by rule would regulate the same source category; or, whether the EPA can effectively achieve both regulatory purposes in a single general permit/permit by rule. In addition, we request comment on whether permits by rule as proposed in this action are an appropriate type of permit for creating synthetic minor sources, given that the permit notification does not provide an opportunity for public input on the coverage of a particular source by a permit by rule.

If the EPA allows otherwise major sources to qualify as synthetic minor sources through use of general permits (or permits by rule), we request comment on any specific changes we should make to the general permits to include provisions for creating synthetic minor permits for these source categories. For example, would the EPA need to require more stringent monitoring, recordkeeping and reporting for synthetic minor sources than currently contained in the draft general permits for true minor sources? Should the EPA scale up the surrogate annual allowable emission limitations to reflect a value closer to the major source threshold, or should the EPA only issue synthetic minor permits to sources with actual emissions at some margin below the major source thresholds (e.g., 25–50 percent below the major source threshold)? If the EPA includes synthetic minor limits in the final general permits, these limits would be proportional to the limits currently contained in the draft permit, as revised to reflect public comments.

We also request comment on whether, irrespective of our proposed policy of not allowing a facility to qualify for more than one general permit, which is discussed later in this document, we should, nonetheless, allow a source to qualify to use a general permit or permit by rule to become a synthetic minor source, and then subsequently use a general permit or permit by rule to authorize construction or modification activities. As stated in Section XI.B., we are concerned that allowing a source to qualify for more than one general permit or permit by rule may allow incremental increases in emissions that could adversely impact air quality, or allow a source to evade major source requirements. The use of multiple general permit mechanisms for the purposes described here might not lead to incremental emissions increases. Accordingly, we request comment on allowing multiple general permits for these distinct purposes.

XI. Additional Areas Where Comment Is Being Sought

A. Should general permits and permits by rule be made available for sources in the same source category?

The EPA requests comments on whether, for certain source categories, the EPA should structure the permits so that eligible true minor sources can receive coverage under permits by rule and synthetic minor sources receive coverage under general permits. In addition, just as we are proposing that general permits are more appropriate for more complex source categories, we request comments on whether general permits (and not permits by rule) are more appropriate for major sources that seek to become ''synthetic'' minor sources. And, as we are proposing that permits by rule are more appropriate for less complex source categories, we request comments on whether permits by rule (and not general permits) are more appropriate for true minor sources. We request comment on whether this concept should be applied differently or the same for different source categories.

For example, in some cases actual emissions for HMA plants and for SQCS facilities for some regulated NSR pollutants may be above major source levels. Perhaps these sources could be candidates for coverage under synthetic minor general permits, while the smaller, true minor sources could be candidates for coverage under permits by rule. We request comments on this issue. In the docket, a background document is provided for each of the categories in this proposal, which includes a summary of NEI data for that category.

B. Can sources have more than one general permit or permit by rule at a single location?

We request comment on whether we should allow a single stationary source to gain coverage under more than one general permit and/or permit by rule. In the questionnaires provided to assist applicants with completing the applications and notifications of coverage, the EPA asks applicants to provide PTE emissions for existing, new and modified emission units to determine whether or not it qualifies for a true minor source permit. The intent

Permit and Permit by Rule, available online at *http://www.epa.gov/air/tribal/tribalnsr.html* and in the Docket ID No. EPA–HQ–OAR–2011–0151, *http://www.epa.gov/air/tribal/tribalnsr.html*.

is to ensure that a single stationary source does not gain coverage under a general permit or permit by rule if its PTE emissions are above major source levels. If multiple general permits or permits by rule are an effective and efficient approach, what provisions are needed to ensure sources do not become major and to ensure that the public has adequate information about the source?

The need for multiple preconstruction permits could arise if the stationary source proposes to modify equipment that could be regulated by more than one general permit. For example, this could occur if a new SQCS facility co-locates with a new HMA plant. This could also occur if a source has some equipment covered by an existing general permit, and then proposes to modify different equipment at a later date after we have updated the general permit with new requirements. The source would need to apply for coverage under and meet the requirements of the updated permit for the proposed modification but would remain regulated by the old general permit for the previous modifications. We are concerned that if a single stationary source may construct or modify through the use of multiple general permits, then that source may inadvertently circumvent the major source NSR construction requirements by failing to properly compute or track the stationary-source-wide PTE. The EPA seeks comment on whether there are special recordkeeping conditions that could be added to the general permits and/or permits by rule to address this concern.

On the other hand, we also recognize that unless there are unique air quality concerns, the site-specific permit terms and conditions for each emission generating activity may not vary from those already in the relevant general permits. As such, there may be little benefit from engaging in a site-specific permitting action, other than to verify the continued minor source eligibility of the stationary source. We request comment on whether we should decline to issue more than one general permit or permit by rule for stationary sources, or whether the application/notification materials offer the EPA an adequate opportunity to verify that source-wide PTE for a stationary source is below major source levels.

XII. Additional Source Categories for Which the EPA Is Planning To Propose General Permits and/or Permits by Rule

The EPA solicited input from tribal governments and the EPA Regional Offices on which source categories should be covered by streamlined permitting in Indian country. The tribes and the EPA Regional Offices identified the source categories covered in this proposal because they are thought to be common in Indian country and good potential candidates for streamlined permitting. The input included the following source categories that are also under consideration for future action:

- Printing operations (including solvent cleaning/degreasing);
- Engines (spark and compression ignition);
- Concrete batch plants;
- Saw mills;
- Landfill operations;
- Boilers; and
- Oil and gas production and operations.

As a first step, we are requesting comment on whether these source categories should receive coverage by general permits or permits by rule, including comments as to what categories are appropriate for each type of rule. We are not, however, proposing general permits or permits by rule for these categories at this time. Rather, some or all of these categories will be addressed in a subsequent action.

We have also consulted the best available (but incomplete) data we have available to confirm the presence of these source categories in Indian country. The number of sources in Indian country was determined as part of the process to assess if general permits and/or permits by rule are warranted for each sector. The NEI is the EPA's default database on the location and type of emission sources in the U.S. The NEI, however, is not complete with regards to sources in Indian country. The EPA Regions 5 and 10 have also compiled lists of existing sources in Indian country. We have culled the lists for Regions 5 and 10 and the NEI for the other eight regions (Regions 1 to 4 and 6 to 9) to compile a source count by source type for sources located in Indian country that fall into the categories listed above.[64]

With respect to landfill operations, the EPA specifically requests comment on whether enough landfill activity is occurring in Indian country to warrant the development of a general permit or permit by rule. In connection with the EPA's Municipal Solid Waste Landfills New Source Performance Standard (40 CFR 60.750, Subpart WWW), the EPA created a database of active landfills across the U.S. from EPA's Greenhouse Gas Reporting Program, Landfill Methane Outreach Program, and Information Collection Request Center. The database indicates a very small number of landfills in Indian country. These results were compared to the source culling that we did with the NEI and the lists of sources from Regions 5 and 10, which also showed few landfills in Indian country. Based on this information, we are not convinced that the resources necessary to develop a general permit and/or permit by rule would be justified and welcome comment on the issue.[65]

For the remaining sectors under consideration for the use of a general permit and/or permit by rule, we evaluated the number of facilities by sector using the culled source lists. For all but two of these other sectors, the results of our analysis found sufficient facilities in each sector listed above to warrant the development of general permits and/or permits by rule for these categories.[66] Two source categories—engines and oil and gas sources—did not appear in significant numbers in the NEI because, as mentioned, it is an incomplete data source in Indian country. However, discussions with tribes have confirmed that both of these source types are prevalent enough in Indian country to more than justify the resources necessary to develop general permits. In addition, registrations of oil and gas sources to the EPA's registration data base (required pursuant to the Indian Country NSR rule) have been significant, further confirming the presence of this source category in Indian country.

XIII. Rule Changes to the Indian Country Minor NSR Rule, Including Extension of Deadline for the Indian Country Minor NSR Rule

We are proposing five changes to three separate provisions in the existing Indian country minor NSR rule to ensure the smooth functioning of the general permit program.

A. Amending § 49.151(c)(1)(iii)(B)

The first provision we propose to amend is § 49.151(c)(1)(iii)(B) addressing the timing for when a true minor source must obtain a preconstruction permit. The provision currently requires the owner/operator of a new true minor source, or an existing true minor source undertaking a minor modification, to obtain a permit prior to commencing construction by the earlier

[64] The lists are available to consult at Docket ID No. EPA–HQ–OAR–2011–0151 and online at *http://www.epa.gov/air/tribal/tribalnsr.html.*

[65] The results of this analysis can be found in Docket ID No. EPA–HQ–OAR–2011–0151 and online at *http://www.epa.gov/air/tribal/tribalnsr.html.*

[66] The lists can be found in Docket ID No. EPA–HQ–OAR–2011–0151 and online at *http://www.epa.gov/air/tribal/tribalnsr.html.*

of 6 months after the general permit for a source category is published in the **Federal Register** or September 2, 2014.

We are proposing to amend this provision in two ways. First, we propose to eliminate the requirement to obtain a permit beginning 6 months after the general permit for a source category is published in the **Federal Register** if that date is before September 2, 2014. The original intent of this provision was to ensure that sources in a particular source category obtain preconstruction permits as soon as practicable after we issue a general permit, rather than wait until September 2, 2014. Because we currently do not anticipate that we will complete the rulemakings to establish general permits to carry out the minor NSR program in Indian country any earlier than 6 months prior to September 2, 2014, we do not believe the clause is necessary. Moreover, we received informal feedback that this clause is confusing. Therefore, we propose to remove the clause to provide a clear date by which true minor sources must obtain preconstruction permits. Except as explained below, all true minor sources must obtain a preconstruction permit, using the general permit mechanism or an alternative mechanism, before constructing or modifying a true minor source on or after September 2, 2014.

Second, we propose to extend the permitting deadline for true minor sources within the oil and gas source category by adding language to provide an exception for true minor sources included in certain NAICS codes related to the oil and gas operations and production source category.[67] For true minor sources within these NAICS codes, we propose that sources must obtain a permit pursuant to §§ 49.154 and 49.155 prior to commencing construction beginning on a fixed date after September 2, 2014. We have begun work on a general permit for true minor sources in the oil and gas production industry, which we intend to discuss in a separate rulemaking action. We believe that an extension of the permitting deadline for this industry is necessary because of the additional time required to appropriately address issues associated with this sector. We are requesting comment on extending the September 2, 2014 deadline to a date within a range between September 2, 2015 to March 2, 2016.

[67] 21111 oil and gas production/operations; 211111 Crude petroleum and natural gas extraction; 211112 natural gas liquid extraction; and 221210 Natural gas distribution.

B. Amending § 49.156(e)

We propose to amend § 49.156(e)(1) addressing the timing for when a source that qualifies for a general permit may request coverage under that permit. The provision currently specifies that a source qualifying for a particular general permit may request coverage under that general permit beginning 4 months after the effective date of the general permit. We propose to remove this provision to make clear that sources may seek coverage under a general permit as soon as it is effective and need not wait an additional 4 months.

In addition, we propose to amend § 49.156(e)(4) to shorten the application review process for general permits from 90 to 45 days for three source categories in today's proposal:

- Auto body repair and miscellaneous surface coating operations;
- GDFs; and
- Petroleum dry cleaning facilities.

Allowing this streamlining (combined with shorter applications for these same three categories) will allow for reduced processing time for general permits coverage requests for these categories and a reduction in information required to be included in requests for coverage. Specifically, a reviewing authority must either determine whether a request for coverage is complete within 15-days from receiving a source's request for coverage under the permit by rule or request any additional information necessary to process the request. If a reviewing authority requests additional information, an applicant must submit the requested information within 15 days from the date of the reviewing authority's request, or the reviewing authority may automatically deny a source's request for coverage under the permit by rule. If the reviewing authority receives all the requested information, then the reviewing authority will grant or deny coverage under a permit by rule no later than 45 days after the date the reviewing authority received the request. We propose the shortened timeframe for a reviewing authority's completeness review of a permit by rule, compared to general permits, because the abbreviated and standardized request for coverage[68] process should allow the reviewing authority to readily determine whether the source submitted all of the necessary information.

We propose to provide the reviewing authority the option of automatically denying a source's request for coverage if the source fails to submit any additional requested information within 15 days to remain consistent with our intent to provide a streamlined notification and review process. The streamlined nature of the general permits for these three source categories is inconsistent with lengthy and potentially open-ended ongoing exchanges with applicants to obtain necessary information and not the best use of limited resources. If a reviewing authority denies a request for coverage because a source fails to submit requested information by the deadline, then the source may re-apply at a later date to re-initiate the request for coverage.

[68] 40 CFR 49.156 of the Indian Country NSR rule sets forth the requirements for general permits, suggesting that the EPA may develop standard application forms for general permits. In this proposal, we have developed applications for general permits. We have also developed the ''notification'' forms for permits by rule, which satisfy all of the requirements applicants need to address but do so in a more streamlined manner.

C. Amending § 49.160(c)(1)(ii) and (iii)

We propose to amend § 49.160(c)(1)(ii) and (iii) that addresses the timeframes for when true minor sources must register. The provisions indicate that, if a true minor source commences construction in the time period between the effective date of the rule and September 2, 2014, then the source must register with its reviewing authority within 90 days after the source begins operation. If construction or modification of a source commenced any time on or after September 2, 2014 and the source is subject to this rule, the source must report its actual emissions (if available) as part of its permit application and its permit application information will be used to fulfill the registration requirements.

The EPA is proposing to amend these two provisions to reflect the proposed extension for oil and gas sources discussed above in this section. We are requesting comment on changing the September 2, 2014 deadline in these two paragraphs to a date within a range between September 2, 2015 to March 2, 2016. For § 49.160(c)(1)(ii), this proposed change is necessary to ensure that oil and gas sources continue to register past the September 2, 2014 date. For § 49.160(c)(1)(iii), this proposed change is necessary to reflect that the EPA is proposing to move the minor source permitting deadline for oil and gas sources. If the EPA does take final action to do so, then minor oil and gas sources will not be in a position to report their actual emissions as part of a permit application and permit application information because it will not be required at that point to obtain a minor source permit. Hence, the need to propose to change the September 2,

2014 date to reflect the oil and gas minor source permitting deadline extension.

XIV. Statutory and Executive Order Reviews

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

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

B. Paperwork Reduction Act

This action does not impose an information collection burden under the provisions of the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* Burden is defined at 5 CFR 1320.3(b). This action merely proposes to establish general permits and/or permits by rule to satisfy the requirements of the Minor NSR rule. Such permits are already available in many states. It does not impose any new obligations or enforceable duties on any state, local or tribal government or the private sector. Therefore, this action does not impose an information collection burden.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements under the Administrative Procedure Act or any other statute unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small organizations, and small governmental jurisdictions.

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

The EPA analyzed the impact of streamlined permitting on small entities in the Review of New Sources and Modifications in Indian Country (76 FR 38748, July 1, 2011). The EPA determined that that action would not have a significant economic impact on a substantial number of small entities. Today's action merely implements a particular aspect of the Review of New Sources and Modifications in Indian country. As such, this proposed action will not have a significant economic impact on a substantial number of small entities.

D. Unfunded Mandates Reform Act

This action contains no federal mandates under the provisions of Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), 2 U.S.C. 1531–1538 for state, local, or tribal governments or the private sector. This action imposes no enforceable duty on any state, local or tribal government or the private sector. Therefore, this action is not subject to the requirements of sections 202 and 205 of the UMRA. This action is also not subject to the requirements of section 203 of UMRA because it contains no regulatory requirements that might significantly or uniquely affect small governments. This rule has no requirements applicable to small governments and, as such, does not impose obligations upon them.

E. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects 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, as specified in EO 13132. This action merely proposes to provide sources in Indian country with streamlined permitting opportunities that are generally available in states outside of Indian country. It does not impose any new obligations or enforceable duties on any state, local or tribal government or the private sector. Thus, EO 13132 does not apply to this rule.

In the spirit of EO 13132, and consistent with the EPA policy to promote communications between the EPA and state and local governments, the EPA specifically solicits comment on this proposed action from state and local officials.

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

Pursuant to the EO 13175 (65 FR 67249, November 9, 2000), the EPA may not issue a regulation that has tribal implications, that imposes substantial direct compliance costs, and that is not required by statute, unless the federal government provides the funds necessary to pay the direct compliance costs incurred by tribal governments, or the EPA consults with tribal officials early in the process of developing the proposed regulation and develops a tribal summary impact statement.

The EPA has concluded that this action will not impose duties or responsibilities on tribes, although it will have tribal implications. The EPA has conducted outreach via on-going monthly meetings with tribal environmental professionals in the development of this proposed action. This proposal reflects priorities for developing permits, comments on the general permits and suggestions for developing permits by rules developed as a result of that outreach. The EPA will offer consultation to elected tribal officials immediately after proposal to provide an opportunity for meaningful and timely input into the development of this regulation.

The EPA specifically solicits additional comment on this proposed action from tribal officials.

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

The EPA interprets EO 13045 (62 FR 19885, April 23, 1997) as applying only to those regulatory actions that concern health or safety risks, such that the analysis required under section 5–501 of the EO has the potential to influence the regulation. This action is not subject to EO 13045 because it does not establish an environmental standard intended to mitigate health or safety risks.

H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use

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

I. National Technology Transfer and Advancement Act

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

applicable voluntary consensus standards.

The proposed rulemaking involves technical standards. The EPA proposes to use EPA Methods 5, 7E and 10. While the Agency identified 13 voluntary consensus standards (ASME B133.9–1994 (2001), ISO 9096:1992 (2003), ANSI/ASME PTC–38–1980 (1985), ASTM D3685/D3685M–98 (2005), CAN/CSA Z223.1–M1977, ANSI/ASME PTC 19–10–1981—Part 10, ISO 10396:1993 (2007), ISO 12039:2001, ASTM D5835–95 (2007), ASTM D6522–00 (2005), CAN/CSA Z223.2–M86 (1999), CAN/CSA Z223.21–M1978, ASTM D3162–94 (2005)) as being potentially applicable, we do not propose to use these in this rulemaking. The use of these voluntary consensus standards would not be practical with applicable law due to a lack of equivalency, documentation, validation data and other important technical and policy considerations.

The EPA welcomes comments on this aspect of the proposed rulemaking and, specifically, invites the public to identify potentially-applicable voluntary consensus standards and to explain why such standards should be used in this regulation.

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

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

The EPA has determined that this proposed rule will not have disproportionately high and adverse human health or environmental effects on minority or low-income populations because it does not affect the level of protection provided to human health or the environment. This proposed rule merely implements certain aspects of the Review of New Sources and Modifications in Indian Country. As such, this proposed action will not have a disproportionately high and adverse human health or environmental effects on minorities and low-income populations in the United States.

Our primary goal in developing this program is to ensure that air resources in Indian country will be protected in the manner intended by the CAA. As such, this rule will reduce adverse impacts by improving air quality in Indian country. In addition, we seek to establish a flexible preconstruction permitting program for minor sources in Indian country that is comparable to similar programs in neighboring states in order to create a more level regulatory playing field for owners and operators within and outside of Indian country. This rule will reduce an existing disparity by filling the regulatory gap.

List of Subjects in 40 CFR Part 49

Environmental protection, Administrative practices and procedures, Air pollution control, Indians, Indians—law, Indians—tribal government, Intergovernmental relations, Reporting and recordkeeping requirements.

Dated: December 12, 2013.

Gina McCarthy,

Administrator.

[FR Doc. 2013–30345 Filed 1–13–14; 8:45 am]

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Part III

The President

Memorandum of January 9, 2014—Establishing a Quadrennial Energy Review

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Presidential Documents

Title 3—

The President

Memorandum of January 9, 2014

Establishing a Quadrennial Energy Review

Memorandum for the Heads of Executive Departments and Agencies

Affordable, clean, and secure energy and energy services are essential for improving U.S. economic productivity, enhancing our quality of life, protecting our environment, and ensuring our Nation's security. Achieving these goals requires a comprehensive and integrated energy strategy resulting from interagency dialogue and active engagement of external stakeholders. To help the Federal Government better meet this responsibility, I am directing the undertaking of a Quadrennial Energy Review.

The initial focus for the Quadrennial Energy Review will be our Nation's infrastructure for transporting, transmitting, and delivering energy. Our current infrastructure is increasingly challenged by transformations in energy supply, markets, and patterns of end use; issues of aging and capacity; impacts of climate change; and cyber and physical threats. Any vulnerability in this infrastructure may be exacerbated by the increasing interdependencies of energy systems with water, telecommunications, transportation, and emergency response systems. The first Quadrennial Energy Review Report will serve as a roadmap to help address these challenges.

The Department of Energy has a broad role in energy policy development and the largest role in implementing the Federal Government's energy research and development portfolio. Many other executive departments and agencies also play key roles in developing and implementing policies governing energy resources and consumption, as well as associated environmental impacts. In addition, non-Federal actors are crucial contributors to energy policies. Because most energy and related infrastructure is owned by private entities, investment by and engagement of the private sector is necessary to develop and implement effective policies. State and local policies; the views of nongovernmental, environmental, faith-based, labor, and other social organizations; and contributions from the academic and non-profit sectors are also critical to the development and implementation of effective energy policies.

An interagency Quadrennial Energy Review Task Force, which includes members from all relevant executive departments and agencies (agencies), will develop an integrated review of energy policy that integrates all of these perspectives. It will build on the foundation provided in my Administration's *Blueprint for a Secure Energy Future* of March 30, 2011, and *Climate Action Plan* released on June 25, 2013. The Task Force will offer recommendations on what additional actions it believes would be appropriate. These may include recommendations on additional executive or legislative actions to address the energy challenges and opportunities facing the Nation.

Therefore, by the authority vested in me as President by the Constitution and the laws of the United States of America, I hereby direct the following:

Section 1. *Establishing the Quadrennial Energy Review Task Force.* (a) There is established the Quadrennial Energy Review Task Force (Task Force), to be co-chaired by the Director of the Office of Science and Technology Policy and the Director of the Domestic Policy Council, which shall include the heads of each of the following, or their designated representatives:

(i) the Department of State;

(ii) the Department of the Treasury;

(iii) the Department of Defense;

(iv) the Department of the Interior;

(v) the Department of Agriculture;

(vi) the Department of Commerce;

(vii) the Department of Labor;

(viii) the Department of Health and Human Services;

(ix) the Department of Housing and Urban Development;

(x) the Department of Transportation;

(xi) the Department of Energy;

(xii) the Department of Veterans Affairs;

(xiii) the Department of Homeland Security;

(xiv) the Office of Management and Budget;

(xv) the National Economic Council;

(xvi) the National Security Staff;

(xvii) the Council on Environmental Quality;

(xviii) the Council of Economic Advisers;

(xix) the Environmental Protection Agency;

(xx) the Small Business Administration;

(xxi) the Army Corps of Engineers;

(xxii) the National Science Foundation; and

(xxiii) such agencies and offices as the President may designate.

(b) The Co-Chairs may invite independent regulatory agencies with energy-related responsibilities, including the Federal Energy Regulatory Commission and the Nuclear Regulatory Commission, to participate in the Task Force, as determined to be appropriate by those agencies.

(c) The Co-Chairs shall regularly convene and preside at meetings of the Task Force and shall determine its agenda. Under the direction of the Co-Chairs, the Task Force shall:

(i) gather ideas and advice from State and local governments, tribes, large and small businesses, universities, national laboratories, nongovernmental and labor organizations, consumers, and other stakeholders and interested parties; and

(ii) coordinate the efforts of agencies and offices related to the development of the Quadrennial Energy Review Report, as described in sections 1 and 2 of this memorandum.

(d) The Secretary of Energy shall provide support to the Task Force, including support for coordination activities related to the preparation of the Quadrennial Energy Review Report, policy analysis and modeling, and stakeholder engagement.

(e) The Task Force shall submit a Quadrennial Energy Review Report to the President every 4 years beginning with a report delivered by January 31, 2015. Intermediate reports and other material may be prepared by the Task Force as required by the President.

Sec. 2. *The Quadrennial Energy Review Report.* The Task Force shall establish integrated guidance to strengthen U.S. energy policy. Building on the *Blueprint for a Secure Energy Future* and the *Climate Action Plan,* and taking into consideration applicable laws and regulations, the Task Force shall prepare a Quadrennial Energy Review Report that:

(a) provides an integrated view of, and recommendations for, Federal energy policy in the context of economic, environmental, occupational, security, and health and safety priorities, with attention in the first report given to the challenges facing the Nation's energy infrastructures;

(b) reviews the adequacy, with respect to energy policy, of existing executive and legislative actions, and recommends additional executive and legislative actions as appropriate;

(c) assesses and recommends priorities for research, development, and demonstration programs to support key energy-innovation goals; and

(d) identifies analytical tools and data needed to support further policy development and implementation.

Sec. 3. *Outreach.* In order to gather information and recommendations and to provide for a transparent process in developing the Quadrennial Energy Review Report, the Task Force shall engage with State and local governments, tribes, large and small businesses, universities, national laboratories, nongovernmental and labor organizations, and other stakeholders and interested parties. The Task Force shall develop an integrated outreach strategy that relies on both traditional meetings and the use of information technology.

Sec. 4. *General Provisions.* (a) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(b) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) the authority granted by law to any agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(c) Nothing in this memorandum shall be construed to require the disclosure of confidential business information or trade secrets, classified information, law enforcement sensitive information, or other information that must be protected in the interest of national security or public safety.

(d) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(e) The Director of the Office of Science and Technology Policy is authorized and directed to publish this memorandum in the *Federal Register*.

THE WHITE HOUSE,
Washington, January 9, 2014.

[FR Doc. 2014–00708
Filed 1–13–14; 11:15 am]
Billing code 3170–WO

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